
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 96(6) of the Equality Act 2010 (“the Act”) places a duty on qualifications bodies to make reasonable adjustments for disabled people. That duty does not apply in so far as the appropriate regulator specifies provisions, criteria or practices in relation to which the body is not subject, or is subject, but in relation to which such adjustments as the regulator specifies should not be made.

Section 96(10)(c) of the Act provides that the appropriate regulator is, in relation to a qualifications body that confers qualifications in Scotland, a person prescribed by the Scottish Ministers. Regulation 2 provides that the Scottish Qualifications Authority is the appropriate regulator.

Section 97(2) of the Act provides that a qualifications body is an authority or body which can confer a relevant qualification. Section 97(3)(c) of the Act provides that a relevant qualification is an authorisation, qualification, approval or certification of such description as may be prescribed in relation to conferments in Scotland, by the Scottish Ministers. Regulation 3 provides that “National Qualifications in Scotland” are relevant qualifications.

The term “National Qualifications in Scotland” includes Standard Grades and National Courses (Access, Intermediate, Higher, Advanced Higher plus the new National qualifications to be introduced under Curriculum for Excellence from 2013/14). It does not encompass national qualifications which are vocational in nature such as National Qualification Group Awards (National Certificates and National Progression Awards).