

**EXPLANATORY MEMORANDUM TO  
THE QUALIFICATIONS AND CURRICULUM DEVELOPMENT AGENCY'S  
REMIT ORDER 2010**

**2010 No. 527**

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 The effect of the Qualifications and Curriculum Development Agency's Remit Order 2010 is that all qualifications when taken by persons aged 19 or over in England will be outside the Qualifications and Curriculum Development Agency's remit.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Context**
  - 4.1 Section 178(2) of the Apprenticeships, Skills, Children and Learning Act 2009 ("the Act") provides for a narrowing of the role of the Qualifications and Curriculum Development Authority ("QCDA") in respect of qualifications. This Order has the effect of removing the QCDA's functions in relation to adult qualifications, following a review conducted with QCDA by the Department for Business, Innovation and Skills.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to England.
6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
  - 7.1 *Skills for Growth*, the national skills strategy in England, published by the Department for Business, Innovation and Skills in November 2009, sets out as part of its wider reforms proposals to streamline the skills landscape by consolidating the number of quality and improvement bodies. This change means that the QCDA will no longer have a standing role to play in adult qualifications from 1st April 2010. As a result, QCDA will no longer need to maintain resources in the post-19 area, which in turn will secure savings to the public purse.

## **8. Consultation outcome**

8.1 The consultation document “Confidence in Standards”, published jointly in December 2007 by the Department for Children, Schools and Families and the Department for Innovation, Universities and Skills, set out proposals to establish a new independent regulator of qualifications and tests in England (the Office of the Qualifications and Examinations Regulator, or Ofqual) and to review the remaining functions and role of the (then) Qualifications and Curriculum Authority. Following that consultation, Ofqual will be established on 1st April 2010 under the provisions of the Act, and the new QCDA will be established on the same day with a revised role. [

## **9. Guidance**

9.1 As this instrument only affects the QCDA, no guidance is necessary.

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is to secure savings to the public purse by removing the QCDA’s role in qualifications taken by persons aged 19 or over.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 As this instrument only affects the QCDA, no monitoring or review is necessary.

## **13. Contact**

Dr Miguel A J Godfrey at the Department for Business, Innovation and Skills Tel: 020 7215 1882 or email: miguel.godfrey@bis.gsi.gov.uk.