



# 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.
- (4) Subsection (1) does not apply in relation to a qualification which is a Northern Ireland-only qualification.
- (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

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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.

#### **146 Criteria for assignment of number of hours of guided learning**

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

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- (5) Before setting or revising the criteria Ofqual must consult such persons as it considers appropriate.