



# Qualifications Wales Act 2015

**2015 anaw 5**

An Act of the National Assembly for Wales to establish a new body to be known as Qualifications Wales; providing for Qualifications Wales to be able to recognise bodies responsible for awarding certain qualifications in Wales and to approve certain qualifications awarded in Wales and to perform certain other functions; and for connected purposes. [5 August 2015]

**Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:**

## **PART 1**

### **OVERVIEW**

#### **1 Overview**

- (1) This section is an overview of the main provisions of the Act.
- (2) Part 2—
  - (a) establishes Qualifications Wales and (at Schedule 1) makes provision about its membership and governance arrangements,
  - (b) sets out the principal aims of Qualifications Wales, and
  - (c) requires Qualifications Wales, in exercising its functions, to act in a way that it considers appropriate for the purpose of achieving those aims.
- (3) Part 3 makes provision about the recognition by Qualifications Wales of bodies that award qualifications in Wales.
- (4) Part 4 makes provision about priority qualifications and the approval by Qualifications Wales of qualifications for award in Wales. It—
  - (a) requires Qualifications Wales and the Welsh Ministers to prepare a list of qualifications that are to be a priority for Qualifications Wales,

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Qualifications Wales Act 2015. (See end of Document for details)*

- (b) enables Qualifications Wales in certain circumstances to determine that the number of forms of those qualifications approved by it should be restricted (either to one or more than one),
  - (c) enables Qualifications Wales to enter into arrangements with a body for the development of a new form of qualification to be awarded in Wales, where it has made a determination as described in paragraph (b) in respect of the qualification concerned, and
  - (d) enables Qualifications Wales to consider approving a qualification for award in Wales that is not included on the list referred to in paragraph (a).
- (5) Part 5 enables Qualifications Wales to designate a qualification for the purpose of enabling a course leading to it to be funded by the Welsh Ministers or a local authority in Wales, or provided by or on behalf of a maintained school in Wales.
- (6) Part 6—
  - (a) provides that a course of education or training may be funded by the Welsh Ministers or a local authority in Wales, or provided by or on behalf of a maintained school in Wales, only if the form of the qualification to which it leads has been approved or designated by Qualifications Wales, and
  - (b) makes provision restricting the effect of conditions imposed by Ofqual, in respect of the award in Wales of a form of a qualification that has been approved by Qualifications Wales; and restricting the effect of conditions of recognition imposed by Qualifications Wales so that they do not apply in respect of the award of qualifications outside Wales.
- (7) Part 7 makes provision about steps that may be taken by Qualifications Wales if it considers that a body awarding qualifications in Wales has failed to comply with a condition to which its recognition, or the approval of a qualification awarded by it, is subject.
- (8) Part 8 makes provision about other functions of Qualifications Wales, including—
  - (a) the power to provide consultancy and other services on a commercial basis,
  - (b) the duty to prepare a policy statement,
  - (c) how Qualifications Wales is to deal with complaints,
  - (d) fees that may be charged by Qualifications Wales, and
  - (e) the duty to have regard to certain principles in performing regulatory activities.
- (9) Part 9 makes general provision, including setting out an index of defined terms used in the Act.
- (10) In Part 9, section 56 sets out the meaning of the term “qualification” as used in the Act.

## PART 2

### ESTABLISHMENT AND PRINCIPAL AIMS OF QUALIFICATIONS WALES

#### **2 Establishment of Qualifications Wales**

- (1) Qualifications Wales is established as a body corporate.
- (2) Schedule 1 contains further provision about Qualifications Wales.

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- (3) Schedule 2 makes provision about transfers of staff and property to Qualifications Wales.

#### Commencement Information

- I1** S. 2 partly in force; s. 2(3) in force at Royal Assent see s. 60(1)  
**I2** S. 2(1) in force at 6.8.2015 by S.I. 2015/1591, art. 2(a)  
**I3** S. 2(2) in force at 6.8.2015 for specified purposes by S.I. 2015/1591, art. 2(b)  
**I4** S. 2(2) in force at 21.9.2015 in so far as not already in force by S.I. 2015/1687, art. 2 (with arts. 3-12)

