



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 7 **E+W+N.I.**

#### THE OFFICE OF QUALIFICATIONS AND EXAMINATIONS REGULATION

### CHAPTER 1 **E+W+N.I.**

#### ESTABLISHMENT, OBJECTIVES AND GENERAL DUTIES

##### *Objectives and general duties*

#### 128 **Objectives** **E+W+N.I.**

- (1) Ofqual's objectives are—
- the qualifications standards objective,
  - the assessments standards objective,
  - the public confidence objective,
  - the awareness objective, and
  - the efficiency objective.
- [<sup>F1</sup>(2) The qualifications standards objective is to secure that—
- regulated qualifications give a reliable indication of knowledge, skills and understanding, and
  - regulated qualifications indicate —
    - a consistent level of attainment (including over time) between comparable regulated qualifications, and
    - a consistent level of attainment (but not over time) between regulated qualifications and comparable qualifications (including

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those awarded outside the United Kingdom) which are not qualifications to which this Part applies.]

- (3) The assessments standards objective is to promote the development and implementation of regulated assessment arrangements which—
  - (a) give a reliable indication of achievement, and
  - (b) indicate a consistent level of attainment (including over time) between comparable assessments.
- (4) The public confidence objective is to promote public confidence in regulated qualifications and regulated assessment arrangements.
- (5) The awareness objective is to promote awareness and understanding of—
  - (a) the range of regulated qualifications available,
  - (b) the benefits of regulated qualifications to learners, employers and institutions within the higher education sector, and
  - (c) the benefits of recognition under section 132 to bodies awarding or authenticating qualifications to which this Part applies.
- (6) The efficiency objective is to secure that regulated qualifications are provided efficiently and in particular that any relevant sums payable to a body awarding or authenticating a qualification in respect of which the body is recognised under section 132 represent value for money.
- (7) For the purposes of subsection (6) a sum is relevant if it is payable in respect of the award or authentication of the qualification in question.

#### Textual Amendments

**F1** S. 128(2) substituted (1.2.2012) by [Education Act 2011 \(c. 21\), ss. 22, 82\(3\); S.I. 2012/84, art. 3](#)

#### Commencement Information

**II** S. 128 in force at 1.4.2010 by [S.I. 2010/1151, art. 2, Sch. 1](#)

## 129 General duties **E+W+N.I.**

- (1) So far as reasonably practicable, in performing its functions Ofqual must act in a way—
  - (a) which is compatible with its objectives, and
  - (b) which it considers most appropriate for the purpose of meeting its objectives.
- (2) So far as relevant, in performing its functions Ofqual must have regard to—
  - (a) the need to ensure that the number of regulated qualifications available for award or authentication is appropriate;
  - (b) the other reasonable requirements of relevant learners, including persons with <sup>[F2]</sup>special educational needs<sup>[F3]</sup> or additional learning needs;
  - (c) the reasonable requirements of pupils and children, including persons with <sup>[F4]</sup>special educational needs<sup>[F5]</sup> or additional learning needs, in relation to regulated assessment arrangements;
  - (d) the reasonable requirements of industry, commerce, finance, the professions and other employers regarding education and training (including required standards of practical competence);

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- (e) the reasonable requirements of institutions within the higher education sector;
  - (f) information provided to Ofqual by a person falling within subsection (4);
  - (g) the desirability of facilitating innovation in connection with the provision of regulated qualifications;
  - (h) the specified purposes of regulated assessment arrangements.
- (3) For the purposes of subsection (2)(a) the number of regulated qualifications available for award or authentication is appropriate if the number is such that—
- (a) there is a reasonable level of choice for learners, in terms of both the number of different regulated qualifications and the number of different forms of such qualifications, but
  - (b) the number of different regulated qualifications in similar subject areas or serving similar functions is not excessive.
- (4) The persons falling within this subsection are—
- <sup>F6</sup>(a) .....
  - (b) Her Majesty's Chief Inspector of Education, Children's Services and Skills;
  - (c) such other relevant persons, or relevant persons of such a description, as the Secretary of State may direct.
- (5) In subsection (4)(c) “relevant person” means a person who appears to the Secretary of State to have knowledge of, or expertise in, requirements of a kind mentioned in subsection (2)(d).
- (6) In performing its functions Ofqual must also have regard to such aspects of government policy as the Secretary of State may direct.
- (7) The Secretary of State must publish a direction given under subsection (6).
- (8) Ofqual must perform its functions efficiently and effectively.
- <sup>F7</sup>(9) .....
- <sup>F8</sup>(10) .....
- (11) “Relevant learner” means a person seeking to obtain, or who may reasonably be expected to seek to obtain, a regulated qualification.

#### Textual Amendments

- F2** Words in s. 129(2)(b) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 94(a)**; S.I. 2014/889, art. 7(a)
- F3** Words in s. 129(2)(b) inserted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 17(a)**; S.I. 2021/373, art. 8(j)(xxx)
- F4** Words in s. 129(2)(c) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 94(a)**; S.I. 2014/889, art. 7(a)
- F5** Words in s. 129(2)(c) inserted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 17(b)**; S.I. 2021/373, art. 8(j)(xxx)
- F6** S. 129(4)(a) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 8 para. 23**; S.I. 2012/924, art. 2
- F7** S. 129(9) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 94(b)**; S.I. 2014/889, art. 7(a)
- F8** S. 129(10) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 94(b)**; S.I. 2014/889, art. 7(a)

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#### **Commencement Information**

**I2** S. 129 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

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