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# Education Act 1997

## 1997 CHAPTER 44

### PART V **U.K.**

#### SUPERVISION OF CURRICULUM FOR SCHOOLS AND EXTERNAL QUALIFICATIONS

### CHAPTER I **E+W+N.I.**

#### THE QUALIFICATIONS AND CURRICULUM AUTHORITY

##### *Establishment of the Authority*

#### **21 The Qualifications and Curriculum Authority. **E+W+N.I.****

- (1) There shall be a body corporate known as the Qualifications and Curriculum Authority.
- (2) The Authority shall consist of not less than 8 nor more than 13 members appointed by the Secretary of State.
- (3) Of the members of the Authority, the Secretary of State—
  - (a) shall appoint one as chairman, and
  - (b) may appoint another as deputy chairman.
- (4) The Secretary of State shall include among the members of the Authority—
  - (a) persons who appear to him to have experience of, and to have shown capacity in, the provision of education, or to have held, and to have shown capacity in, any position carrying responsibility for the provision of education;
  - (b) persons who appear to him to have experience of, and to have shown capacity in, the provision of training or to have held, and to have shown capacity in, any position carrying responsibility for the provision of training; and
  - (c) persons who appear to him to have experience of, and to have shown capacity in, industrial, commercial or financial matters or the practice of any profession.

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(5) Schedule 4 has effect in relation to the Authority.

### *Functions of the Authority*

## **22 General function of Authority to advance education and training. E+W+N.I.**

- (1) The functions conferred on the Qualifications and Curriculum Authority by this Part shall be exercised by the Authority for the purpose of advancing education and training in England and (so far as such functions are exercisable there) in Wales and in Northern Ireland.
- (2) The Authority shall exercise their functions under this Part with a view to promoting quality and coherence in education and training in relation to which they have functions under this Part.

## **23 Functions of the Authority in relation to curriculum and assessment. E+W**

- (1) The Qualifications and Curriculum Authority shall have the functions set out in subsection (2) with respect to pupils of compulsory school age at maintained schools in England.
- (2) The functions are—
  - (a) to keep under review all aspects of the curriculum for such schools and all aspects of school examinations and assessment;
  - (b) to advise the Secretary of State on such matters concerned with the curriculum for such schools or with school examinations and assessment as he may refer to them or as they may see fit;
  - (c) to advise the Secretary of State on, and if so requested by him assist him to carry out, programmes of research and development for purposes connected with the curriculum for such schools or with school examinations and assessment;
  - (d) to publish and disseminate, and assist in the publication and dissemination of, information relating to the curriculum for such schools or to school examinations and assessment;
  - (e) to make arrangements with appropriate bodies for auditing the quality of assessments made in pursuance of assessment arrangements; and
  - (f) so far as relevant to such schools, the functions conferred by section 24(2)(h) and (i).
- (3) The Authority shall have, in relation to England, the function of developing learning goals and related materials for children who are receiving nursery education in respect of which grants are (or are to be) made under arrangements under section 1 of the <sup>M1</sup>Nursery Education and Grant-Maintained Schools Act 1996.
- (4) The Authority shall have, in relation to England, the following functions in connection with baseline assessment schemes (within the meaning of Chapter I of Part IV), namely—
  - (a) if designated by the Secretary of State for the purpose, any function of a designated body under that Chapter; and
  - (b) any other function which may be conferred on the Authority by the Secretary of State.

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(5) In this section—

“assessment” includes examination and test; and

“maintained school” means—

- (a) any county or voluntary school;
- (b) any grant-maintained school; and
- (c) any maintained or grant-maintained special school.

#### Marginal Citations

M1 1996 c. 50.

## 24 Functions of the Authority in relation to external vocational and academic qualifications. **E+W+N.I.**

- (1) The Qualifications and Curriculum Authority shall have, in relation to England, the functions set out in subsection (2) with respect to external qualifications.
- (2) The functions are—
  - (a) to keep under review all aspects of such qualifications;
  - (b) to advise the Secretary of State on such matters concerned with such qualifications as he may refer to them or as they may see fit;
  - (c) to advise the Secretary of State on, and if so requested by him assist him to carry out, programmes of research and development for purposes connected with such qualifications;
  - (d) to provide support and advice to persons providing courses leading to such qualifications with a view to establishing and maintaining high standards in the provision of such courses;
  - (e) to publish and disseminate, and assist in the publication and dissemination of, information relating to such qualifications;
  - (f) to develop and publish criteria for the accreditation of such qualifications;
  - (g) to accredit, where they meet such criteria, any such qualifications submitted for accreditation;
  - (h) if designated by the Secretary of State for the purpose, to advise the Secretary of State on the exercise of his powers under section 37 (approval of external qualifications); and
  - (i) if designated by the Secretary of State for the purpose, to exercise any functions conferred on a designated body by regulations under that section.
- (3) Except to the extent that, by virtue of an order under section 30(1), they are for the time being exercisable with respect to such qualifications solely by the Qualifications, Curriculum and Assessment Authority for Wales, the functions set out in subsection (2)(a) to (g) shall be so exercisable in relation to Wales by the Qualifications and Curriculum Authority, and shall be so exercisable either—
  - (a) solely by the Authority, or
  - (b) if an order under section 30(1) so provides, by the Authority concurrently with the Qualifications, Curriculum and Assessment Authority for Wales.

