

QUALIFICATIONS WALES ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 3: Further Provision about Recognition of Awarding Bodies

Paragraphs 12 to 16: Transfer conditions

155. A transfer condition may enable Qualifications Wales to direct an awarding body to transfer things to another awarding body in order for that other body to award the qualification. The grounds for giving such a direction are that Qualifications Wales considers it necessary to do so to avoid significant adverse effects on learners. If events described in the condition come to pass, Qualifications Wales may direct an awarding body to make arrangements to enable another awarding body to deliver an approved or designated form of a qualification. Qualifications Wales must set out in a policy statement the circumstances in which a direction is likely to be given to an awarding body in accordance with a transfer condition and the likely subject matter of any such direction (section 47(2)).
156. Paragraphs 13 and 14 set out the process for Qualifications Wales when it proposes to make the direction, for the awarding body to be notified of a proposed direction, and for the body to be able to request a review of any subsequent decision to direct. Paragraph 16 sets out the details of the process for review by an independent person. If following the review Qualifications Wales confirms its decision, paragraph 16 also requires Qualifications Wales to notify the body and sets out what details the notice must contain.
157. Paragraph 15 enables Qualifications Wales to pay compensation to the body in respect of losses sustained in complying with the direction, but only if Qualifications Wales thinks it is reasonable and appropriate to do so in the circumstances. Qualifications Wales, in a policy statement under section 47(2), must set out the matters it is likely to take into account in determining whether to make such a payment and in determining the amount of it.