

QUALIFICATIONS WALES ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Priority Qualifications and Approval of Qualifications

Section 27: Withdrawal of approval

60. This section enables Qualifications Wales to end its approval of a form of qualification by withdrawing the approval. The reasons for withdrawing approval are that Qualifications Wales is satisfied:
- a) that the awarding body has not complied with a condition of approval (under section 22). This could happen for example, if the awarding body fails or omits to comply with conditions set at the time of approval or if the conditions of approval (such as knowledge requirements) change and the qualification ceases to comply with the conditions (in this case an awarding body might intend to submit a replacement form of qualification for approval);
 - b) that the awarding body offering that form of qualification is no longer recognised as an awarding body by Qualifications Wales (in respect of that form of qualification). Recognition ceases to have effect in the circumstances set out in paragraph 1(2) of Schedule 3;
 - c) that the qualification concerned has become a restricted priority qualification in accordance with a determination under section 14 (before which Qualifications Wales will have consulted recognised bodies and others).
61. The section sets out what Qualifications Wales must do before it can withdraw approval. Qualifications Wales must:
- a) give notice to the awarding body of Qualification Wales's intention to issue a notice of withdrawal, explaining why the withdrawal is proposed and when it proposes to make the decision; and
 - b) take account of any response provided by the awarding body.
62. If Qualifications Wales then decides to withdraw approval, it must notify the awarding body, specifying the date that withdrawal will take effect. Qualifications Wales is also given the power to vary the date of the withdrawal, providing the awarding body consents to that variation. Variation could enable Qualifications Wales to take account of the time needed to develop qualifications to replace the existing qualifications and to extend that time if there are delays, for example.
63. When determining a date for withdrawal or variation of that date, Qualifications Wales must have regard to the need to avoid prejudice to learners, such as those already following a course leading to the qualification in question.