



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 7

THE OFFICE OF QUALIFICATIONS AND EXAMINATIONS REGULATION

CHAPTER 1

ESTABLISHMENT, OBJECTIVES AND GENERAL DUTIES

Objectives and general duties

129 General duties

- (1) So far as reasonably practicable, in performing its functions Ofqual must act in a way—
 - (a) which is compatible with its objectives, and
 - (b) which it considers most appropriate for the purpose of meeting its objectives.
- (2) So far as relevant, in performing its functions Ofqual must have regard to—
 - (a) the need to ensure that the number of regulated qualifications available for award or authentication is appropriate;
 - (b) the other reasonable requirements of relevant learners, including persons with learning difficulties;
 - (c) the reasonable requirements of pupils and children, including persons with learning difficulties, in relation to regulated assessment arrangements;
 - (d) the reasonable requirements of industry, commerce, finance, the professions and other employers regarding education and training (including required standards of practical competence);
 - (e) the reasonable requirements of institutions within the higher education sector;

Status: This is the original version (as it was originally enacted).

- (f) information provided to Ofqual by a person falling within subsection (4);
 - (g) the desirability of facilitating innovation in connection with the provision of regulated qualifications;
 - (h) the specified purposes of regulated assessment arrangements.
- (3) For the purposes of subsection (2)(a) the number of regulated qualifications available for award or authentication is appropriate if the number is such that—
- (a) there is a reasonable level of choice for learners, in terms of both the number of different regulated qualifications and the number of different forms of such qualifications, but
 - (b) the number of different regulated qualifications in similar subject areas or serving similar functions is not excessive.
- (4) The persons falling within this subsection are—
- (a) the Qualifications and Curriculum Development Agency;
 - (b) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;
 - (c) such other relevant persons, or relevant persons of such a description, as the Secretary of State may direct.
- (5) In subsection (4)(c) “relevant person” means a person who appears to the Secretary of State to have knowledge of, or expertise in, requirements of a kind mentioned in subsection (2)(d).
- (6) In performing its functions Ofqual must also have regard to such aspects of government policy as the Secretary of State may direct.
- (7) The Secretary of State must publish a direction given under subsection (6).
- (8) Ofqual must perform its functions efficiently and effectively.
- (9) “Persons with learning difficulties” means—
- (a) children with special educational needs (as defined in section 312 of the [Education Act 1996 \(c. 56\)](#)), and
 - (b) other persons who—
 - (i) have a significantly greater difficulty in learning than the majority of persons of their age, or
 - (ii) have a disability which either prevents or hinders them from making use of educational facilities of a kind generally provided for persons of their age.
- (10) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which the person is or will be taught is different from a language (or form of language) which has at any time been spoken in the person’s home.
- (11) “Relevant learner” means a person seeking to obtain, or who may reasonably be expected to seek to obtain, a regulated qualification.