

QUALIFICATIONS WALES ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 3: Further Provision about Recognition of Awarding Bodies

Paragraphs 2 and 3: Standard Conditions of Recognition

146. These paragraphs place a duty on Qualifications Wales to publish ‘standard conditions of recognition’ which will apply to awarding bodies once they have been recognised. It is likely that standard conditions of recognition would be concerned with a broad range of matters, such as, for example, the management of conflicts of interest, the provision of appropriately qualified staff, the management of adverse effects and of risks. Standard conditions of recognition will apply to a body recognised in respect of the award of a qualification even if that qualification is not approved or designated. The provisions allow for different conditions to be applied in relation to:
- a) different types of awarding bodies (for example, ‘awarding bodies which are charities’);
 - b) different types of qualification (for example, ‘awarding bodies offering designated qualifications’);
 - c) different circumstances in which a qualification is awarded (for example when a qualification is awarded following the resit of a module by a learner); and
 - d) different descriptions of person to whom a qualification is awarded (for example when awarded to learners under the age of 19).
147. Standard conditions will normally apply to recognised awarding bodies, but Qualifications Wales will be able to decide that in particular cases some standard conditions that would otherwise apply will not apply, and may make that decision either when granting recognition or afterwards. Qualifications Wales can also revoke its decision. Paragraph 2(6) provides that ‘fee capping’ and ‘transfer’ conditions are not standard conditions (see paragraph 4 of Schedule 3 for more information about fee-capping and transfer conditions which are defined as ‘special conditions’).
148. Qualifications Wales can revise the standard conditions, but if it does so it must publish the revisions, notify recognised bodies and be clear about the date from which they apply (which, in relation to a body, cannot be before it has been notified of it). Different start dates may apply to different bodies. While Qualifications Wales must have regard (under section 54) to the principles that regulatory activities (such as the enforcement of its standard conditions) should be carried out in a transparent, accountable, proportionate and consistent way, any breach of these conditions triggers the enforcement powers under Part 7 – as well as the power to withdraw recognition under paragraph 19(1) of Schedule 3.