

QUALIFICATIONS WALES ACT 2015

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Qualifications Wales Act 2015 which was passed by the National Assembly for Wales on 16 June 2015 and received Royal Assent on 05 August 2015. They have been prepared by the Department for Education and Skills of the Welsh Government to assist the reader of the Act. The Explanatory Notes should be read in conjunction with the Act but are not part of it.
2. They are not and not meant to be a comprehensive description of the Act. So where a section or part of a section is self explanatory, no further explanation or comment is provided.

Background

3. The Review of Qualifications for 14 to 19 year olds in Wales was commissioned by the Welsh Ministers in 2011 and was chaired by Huw Evans, former principal of Llandrillo College. Tasked with identifying how the Welsh Government could ensure that Wales has qualifications that are understood and valued and meet the needs of our young people and the Welsh economy, it reported to Ministers in November 2012. The Review of Qualifications emphasised the importance of ensuring that the qualifications taken by learners in Wales are recognised and valued world-wide.
4. The Welsh Ministers accepted the 42 recommendations contained within the report. In relation to the qualification system in Wales the report concluded that “a single body should be established to regulate, approve and assure the quality of all qualifications (below degree level) available in Wales, bringing in a new and stronger approach to regulation” and that “regulatory decisions would be separate from government”.
5. The report also envisaged that Qualifications Wales should become an awarding organisation for Wales, developing and awarding “most qualifications for 14 to 16-year-olds and most general qualifications for 16 to 19-year-olds”.
6. This Act gives effect to the first part of the recommendation in that it establishes a regulatory body for qualifications at arms’ length from the Welsh Ministers, and removes the Welsh Ministers’ current regulatory functions relating to qualifications. It does not give Qualifications Wales powers to be an awarding body. Further legislation would be required to achieve this.
7. A consultation paper setting out the Welsh Government’s policy was published on 1 October 2013 and a summary of the responses received to the consultation was published in June 2014. Responses to the consultation expressed strong endorsement of the proposals to set up a new regulatory body and this Act brings into effect those proposals.

Summary of the Act

8. This Act establishes a new organisation, Qualifications Wales, to deliver a new model of regulation. Under the regime established by the Act, Qualifications Wales will

*These notes refer to the Qualifications Wales Act 2015
(c.5) which received Royal Assent on 05 August 2015*

exercise regulatory functions in relation to qualifications awarded in Wales. Functions exercisable by Qualifications Wales under this Act replace similar functions exercised by the Welsh Ministers under Chapter 2 of Part 5 of the Education Act 1997.

9. The Act gives Qualifications Wales two principal aims that give Qualifications Wales responsibility for ensuring that qualifications awarded in Wales (and the underpinning qualification system) are effective for meeting the needs of learners and promoting public confidence in them. In order to address a number of matters which contribute to effectiveness and public confidence, Qualifications Wales is required to develop and implement a system for recognising awarding bodies and approving and designating qualifications.
10. In order to provide Qualifications Wales with effective regulatory powers, the Act gives functions to Qualifications Wales to regulate awarding bodies awarding qualifications in Wales, to focus on priority qualifications, to approve forms of qualification (which are then eligible for being provided to learners attending certain publicly funded courses), to designate other forms of qualification as eligible for use on those courses of learning, to restrict the number of certain forms of qualification that may be approved, to commission new forms of qualification where such a restriction is in place and to review qualifications and the qualification system.