



Qualifications Wales Act 2015

2015 anaw 5

PART 8

SUPPLEMENTARY

Commercial activities

45 Provision of services etc by Qualifications Wales

- (1) Qualifications Wales may, on a commercial basis, provide consultancy and other services in connection with any of its functions or any other matter related to qualifications.
- (2) Services may be provided under this section on such terms and subject to such conditions (if any) as Qualifications Wales may determine, including (among other things) as to fees charged by Qualifications Wales.
- (3) Qualifications Wales may, with the Welsh Ministers' approval, form a company to provide services under this section.
- (4) Qualifications Wales is to be the sole member of any company formed under subsection (3).

Review and research

46 Review and research

- (1) Qualifications Wales may keep under review—
 - (a) the awarding of approved qualifications by a recognised body;
 - (b) the awarding of forms of qualification designated under section 29 by a recognised body;
 - (c) any other activities of a recognised body which Qualifications Wales considers are relevant to the body's recognition;

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- (d) any other aspect of qualifications.
- (2) Qualifications Wales must keep under review the respective roles played by it and by awarding bodies in respect of the Welsh qualification system.
- (3) Qualifications Wales may carry out or commission research into any matter connected with qualifications.

Subsidiary functions

47 Policy statement and statement about consultation

- (1) Qualifications Wales must prepare a statement of its policy (a “policy statement”) with respect to the exercise of its functions under—
 - (a) Part 3 (recognition of awarding bodies);
 - (b) Part 4 (priority qualifications and approval of qualifications);
 - (c) Part 5 (designation of other qualifications);
 - (d) Part 7 (enforcement powers of Qualifications Wales);
 - (e) section 45 (provision of services etc by Qualifications Wales);
 - (f) section 46(1) (reviews).
- (2) The policy statement must contain information as to—
 - (a) circumstances in which recognition of an awarding body is likely to be made subject to a special condition;
 - (b) matters likely to be taken into account by Qualifications Wales in deciding whether to designate a form of qualification under section 29, in determining the period for which such a designation is to have effect and in deciding whether to revoke such a designation;
 - (c) criteria likely to be applied by Qualifications Wales in determining whether it is appropriate in any case to impose a fee capping condition so as to secure value for money;
 - (d) matters likely to be taken into account by Qualifications Wales in determining the limit specified in a fee capping condition;
 - (e) the likely duration of a fee capping condition;
 - (f) circumstances in which a direction is likely to be given to an awarding body in accordance with a transfer condition, and the likely subject matter of any direction given in accordance with a transfer condition;
 - (g) matters likely to be taken into account by Qualifications Wales in determining whether to make a payment to an awarding body under paragraph 15 of Schedule 3, and in determining the amount of any such payment;
 - (h) the circumstances in which, and occasions on which, special conditions are likely to be reviewed or revised, and the factors that are likely to be taken into account in any review or revision;
 - (i) the circumstances in which Qualifications Wales is likely to impose a monetary penalty under section 38;
 - (j) factors which Qualifications Wales is likely to take into account in determining the amount of a penalty to be imposed under that section.
- (3) Qualifications Wales must also prepare a statement setting out—

- (a) circumstances in which Qualifications Wales proposes to carry out consultation in respect of the exercise of any of its functions;
 - (b) the manner in which it proposes to carry out consultation.
- (4) Qualifications Wales must keep the statements prepared under this section under review, and if it considers it appropriate in consequence of a review, prepare revised statements.
- (5) Qualifications Wales must publish any statement or revised statement prepared under this section.

48 Complaints

- (1) Qualifications Wales must make arrangements for dealing with complaints made in respect of—
- (a) the exercise of its functions;
 - (b) the awarding of approved qualifications by a recognised body;
 - (c) the awarding of forms of qualification designated under section 29 by a recognised body;
 - (d) any other activities of a recognised body which Qualifications Wales considers are relevant to the body's recognition.
- (2) Qualifications Wales must publish the arrangements.
- (3) The arrangements may (among other things) make provision—
- (a) about the type of complaint in respect of which they apply;
 - (b) for a complaint to be referred to a person who is independent of Qualifications Wales.
- (4) A person is independent of Qualifications Wales, for this purpose—
- (a) in the case of an individual, if he or she is neither a member of Qualifications Wales nor a member of Qualifications Wales' staff;
 - (b) in the case of a body, if none of the body's members is a member of Qualifications Wales nor a member of Qualifications Wales' staff.

49 Charging scheme

- (1) Qualifications Wales may charge fees to be paid by an awarding body in respect of the costs incurred by it in relation to that body in connection with—
- (a) the exercise of its functions under Part 3 (recognition of awarding bodies),
 - (b) the exercise of its functions under Part 4 (priority qualifications and approval of qualifications),
 - (c) the exercise of its functions under Part 5 (designation of other qualifications),
 - (d) the exercise of its functions under section 46(1)(a) to (c) (review of approved qualifications, designated qualifications and recognised bodies), or
 - (e) the handling of a complaint against an awarding body under arrangements made under section 48.
- (2) Any fees charged by Qualifications Wales in connection with the matters referred to in subsection (1) must be charged in accordance with a scheme prepared and published by Qualifications Wales that sets out the fees payable in respect of those matters.

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- (3) Qualifications Wales may revise the scheme.
- (4) The scheme (and any revised scheme) is to be treated as having effect only if approved by the Welsh Ministers.

50 Grants

- (1) Qualifications Wales may make grants to a person if Qualifications Wales considers it is appropriate to do so in connection with any of Qualifications Wales' functions.
- (2) A grant under this section may be made subject to conditions (including conditions as to repayment).

51 Provision of information or advice

If requested to do so by the Welsh Ministers, Qualifications Wales must provide the Welsh Ministers with such information or advice, on matters relating to any of its functions, as is specified in the request.

52 Joint working

Qualifications Wales may work jointly with another person if Qualifications Wales considers it is appropriate to do so in connection with any of Qualifications Wales' functions.

53 Duty to have regard to government policy and other matters

- (1) In exercising its functions, Qualifications Wales must have regard to such aspects of government policy, and to such other matters, as the Welsh Ministers may direct.
- (2) A direction given under subsection (1)—
 - (a) must be published by the Welsh Ministers;
 - (b) may be varied or revoked by a later direction.

54 Performance of regulatory activities by Qualifications Wales

- (1) Qualifications Wales must have regard to the principles in subsection (2) in carrying out its functions under—
 - (a) Part 3 (recognition of awarding bodies);
 - (b) Part 4 (priority qualifications and approval of qualifications);
 - (c) Part 7 (enforcement powers of Qualifications Wales);
 - (d) section 46(1)(a) to (c) (review of approved qualifications, designated qualifications and recognised bodies);
 - (e) section 48 (complaints).
- (2) The principles are that—
 - (a) regulatory activities should be carried out in a way that is transparent, accountable, proportionate and consistent, and
 - (b) regulatory activities should be targeted only at cases in which action is needed.