

APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7: Office of Qualifications and Examinations Regulation

Chapter 1: Establishment, objectives and general duties

Regulated qualifications and regulated assessment arrangements

Section 130: Meaning of “regulated qualifications” etc.

395. This section describes the types of qualifications that Ofqual has the power to regulate.
396. For a qualification to be a “regulated qualification”, three criteria must be met:
- it must not be a foundation, first or higher degree;
 - it must either (a) be awarded or authenticated in England, or (b) be a vocational qualification awarded or authenticated in Northern Ireland;
 - it must be awarded or authenticated by a body which is recognised by Ofqual under section 132 in relation to that qualification.
397. The meaning of awarding or authenticating a qualification “in England” and “in Northern Ireland” is explained in *subsection (4)*: there must be, or may reasonably be expected to be, persons seeking to obtain the qualification who are, will be or may reasonably be expected to be assessed wholly or mainly in England or Northern Ireland.
398. Ofqual’s role in regulating relevant vocational qualifications in Northern Ireland may be removed by order of the Secretary of State. Before making such an order he would have first to consult the Department for Employment and Learning in Northern Ireland and the order would be subject to the affirmative procedure. This is to allow for the possibility that the Northern Ireland authorities may in future wish to change the arrangements for the regulation of qualifications in Northern Ireland.
399. In the Education Act 1997, the QCA’s regulatory responsibilities relate to external qualifications, defined as:
- “any academic or vocational qualification authenticated or awarded by an outside person... (section 24(6)(a)).
400. The restriction to external qualifications has been removed in the Act, which means that Ofqual may recognise bodies which both teach and award qualifications – for example, employers or colleges which have the capability to do so. This change has implications for other legislation, for example for section 96 of the Learning and Skills Act 2000, which is amended by paragraph 27 of Schedule 12.