### 3 Principal aims of Qualifications Wales

- (1) In exercising its functions, Qualifications Wales must act in a way that it considers appropriate for the purpose of achieving the following principal aims—
- ensuring that qualifications, and the Welsh qualification system, are effective for meeting the reasonable needs of learners in Wales;
  - promoting public confidence in qualifications and in the Welsh qualification system.
- (2) In considering what is appropriate for the purpose of achieving its principal aims, the matters to which Qualifications Wales is to have regard include (among other things) —
- the desirability of promoting sustainable growth in the Welsh economy;
  - the desirability of promoting and facilitating the use of the Welsh language, including through the availability of assessment arrangements that provide for assessment through the medium of the Welsh language, and of qualifications that otherwise promote or facilitate the use of the Welsh language;
  - the range and nature of qualifications available, and of their assessment arrangements;
  - the reasonable requirements of employers, higher education institutions and the professions regarding education and training (including as to required standards of practical competence);
  - whether the knowledge, skills and understanding required to be demonstrated for the purpose of determining whether a person is to be awarded a qualification reflect current knowledge and best practice;
  - whether qualifications indicate a consistent level of attainment with that indicated by whatever Qualifications Wales considers to be comparable qualifications, whether awarded in Europe or elsewhere;
  - whether qualifications are provided efficiently and so as to secure value for money;
  - the respective roles played by, and responsibilities of, each of the following persons in respect of the Welsh qualification system (including by reference to co-operation between those persons, and their effectiveness in performing their roles)—
    - awarding bodies, learning providers, Qualifications Wales and the Welsh Ministers;
    - any other persons exercising functions that Qualifications Wales considers relevant for the purpose of the Welsh qualification system.

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- (3) References in this Act to the Welsh qualification system are to the system, taken as a whole, by which qualifications are awarded to persons assessed wholly or mainly in Wales for this purpose.

**Commencement Information**

**I5** S. 3 in force at 21.9.2015 by S.I. 2015/1687, art. 2 (with arts. 3-12)

## PART 3

### RECOGNITION OF AWARDING BODIES

#### *General*

#### 4 Recognition of awarding bodies

- (1) Qualifications Wales may recognise an awarding body under the provisions of this Part.
- (2) Part 4 (priority qualifications and approval of qualifications) makes provision for a body that is recognised under this Part in respect of the award of a qualification to apply to Qualifications Wales for approval of a form of that qualification.
- (3) Part 5 (designation of other qualifications) makes provision for a body that is recognised under this Part in respect of the award of a qualification to apply to Qualifications Wales for a form of that qualification to be designated under section 29.

**Commencement Information**

**I6** S. 4 in force at 21.9.2015 by S.I. 2015/1687, art. 2 (with arts. 3-12)

#### *Recognition criteria*

#### 5 Duty to set general recognition criteria

- (1) Qualifications Wales must set and publish criteria for recognition (“general recognition criteria”) to be applied by it for the purposes of section 8 (general recognition of an awarding body).
- (2) The general recognition criteria may make different provision for different descriptions of awarding body.

**Commencement Information**

**I7** S. 5 in force at 21.9.2015 by S.I. 2015/1687, art. 2 (with arts. 3-12)

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## 6 Power to set qualification specific recognition criteria

- (1) Qualifications Wales may set and publish criteria for recognition (“qualification specific recognition criteria”) to be applied by it for the purposes of section 9 (qualification specific recognition of an awarding body).
- (2) The criteria may make different provision for—
  - (a) different descriptions of awarding body;
  - (b) different qualifications or different descriptions of qualification.

### Commencement Information

**18** [S. 6](#) in force at 21.9.2015 by [S.I. 2015/1687](#), [art. 2](#) (with [arts. 3-12](#))

## 7 Revision of general and qualification specific recognition criteria

- (1) Qualifications Wales may revise—
  - (a) the general recognition criteria;
  - (b) the qualification specific recognition criteria.
- (2) If Qualifications Wales revises the criteria, it must—
  - (a) publish the criteria as revised, and
  - (b) specify when the revisions are to come into effect.
- (3) The date specified under subsection (2)(b) must not precede the date on which the revised criteria are published.

### Commencement Information

**19** [S. 7](#) in force at 21.9.2015 by [S.I. 2015/1687](#), [art. 2](#) (with [arts. 3-12](#))

### *Recognition of awarding bodies*

## 8 General recognition of an awarding body

- (1) An awarding body may apply to Qualifications Wales for general recognition as a body awarding qualifications in Wales.
- (2) The awarding body may specify in its application a qualification or description of qualification in respect of the award of which it does not wish to be recognised.
- (3) If the body meets the general recognition criteria most recently published under section 5, Qualifications Wales must recognise the awarding body.
- (4) If the body does not meet all of those criteria Qualifications Wales may nevertheless, if it thinks it appropriate to do so, recognise the body.
- (5) In determining whether it is appropriate to recognise a body under subsection (4), Qualifications Wales must have regard to—
  - (a) whether the body substantially meets the general recognition criteria,
  - (b) the effect of its failure to meet those criteria in full, and