



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 7

THE OFFICE OF QUALIFICATIONS AND EXAMINATIONS REGULATION

CHAPTER 3

FUNCTIONS IN RELATION TO ASSESSMENT ARRANGEMENTS

Review etc. of regulated assessment arrangements

163 Duty to notify significant failings

- (1) If it appears to Ofqual that there is or is likely to be a significant failing in NC assessment arrangements Ofqual must notify—
 - (a) the Secretary of State, and
 - (b) any NC responsible body whose act or omission appears to Ofqual to have contributed to the significant failing.
- (2) If it appears to Ofqual that there is or is likely to be a significant failing in EYFS assessment arrangements Ofqual must notify—
 - (a) the Secretary of State, and
 - (b) any EYFS responsible body whose act or omission appears to Ofqual to have contributed to the significant failing.
- (3) There is a significant failing in NC assessment arrangements or (as the case may be) EYFS assessment arrangements if, as a result of the way in which the arrangements are being developed or implemented, they fail in a significant way to achieve one or more of the specified purposes of the arrangements.

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009, Section 163 is up to date with all changes known to be in force on or before 10 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. (See end of Document for details) [View outstanding changes](#)*

Commencement Information

II S. 163 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

Changes to legislation:

Apprenticeships, Skills, Children and Learning Act 2009, Section 163 is up to date with all changes known to be in force on or before 10 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.

[View outstanding changes](#)

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