

APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8: the Qualifications and Curriculum Development Agency

Chapter 1: The QCDA, objective and general duties

The QCDA

Section 175: The Qualifications and Curriculum Development Agency

489. This section provides for the renaming of the QCA, which was established under the Education Act 1997 and will now be known as the Qualifications and Curriculum Development Agency. The section also gives effect to Schedule 11, which contains detailed provisions with respect to the constitution and proceedings of the QCDA. The QCDA will remain a Non-Departmental Public Body (NDPB), accountable to Ministers.
490. The QCDA will retain the QCA's non-regulatory functions, including supporting Ministers on developing the curriculum and related qualifications and delivering National Curriculum assessments. Regulatory functions will instead be exercised by Ofqual, established under Part 7.

Schedule 11: The Qualifications and Curriculum Development Agency

491. This Schedule makes detailed provisions relating to the QCDA, particularly in relation to its constitution and proceedings.

(1)

Status

492. [Paragraph 1](#) provides that the QCDA is not to be regarded as a servant or agent of the Crown, and that its property is not to be regarded as property of the Crown. There is no change in this regard to the status of the QCA.

(2)

Membership

493. [Paragraph 2](#) sets out the membership of the QCDA. Members are appointed by the Secretary of State, who must appoint one as the chair and may appoint another as the deputy chair. [Paragraph 5](#) makes provision for the tenure of office of the members, and how they may be removed from membership. [Paragraph 6](#) allows the Secretary to require that members be remunerated and that expenses and allowances be paid, with the amounts to be determined by the Secretary of State.

494. [Paragraph 3](#) provides for a chief officer who is appointed by the QCDA subject to the approval of the Secretary of State. The chief officer is an ex-officio member of the QCDA. Under paragraph 4, the Secretary of State may confer functions on the chair, but any such functions must not duplicate functions conferred on the chief officer.

(3)

Staff

495. [Paragraphs 7 and 8](#) provide for the QCDA to have staff, and for their continued membership of the relevant pension scheme.

(4)

Committees and proceedings

496. [Paragraph 9](#) allows the QCDA to establish committees, and for the committees to establish sub-committees. It also allows the Secretary of State to direct the QCDA to set up a committee for a specified purpose. The committee structure must be reviewed by the QCDA at least once every five years. A committee must include at least one member of the QCDA or its staff. Paragraph 10 allows the QCDA to establish joint committees with other bodies.

497. [Paragraphs 11 and 12](#) provide for the QCDA to regulate its own proceedings and for the Secretary of State or his representative, Ofsted and any other body directed by the Secretary of State to attend meetings of the QCDA.

498. Under paragraph 13, the QCDA may delegate any of its functions to a committee or a member of the QCDA or its staff.

499. [Paragraphs 14 and 15](#) provide respectively for a committee to delegate its functions to a sub-committee, and for the Secretary of State to authorise a committee established under a direction to perform functions of the QCDA.

(5)

Reports and accounts

500. [Paragraph 16](#) requires the QCDA to prepare an annual report for each financial year, setting out how it has performed its functions in that year. The QCDA must publish the report and the Secretary of State must lay a copy before Parliament. There is no equivalent requirement currently for the QCA.

501. [Paragraph 17](#) requires the QCDA to keep and prepare accounts in line with any directions of the Secretary of State.

(6)

Documents

502. [Paragraph 18](#) makes provision about the application of the QCDA's seal.

(7)

Funding

503. [Paragraph 20](#) allows the Secretary of State to make grants to the QCDA and to attach conditions to those grants. This will be central to the relationship between the QCDA and the Secretary of State — it is the way in which the Secretary of State will give a remit to the QCDA over particular pieces of work he requires it do.

(8)

Supplementary powers

504. [Paragraph 21](#) of the Schedule confers on the QCDA wide supplementary powers to do anything that it considers necessary or appropriate for the purposes of, or in connection

These notes refer to the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) which received Royal Assent on 12 November 2009

with, its functions. But the QCDA may not form companies or other bodies or enter into joint ventures without the Secretary of State's consent. The powers are also subject to restrictions provided for elsewhere in the sections (for example, the QCDA may not lend money).