

APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8: the Qualifications and Curriculum Development Agency

Chapter 2: Functions in relation to qualifications

Section 180: Assistance etc. in relation to qualifications functions of Ofqual

519. This section requires the QCDA, where requested by Ofqual, to assist in setting criteria for recognition or accreditation which relate to a qualification or description of qualification where an order specifying minimum requirements under section 141(1) has effect. It also enables the QCDA generally to assist Ofqual in connection with its qualifications functions, including assistance with setting ‘qualifications criteria’ in other cases. ‘Qualifications criteria’ are the criteria for recognition of awarding bodies, for accreditation of individual qualifications and for the assignment of a number of guided learning hours to a qualification.
520. The Government intends that this provision will be used to enable the QCDA to develop draft criteria for qualifications whose high level content is determined as a matter of policy by Ministers, for example, GCSEs, A-levels or Diplomas. The criteria would then be considered for adoption by Ofqual, and provided it was content to adopt them. This process will allow Ofqual to avoid the conflict of interest inherent in the QCA’s functions, whereby it both develops the criteria and is responsible for providing assurance that the qualifications developed against those criteria are of a high standard. This process is supported by section 141, which allows the Secretary of State – where certain pre-conditions are met - to specify by order the minimum requirements for a specified qualification or description of qualification. Where such an order has been made, there would be an expectation that the QCDA would support the development of qualifications criteria, which is why section 180 imposes a duty on the QCDA to assist Ofqual where requested to do so.