

Explanatory Memorandum to the Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (Wales) Regulations 2010

This Explanatory Memorandum has been prepared by the Department for Children, Education, Lifelong Learning and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1

Description

1. The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (Wales) Regulations 2010 make amendments to Welsh secondary legislation consequential on the coming into force of the Apprenticeships, Skills, Children and Learning Act 2009 which made changes to the Welsh Ministers' functions in Section 30 of the Education Act 1997. Consequently, the phrase "external qualification" in that section will be replaced with "relevant qualification". The Regulations also remove some redundant references to outdated qualifications such as AVCE, ASVCE and GNVQ.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of **the Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (Wales) Regulations 2010**

Leighton Andrews

Minister for Children, Education and Lifelong Learning

04 October 2010

1. Description

These provisions update our statutory functions to take account of provisions in the Apprenticeships, Skills, Children and Learning Act 2009. This is a consequence of the establishment of Ofqual, as the qualifications regulator in England, the renaming of the QCA and the allocation of functions between the two bodies. The Order will also bring into effect the provision contained in the Act which gives the Privy Council power to specify further education institutions (FEIs) in Wales as competent to award foundation degrees

2. Matters of special interest to the Constitutional Affairs Committee

None

3. Legislative background

The Apprenticeships, Skills, Children & Learning Act 2009 received Royal Assent on 12 November 2009. It updates education legislation in a wide range of areas. In particular, with regard to this legislation it updates the arrangements for qualifications regulation including the establishment of Ofqual and it provides powers for Welsh Ministers with regard to Foundation Degrees.

The relevant legal powers are:

- a. Sections 29(3), 342(4), 347(2), 408, 537, 537A, 537B, 563 and 569 of the Education Act 1996.
- b. Sections 92 and 238(7) and (8) of the Schools Standards and Framework Act 1998.
- c. Sections 30, 116A(5), 116D(2) and 210 of the Education Act 2002.

The regulations are subject to annulment, i.e. they will follow the negative resolution procedure.

4. Purpose & intended effect of the legislation

The objectives are to:

- ensure that reference to qualifications in legislation in Wales is up to date and reflects the terms used in The 2009 Act
- replace references to QCA in legislation in Wales with QCDA and Ofqual who are the successor bodies to QCA

Risks/hazards if the regulations are not made or if they are annulled

If these regulations were not made or annulled, external stakeholders in education would be reporting on educational matters against out-of-date nomenclature. They would, in effect be asked to report against terms that will no longer exist.

5. Consultation

The development of these Regulations has been discussed within the Welsh Assembly Government and with Department for Education (DfE) and Ofqual officials. There has been no broader consultation because these Regulations of themselves do not change the current position with regard to qualifications or their regulation.

6. Regulatory Impact Assessment (RIA)

An RIA has not been conducted as these Regulations impose no costs or savings on public, private, charities or voluntary sectors: they simply update terminology.

The regulations are consequential on provisions made by The 2009 Act, and the impact on public, private, charities or voluntary sectors is minimal. The regulations do not of themselves make any changes for the learners or learning providers.