

QUALIFICATIONS WALES ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Establishment and Principal Aims of Qualifications Wales

Section 2: Establishment of Qualifications Wales

11. This section establishes Qualifications Wales as a body corporate. It introduces Schedule 1 which provides further details about its establishment and Schedule 2 which allows the Welsh Ministers to transfer staff of the Welsh Assembly Government and property, rights and liabilities from the Welsh Ministers to Qualifications Wales.

Section 3: Principal aims of Qualifications Wales

12. This section sets out the principal aims of Qualifications Wales: these will underpin all of the work that Qualifications Wales undertakes – and Qualifications Wales will need always to ensure that its actions are compatible with these aims. This section requires Qualifications Wales, in exercising any function, to act in a way that it considers appropriate for the purpose of achieving the principal aims.
13. The first principal aim gives Qualifications Wales responsibility for ensuring the effectiveness of qualifications in meeting the reasonable needs of learners in Wales. The meaning of qualification is defined in section 56. While this principal aim is broad in scope, Part 4 of the Act (priority qualifications and approval of qualifications) provides for the prioritisation of some qualifications, so that Qualifications Wales may focus its activities on approving qualifications. Qualifications Wales will be able to designate other forms of qualifications under Part 5 as eligible for funding on certain programmes of learning and to regulate the award in Wales of those and other qualifications by recognised awarding bodies through conditions of recognition under Part 3 (see section 36). This principal aim also requires Qualifications Wales to take responsibility for the effectiveness of the qualification system in Wales (namely, the whole system by which qualifications are awarded to persons who are assessed wholly or mainly in Wales for those qualifications, as defined in section 3(3)). The ‘system’ is the infrastructure which underpins and enables the delivery of qualifications – it includes the *way* that qualifications are developed, delivered and awarded as well as *what* is developed, delivered and awarded.
14. The second principal aim requires Qualifications Wales to promote public confidence in both the qualifications and the supporting system. For the qualifications and the system to be truly effective, together they must inspire public confidence. An assessment of public confidence could include, for example, the level of confidence of employers, learning providers, learners, parents and carers in the relative value of qualifications taken in Wales compared with those taken, for example, in England.
15. Sub-section 2 sets out a non-exhaustive list of the matters to which Qualifications Wales must have regard in determining what is appropriate for the purpose of meeting its principal aims. While most of these matters are self-explanatory, additional notes are provided here to give context and/or examples to illustrate some of the terms:

*These notes refer to the Qualifications Wales Act 2015
(c.5) which received Royal Assent on 05 August 2015*

- a) A skilled workforce is an important factor in the growth of the Welsh economy – and qualifications are both an indicator of the skills of potential new workers and a measure for developing the skills of the existing workforce (paragraph (a)).
- b) Qualifications Wales will need to specifically consider the provision of assessments through the medium of Welsh and, for example, the provision of qualifications that enable learners to develop or use the Welsh language (paragraph (b)).
- c) ‘Assessment arrangements’ are defined in section 57(3) to mean “arrangements for assessing relevant skills, knowledge and understanding in relation to the qualification”. Considerations may include the nature of the assessment taken by learners (for example, consideration of the quality of an examination paper) as well as, for example, the security arrangements relating to the storage of assessment records (paragraph (c)).
- d) The reasonable requirements of employers could be taken into account, for example, in relation to the need to equip learners with the knowledge, skills and understanding relevant to general and particular employment. Higher education institutions may need to be satisfied, for example, that the qualifications awarded to learners in Wales both sufficiently differentiate between different levels of ability and provide sufficient preparation for further study. ‘The professions’ is not confined to any limited list of professions but may be taken to include, for example, the views of relevant professional experts and representatives (paragraph (d)).
- e) Qualifications Wales must have regard to the content of qualifications, in particular the extent to which they are up to date and to which they reflect best practice in, for example, the performance of tasks (paragraph (e)).
- f) A ‘consistent level of attainment’ may, for example, relate to consistency over time, across different nations (including those in Europe), across subjects or across qualifications taken by a given age group. Attainment, in this context, could refer, for example, to the extent to which learners have acquired (or are required to acquire) the requisite level of knowledge, skills and understanding pertaining to the qualification (paragraph (f)).
- g) Consideration of whether qualifications are delivered ‘efficiently’ is not limited solely to financial or economic considerations but may, for example, include consideration of the impact on effectiveness and public confidence of the number and quality of interactions between different bodies and individuals (paragraph (g)).
- h) In considering the effectiveness of the system, Qualifications Wales will need to consider the roles and responsibilities of the different bodies in that system, including, for example, its own role in the system (paragraph (h)).