

APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8: the Qualifications and Curriculum Development Agency

Chapter 4: Other functions and supplementary provision

Other functions

Section 184: Provision of services or other assistance

529. This section enables the QCDA to provide services or other assistance in relation to the matters listed in *subsection (1)*. The consent of the Secretary of State is not required for the provision of services or other assistance, unless it is outside the scope of the list in subsection (1), or involves providing financial assistance or charging for services. The section prohibits the QCDA from lending money. The QCDA may use the powers under this section to provide services such as support and advice to schools on implementing the curriculum, or to awarding bodies in relation to the development of qualifications. In particular, this section will enable the QCDA to operate systems and support services such as the Diploma Aggregation Service (a web-based IT system that supports the administration and award of Diplomas). The QCDA's powers to assist Ofqual in relation to its qualifications functions derive from section 180 – under this section it cannot assist Ofqual in relation to such matters.

Section 185: Provision of information or advice

530. This section provides a duty for the QCDA to advise the Secretary of State on any matters relating to education or training in England which the Secretary of State refers to it. This duty supplements the specific duties to give advice on certain matters set out in Chapters 2 and 3 of this Part. Section 185 also imposes a duty on the QCDA to give information to the Secretary of State on such matters relating to its functions as the Secretary of State may request.

Section 186: Ancillary activities

531. This replicates the existing duty for the QCA to comply with a direction of the Secretary of State to carry out ancillary activities relating to its functions (under section 25(2) and (3) of the Education Act 1997).

Section 187: Co-operation and joint working

532. This section allows the QCDA to co-operate or work jointly with other public bodies, where it is appropriate for the efficient and effective performance of any of the QCDA's functions. This would enable it, for example, to seek the advice of the Welsh qualifications regulator on qualifications that are regulated in Wales but offered in

England, or to work with a Sector Skills Council to advise on the qualifications needed in a particular employment sector.

Section 188: Power to confer supplementary functions on the QCDA

533. This section provides a power for the Secretary of State to confer supplementary functions on the QCDA by order, where such new functions are exercisable in connection with the matters listed in *subsection (2)*. This measure is designed to enable the functions of the QCDA to develop over time to meet changing needs and circumstances. An order under this section is subject to the negative procedure.

Supplementary provision

Section 189: Directions etc. by the Secretary of State

534. The Secretary of State may issue directions to the QCDA as to the performance of any of its functions. This power sits alongside those of the Secretary of State to direct the QCDA in relation to “ancillary activities” – see section 186, and to set up a committee for a specified purpose – see paragraph 9(2) of Schedule 11. The QCDA must also, in performing its functions, act in accordance with any plans approved by the Secretary of State.
535. The provisions in this section reflect the QCDA’s role as an NDPB, accountable to Ministers

Section 190: Guidance by the Secretary of State

536. The QCDA must, in performing its functions, have regard to any guidance given by the Secretary of State.