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- (4) The functions set out in subsection (2)(a) to (g) shall also be exercisable by the Qualifications and Curriculum Authority in relation to Northern Ireland but only with respect to National Vocational Qualifications.
- (5) Subsection (2)(a) to (e) do not apply to qualifications awarded or authenticated by institutions within the higher education sector other than those which have been submitted for accreditation under subsection (2)(g).
- (6) In this section “external qualification” means—
  - (a) any academic or vocational qualification authenticated or awarded by an outside person, except an academic qualification at first degree level or any comparable or higher level; or
  - (b) (whether within paragraph (a) or not) any National Vocational Qualification.
- (7) For the purposes of this section—
  - (a) a qualification is awarded by an outside person if the course of education or training leading to the qualification is provided by an institution or an employer and it is awarded by a person other than the institution or employer or a member of its or his staff; and
  - (b) a qualification is authenticated by an outside person if it is awarded by an institution or employer and is authenticated by a person other than the institution or employer or a member of its or his staff.

## 25 Other functions of the Authority. **E+W**

- (1) The Qualifications and Curriculum Authority shall advise the Secretary of State on such matters connected with the provision of education or training in England as the Secretary of State may specify by order.
- (2) The Authority shall carry out such ancillary activities as the Secretary of State may direct.
- (3) For the purposes of subsection (2) activities are ancillary activities in relation to the Authority if the Secretary of State considers it is appropriate for the Authority to carry out those activities for the purposes of or in connection with the carrying out by the Authority of any of their other functions under this Part.
- (4) The Authority shall supply the Secretary of State with such reports and other information with respect to the carrying out of their functions as the Secretary of State may require.

## 26 Supplementary provisions relating to discharge by Authority of their functions. **E+W+N.I.**

- (1) In carrying out their functions under this Part the Qualifications and Curriculum Authority shall—
  - (a) comply with any directions given by the Secretary of State; and
  - (b) act in accordance with any plans approved by him; and
  - (c) so far as relevant, have regard to—
    - (i) the requirements of section 351 of the <sup>M2</sup>Education Act 1996 (general duties in respect of curriculum),

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- (ii) the requirements of industry, commerce, finance and the professions regarding education and training (including required standards of practical competence), and
  - (iii) the requirements of persons with special learning needs.
- (2) In carrying out those functions the Authority shall in addition have regard to information supplied to them by Her Majesty’s Chief Inspector of Schools in England or by any body designated by the Secretary of State for the purposes of this section.
- (3) Where in carrying out any of their functions under this Part the Authority accredit or approve any qualification, they may do so on such terms (including terms as to payment) and subject to such conditions as they may determine.
- (4) Those conditions may in particular include conditions—
- (a) placing a limit on the amount of the fee that can be demanded in respect of any award or authentication of the qualification in question; and
  - (b) requiring rights of entry to premises and to inspect and copy documents so far as necessary for the Authority to satisfy themselves that the appropriate standards are being maintained, in relation to the award or authentication of the qualification in question, by the persons receiving the accreditation or approval.
- (5) Before exercising on any occasion their power to impose conditions falling within subsection (4)(a) the Authority shall obtain the consent of the Secretary of State as to such matters relating to the exercise of that power as he may determine.
- (6) In this section “persons with special learning needs” means—
- (a) children with special educational needs (as defined in section 312 of the <sup>M3</sup>Education Act 1996); or
  - (b) persons (other than children as so defined) who—
    - (i) have a significantly greater difficulty in learning than the majority of persons of their age, or
    - (ii) have a disability which either prevents or hinders them from making use of educational facilities of a kind generally provided for persons of their age.

#### Marginal Citations

M2 1996 c. 56.

M3 1996 c. 56.

VALID FROM 01/10/2002

#### [<sup>F1</sup>26A Power of Authority to give directions **E+W+N.I.**

- (1) If it appears to the Qualifications and Curriculum Authority—
- (a) that any person (in this section referred to as “the awarding body”) who, either alone or jointly with others, awards or authenticates any qualification accredited by the Authority has failed or is likely to fail to comply with any condition subject to which the accreditation has effect, and
  - (b) that the failure—

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- (i) prejudices or would be likely to prejudice the proper award or authentication of the qualification, or
- (ii) prejudices or would be likely to prejudice persons who might reasonably be expected to seek to obtain the qualification,
- the Authority may direct the awarding body to take or refrain from taking specified steps with a view to securing compliance with the conditions subject to which the accreditation has effect.
- (2) It shall be the duty of the awarding body to comply with any direction under this section.
- (3) Any direction under this section is enforceable, on the application of the Qualifications and Curriculum Authority—
- (a) in England and Wales, by a mandatory order, or
- (b) in Northern Ireland, by an order of mandamus.]

#### Textual Amendments

- F1** S. 26A inserted (1.10.2002) by [Education Act 2002 \(c. 32\)](#), s. 189, [Sch. 17 para. 4](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/2439](#), [art. 2](#)

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