



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 7

#### THE OFFICE OF QUALIFICATIONS AND EXAMINATIONS REGULATION

### CHAPTER 4

#### OTHER FUNCTIONS

#### **167 Provision of services**

- (1) Ofqual may, in connection with any of its functions, provide services to any person (whether or not in the United Kingdom).
- (2) Services provided by virtue of this section may be provided on such terms and subject to such conditions (if any) as Ofqual may determine.
- (3) Ofqual may charge a fee for, or in connection with, any service provided by virtue of this section.

#### **168 Provision of information or advice**

- (1) If requested to do so by the Secretary of State, Ofqual must provide the Secretary of State with information or advice on such matters relating to any of its functions as may be specified in the request.
- (2) If requested to do so by the Department for Employment and Learning in Northern Ireland, Ofqual must provide the Department with information or advice on such matters relating to any of its functions (so far as they relate to Northern Ireland) as may be specified in the request.

## **169 Research and development**

- (1) Ofqual may carry out programmes of research and development for purposes connected with—
  - (a) qualifications to which this Part applies, or
  - (b) regulated assessment arrangements.
- (2) Ofqual may commission, co-ordinate or facilitate the carrying out of programmes of research and development for the purposes mentioned in subsection (1).

## **170 Duty not to impose or maintain unnecessary burdens**

- (1) Ofqual must keep its regulatory functions under review.
- (2) Ofqual must secure that in performing any of its regulatory functions it does not—
  - (a) impose burdens which it considers to be unnecessary, or
  - (b) maintain burdens which it considers to have become unnecessary.
- (3) Subsection (2) does not require the removal of a burden which has become unnecessary where its removal would, having regard to all the circumstances, be impracticable or disproportionate.
- (4) Ofqual must publish a statement setting out—
  - (a) what it proposes to do pursuant to subsections (1) and (2) in the period to which the statement relates,
  - (b) (except in the case of the first statement published under this section) what it has done pursuant to subsections (1) and (2) since the previous statement was published under this section, and
  - (c) where a burden which has become unnecessary is maintained pursuant to subsection (3), the reasons why the removal of the burden would, having regard to all the circumstances, be impracticable or disproportionate.
- (5) The first statement published under this section—
  - (a) must be published as soon as reasonably practicable after the commencement of section 127, and
  - (b) is to be a statement for the period of 12 months beginning with the day of its publication.
- (6) A subsequent statement published under this section—
  - (a) must be published during the period to which the previous statement related or as soon as reasonably practicable after the end of that period, and
  - (b) must be a statement for the period of 12 months beginning with the end of the period to which the previous statement related.
- (7) Ofqual must, in performing any of its regulatory functions during a period for which a statement is in force under this section, have regard to the statement.
- (8) In this section “regulatory function” has the same meaning as in the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#) (see section 32 of that Act).

## **171 Annual and other reports**

- (1) As soon as reasonably practicable after the end of each reporting period Ofqual must prepare and publish a report for the period (“the annual report”).

- (2) The annual report must include—
  - (a) a statement of what Ofqual has done in performing its functions in the reporting period;
  - (b) an assessment of the extent to which Ofqual has met its objectives in that period;
  - (c) details of any information obtained by Ofqual in that period on the levels of attainment in relevant regulated qualifications.
- (3) “Relevant regulated qualifications” are regulated qualifications that are taken wholly or mainly by pupils at schools in England.
- (4) An assessment under subsection (2)(b) in respect of the qualifications standards objective must in particular explain how, in making the assessment, Ofqual has taken account of any information within subsection (2)(c) obtained in the reporting period or an earlier reporting period.
- (5) If arrangements of the kind mentioned in section 150(2) (arrangements for referral of complaints to an independent party) were in place during the reporting period, the annual report must include a description of the activities of the independent party during the reporting period.
- (6) Ofqual must—
  - (a) lay a copy of each annual report before Parliament;
  - (b) (so far as it relates to Northern Ireland) lay a copy of each annual report before the Northern Ireland Assembly.
- (7) Ofqual may prepare and publish other reports on matters relating to its functions.
- (8) If Ofqual prepares and publishes a report under subsection (7) it may—
  - (a) lay a copy of the report before Parliament;
  - (b) (so far as it relates to Northern Ireland) lay a copy of the report before the Northern Ireland Assembly.
- (9) Ofqual may comply with subsection (1) by preparing and publishing a single document or separate documents in relation to England and to Northern Ireland.
- (10) In this section “reporting period” means—
  - (a) the period (being not longer than 12 months) beginning with the day on which section 127 comes into force and ending on such date as Ofqual decides;
  - (b) each successive period of 12 months.