



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 7

THE OFFICE OF QUALIFICATIONS AND EXAMINATIONS REGULATION

CHAPTER 2

FUNCTIONS IN RELATION TO QUALIFICATIONS

Guided learning

145 Assignment of number of hours of guided learning

- (1) A recognised body may only award or authenticate a particular form of a qualification in respect of which it is recognised if Condition 1 or 2 is met.
- (2) Condition 1 is met if the recognised body determines that the qualification is not relevant for 2008 Act purposes.
- (3) Condition 2 is met if—
 - (a) the recognised body determines that the qualification is relevant for 2008 Act purposes, and
 - (b) the body assigns to the particular form of the qualification a number of hours of guided learning.

^{F1}(4)

- (5) A recognised body must apply the applicable criteria then in force under section 146 when determining—
 - (a) whether or not a qualification is relevant for 2008 Act purposes, and

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading:*
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- (b) in respect of a qualification which the body has determined is relevant for those purposes, a number of hours of guided learning to assign to a form of the qualification.
- (6) If revised criteria come into force under section 146, a recognised body must review any determination it has made under this section.
- (7) Ofqual may—
- (a) review any determination made by a recognised body under this section, and
 - (b) require the recognised body to revise any such determination in such respects as Ofqual may specify.
- (8) If under subsection (7)(b) Ofqual requires a recognised body to revise a determination that a qualification is not relevant for 2008 Act purposes by specifying that the determination should provide that the qualification is so relevant—
- (a) Ofqual may assign to a form of the qualification awarded or authenticated by the recognised body a number of hours of guided learning, and
 - (b) if it does so, the recognised body is to be treated as having determined to assign that number of hours of guided learning to that form of the qualification.
- (9) For the purposes of this Chapter a qualification is relevant for 2008 Act purposes if there are, or may reasonably be expected to be, persons seeking to obtain the qualification for the purposes of discharging the duty under section 2(1)(c) of the Education and Skills Act 2008 (c. 25) (duty to participate in education or training).
- (10) In this Chapter a “number of hours of guided learning”, in relation to a form of a qualification, means a number of notional hours representing an estimate of the amount of actual guided learning which could reasonably be expected to be required in order for persons to achieve the standard required to obtain that form of the qualification.
- (11) In subsection (10) “actual guided learning” means time a person spends—
- (a) being taught or given instruction by a lecturer, tutor, supervisor or other appropriate provider of education or training, or
 - (b) otherwise participating in education or training under the immediate guidance or supervision of such a person,
- but does not include time spent on unsupervised preparation or study, whether at home or otherwise.
- (12) Section 172(2)(a) does not apply for the purposes of this section.

Textual Amendments

- F1** S. 145(4) repealed (14.6.2016) by [The Education \(Repeal of Arrangements for Vocational Qualifications Awarded or Authenticated in Northern Ireland\) Order 2016 \(S.I. 2016/642\)](#), art. 1, [Sch. Table 1](#)

Commencement Information

- II** S. 145 in force at 31.5.2013 by [S.I. 2013/975](#), art. 2(a)

146 Criteria for assignment of number of hours of guided learning

- (1) Ofqual must set and publish criteria for determining—

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading:
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- (a) whether a qualification is relevant for 2008 Act purposes, and
 - (b) in respect of a qualification which a recognised body has determined is relevant for those purposes, the number of hours of guided learning that should be assigned to a form of the qualification.
- (2) Different criteria may be set for determinations in relation to different qualifications or different descriptions of qualifications.
- (3) Ofqual may revise the criteria.
- (4) If Ofqual revises the criteria it must publish them as revised.
- (5) Before setting or revising the criteria Ofqual must consult such persons as it considers appropriate.

Commencement Information

I2 S. 146 in force at 31.5.2013 by [S.I. 2013/975](#), [art. 2\(a\)](#) (with [art. 3](#))

Changes to legislation:

Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Guided learning is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6