

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

Objective and general duties

Section 176: Objective

505. This section sets out the QCDA's objective: to promote quality and coherence in education and training in England. For the purposes of the QCDA's functions, education includes learning by, and development of, young children pursuant to the Early Years Foundation Stage, which was established under the Childcare Act 2006.
506. The QCA has somewhat broader objectives and has roles in Wales and Northern Ireland. The QCDA will have no responsibilities outside England.

Section 177: General duties

507. This section sets out the matters to which the QCDA must have regard in exercising its functions and pursuing its overall objective. There is some equivalent material in section 26 of the Education Act 1997 setting out requirements to which the QCA must have regard. The duties under section 177 differ in some respects to those under the 1997 Act as described below.
508. The QCDA must have regard to the reasonable requirements of all learners, as defined in *subsection (6)* (this includes young children). The 1997 Act specified a duty to have regard to learners with special learning needs, but there was no equivalent statutory requirement in relation to other learners.
509. The section adopts a new definition of "persons with learning difficulties" (as defined in section 129) to replace the concept of "learners with special learning needs" in the 1997 Act. The only difference of substance is that the new definition provides that a person is not to be taken to have a learning difficulty solely because of a difference in the language in which he or she is to be taught and the language which he or she speaks at home.
510. The QCDA must have regard to the reasonable requirements of all employers (rather than just to those of various sectors thereof, as is the case with the QCA) and of higher education institutions.
511. The QCDA must have regard to the desirability of facilitating innovation.

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

512. There is an explicit requirement for the QCDA to perform its functions efficiently and effectively.
513. The QCDA must also have regard to such aspects of Government policy as the Secretary of State may direct.
514. As is the case with the QCA at present, the QCDA will also have to have regard to information provided by Ofsted and any other bodies specified by the Secretary of State. The QCDA must also have regard to information provided by Ofqual.
515. The QCDA must also (like the QCA) have regard to the requirements of section 78 of the Education Act 2002. That section provides–
- “The curriculum for a maintained school or maintained nursery school satisfies the requirements of this section if it is a balanced and broadly based curriculum which–
- (a) promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and
 - (b) prepares pupils at the school for the opportunities, responsibilities and experiences of later life.”