



# 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*

#### **161 Review of regulated assessment arrangements**

- (1) Ofqual must keep under review all aspects of NC assessment arrangements.
- (2) Ofqual must keep under review all aspects of EYFS assessment arrangements.

#### **162 Powers to require information**

- (1) Ofqual may at any time require a person falling within subsection (2) to provide it with any information which Ofqual considers it necessary or expedient to have for the purposes of, or in connection with, the performance by Ofqual of its function under section 161(1).
- (2) The persons are—
  - (a) the Secretary of State;
  - (b) an NC responsible body;
  - (c) Her Majesty's Chief Inspector of Education, Children's Services and Skills;
  - (d) any other person specified or of a description specified in regulations.

---

*Status: This is the original version (as it was originally enacted).*

---

- (3) Ofqual may at any time require a person falling within subsection (4) to provide it with any information which Ofqual considers it necessary or expedient to have for the purposes of, or in connection with, the performance by Ofqual of its function under section 161(2).
- (4) The persons are—
- (a) the Secretary of State;
  - (b) an EYFS responsible body;
  - (c) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;
  - (d) any other person specified or of a description specified in regulations.
- (5) In this Chapter—
- “EYFS responsible body” means a person who under or by virtue of an order made under section 39(1)(a) of the [Childcare Act 2006 \(c. 21\)](#) has functions in relation to the development, implementation or monitoring of EYFS assessment arrangements;
- “NC responsible body” means a person who under or by virtue of an order made under section 87(3)(c) of the [Education Act 2002 \(c. 32\)](#) has functions in relation to the development, implementation or monitoring of NC 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.