

# **APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 8: the Qualifications and Curriculum Development Agency**

##### ***Chapter 3: Functions in relation to curriculum, Early Years Foundation Stage and assessment***

521. The functions of the QCA in relation to curriculum and assessment were established under section 23 of the Education Act 1997. The functions included: keeping under review all aspects of the curriculum, school examinations and assessment; advising the Secretary of State on these matters, and on research and development connected with them, and helping him to carry out research and development if requested to do so; and publishing and disseminating information about them. The QCA also has a range of functions relating to National Curriculum assessments as a result of orders made under section 87 of the Education Act 2002.
522. Similar functions have been conferred on the QCA in relation to the EYFS learning and development requirements by the [Qualifications and Curriculum Authority \(Additional Functions\) Order 2008 \(S.I. 2008/1744\)](#).
523. Under the provisions of this Chapter, the QCDA will continue much of the QCA's role in relation to these functions, such as advising and supporting Ministers in the monitoring and development of curriculum and assessments.

##### ***Section 181: Curriculum***

524. This section sets out the QCDA's duties and powers with respect to the curriculum in maintained schools in England for pupils who are of compulsory school age, and pupils in maintained nursery schools. The requirements for the curriculum in such schools are set out in section 78 of the Education Act 2002. It must be a balanced and broadly based curriculum which promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and which prepares pupils at the school for the opportunities, responsibilities and experiences of later life. The role of the QCDA in relation to the curriculum is similar to its general role in relation to qualifications within its remit and includes a duty to keep all aspects of the curriculum under review, a duty to provide advice or carry out research at the request of the Secretary of State and the power to offer advice to the Secretary of State and to conduct research when it considers it appropriate to do so. The QCDA may also publish information relating to the curriculum.

##### ***Section 182: Early learning goals and educational programmes***

525. This section sets out the QCDA's duties and powers with respect to early learning goals and educational programmes, which mirror those in section 181 relating to the

curriculum. These functions include its duty to keep all aspects of these matters under review, its duty to provide advice or carry out research at the request of the Secretary of State and the power to offer advice to the Secretary of State and to conduct research when it considers it appropriate to do so. The QCDA may also publish information relating to the early learning goals and educational programmes.

526. The early learning goals establish learning and development expectations for most children to reach by the end of the Early Years Foundation Stage. They are established by order made under section 39(1)(a) of the Childcare Act 2006 and are defined in section 41(2) of that Act as “the knowledge, skills and understanding which young children of different abilities and maturities are expected to have before the 1st September next following the day on which they attain the age of five”. Educational programmes are also established by such an order and are defined in section 41(2) of the 2006 Act as “the matters, skills and processes which are required to be taught to young children of different abilities and maturities”.

### ***Section 183: Assessment arrangements***

527. This section sets out the QCDA’s duties and powers with respect to assessment arrangements within its remit. These arrangements include National Curriculum assessment arrangements for each key stage and assessment arrangements under the EYFS learning and development requirements (together referred to as “the regulated assessment arrangements”). The arrangements within the QCDA’s remit also include any other testing and assessment arrangements for pupils of compulsory school age at maintained schools and for pupils at maintained nursery schools. The QCDA’s remit is therefore broader than Ofqual’s, which is restricted to regulated assessment arrangements. The QCDA’s duties and powers broadly mirror those relating to curriculum. They include a duty to keep all aspects of assessment arrangements under review, a duty to provide advice and to carry out research at the request of the Secretary of State, and a discretion to offer advice to the Secretary of State and to conduct research when the QCDA considers it appropriate to do so. The QCDA may also publish information relating to assessment. The QCDA’s duty to keep under review assessment arrangements is a distinct role from the regulatory one for which Ofqual will be conducting reviews of regulated assessments under section 161. The expectation is that the QCDA will use information obtained through reviewing assessment arrangements to assist it in providing the Secretary of State with advice on assessment arrangements.
528. The amendments made to the Education Act 2002 and the Childcare Act 2006 by paragraphs 35(3) and 40(2) of Schedule 12 allow the QCDA (and any other body designated by the Secretary of State) to be given specific functions in relation to National Curriculum and EYFS assessment arrangements respectively.