

Terms & Conditions of Recognition to operate in the QCF

1. Organisations are recognised to operate in the Qualifications and Credit Framework on the following terms which are set by the regulators of external qualifications in England (Ofqual), Wales (DCELLS) and Northern Ireland (CCEA) (separately and together the 'qualifications regulators') pursuant to their statutory functions and powers, which include the promotion of quality and coherence in education and training in the public interest. The relationship between the qualifications regulators and recognised organisations is therefore governed exclusively by public law. Recognition is not intended to give rise to any contractual or other rights for the recognised organisation or to create any other relation binding in law.
2. The qualifications regulators recognise organisations on the condition that they undertake the regulated functions they are recognised to perform themselves. They may not assign, transfer, sub-contract, sub-license or otherwise make over any of the privileges or responsibilities they have been recognised to perform without the prior written consent of the qualifications regulators.
3. It is a condition of recognition that a recognised organisation informs the qualifications regulators immediately of any proposed changes to its activities or organisation which would alter the information which was provided in its original confirmed application. The qualifications regulators will consider such proposals and determine whether the proposed changes would continue to meet their requirements for recognition, whether additional conditions should be imposed on the organisation related to its recognition, or whether the proposed changes would be incompatible with continued recognition.
4. The recognised organisation, on giving adequate written notice to the qualifications regulators, normally a minimum of 3 months, may surrender its recognition. The recognised organisation must work with the qualifications regulators and other relevant

stakeholders to seek to establish alternative arrangements to safeguard the position of any affected organisations and learners. The qualifications regulators will require the recognised organisation to provide details of appropriate transition arrangements for affected organisations and/or learners, to implement those arrangements and to notify centres accordingly. The recognised organisation shall remain subject to these conditions, and to the jurisdiction of the qualifications regulators, for so long as is necessary to safeguard affected organisations and learners.

5. Continuation of the recognised status of organisations is conditional upon:
 - a. continued compliance with all requirements within the appropriate sections relevant to their responsibilities of the *Regulatory arrangements for the Qualifications and Credit Framework*, or any revised versions of this or other documents which may be produced from time to time;
 - b. compliance and continued compliance with the conditions and requirements notified to the organisations as part of the recognition process including these terms and conditions;
 - c. compliance and continued compliance with any other requirements or conditions notified to the organisations following recognition and monitoring activity, as referred to below.
6. The qualifications regulators will, where possible, give reasonable notice of all changes to these terms and conditions of recognition. Save in exceptional and urgent cases the qualifications regulators intend to consult on and give at least three months' notice of any significant changes.
7. The qualifications regulators shall carry out quality assurance monitoring activities and/or investigations as they may think fit from time to time, with a view inter-alia to establishing whether recognised organisations are complying with the conditions and requirements of recognition.
8. For the purposes of monitoring activities it is a condition of recognition that recognised organisations shall allow representatives of the qualifications regulators entry at all

reasonable times to their premises and the right to inspect and copy documents and to have access to staff and contractors as required by the qualifications regulators to satisfy themselves that the appropriate quality standards and all other conditions and requirements of recognition are maintained. The recognised organisations shall use all reasonable endeavours to secure similar access for the qualifications regulators to the premises, documents, staff and contractors of approved centres, where relevant. Any information and material gathered will be made available to the qualifications regulators.

9. Following monitoring activity the qualifications regulators may:
 - a. publish reports, including posting those reports on the Internet, relating to their monitoring activities on recognised organisations;
 - b. require a recognised organisation to take remedial action to comply with specific conditions of continued recognition, and/or impose additional conditions of recognition where the monitoring activity has shown that this is necessary.

10. The qualifications regulators may withdraw the recognition of the organisation by written notice if:
 - a. the qualifications regulators determine that the recognised organisation has failed to comply with any of the conditions or requirements to which recognition is subject; and
 - b. the qualifications regulators determine that withdrawal of recognition is a reasonable response in all the circumstances.

11. Unless more urgent action is required to safeguard the public interest a period of notice of withdrawal of recognition, normally a minimum of 3 months, will be given and will be specified in writing. During the notice period the recognised organisation has the right to comment on the qualifications regulators' decision and to have such comments considered by the regulators before the decision is finalised and implemented. Where appropriate, the qualifications regulators will work with the recognised organisation to establish alternative arrangements for any affected organisations or learners.

12. In addition, recognised organisations should be aware that the qualifications regulators have statutory powers to direct the activities of recognised organisations in certain limited circumstances to ensure compliance with the conditions of recognition. Such directions are enforceable through the courts.
13. The *Regulatory arrangements for the Qualifications and Credit Framework* require recognised organisations to submit data to the qualifications regulators about units, rules of combination and qualifications they develop. Where a recognised organisation submits data to the qualifications regulators, it is required to do so on terms determined by the qualifications regulators and is responsible and liable for the accuracy of that data. It is a condition of recognition that the recognised organisation is solely responsible and liable for the accuracy of the data it submits. By submitting data the recognised organisation shall be taken to confirm that it has used all reasonable endeavours to ensure that it is accurate, (and, where appropriate, that it is and will be kept up to date), and that submission and subsequent use of the data in connection with the Qualifications and Credit Framework will infringe no intellectual property rights. The qualifications regulators will not themselves assess the accuracy of submitted data but will publish that data in reliance on that confirmation, and the data may be used by other organisations operating within the Qualifications and Credit Framework. The data may also be shared with other organisations to facilitate the development, delivery and operation of the Qualifications and Credit Framework.
14. Please note that the material provided by organisations as part of the recognition application process will be handled in accordance with relevant legislation, including the Data Protection Act. Organisations should be aware of the duties of the qualifications regulators under the Freedom of Information Act to disclose information that they hold in response to requests from individuals. Organisations must provide reasonable and timely cooperation to the regulators to enable them to determine, within the timescales for compliance with the Act, whether consent can be obtained to disclosure and/or whether any exemption to disclosure applies.
15. Where organisations consider that material they are providing to the qualifications regulators is commercially, or otherwise confidential, this should be clearly stated at the time it is provided, together with the reasons for that view. The qualifications regulators value transparency and so use of confidential information should be kept to a minimum. If

the regulators agree that the material is confidential in character, they will not include that information in a published report and may seek to apply the relevant exemption(s) under the Freedom of Information Act to any request from a third party for disclosure of the material, unless the organisation consents to the disclosure. Organisations should be aware of the fact that the regulators may ultimately be required to comply with the determinations of the information commissioner and the courts as to disclosure of information notwithstanding any view as to confidentiality which is agreed with the organisation.

16. Therefore, please clearly indicate if any aspects of the information provided as part of your application are commercially or otherwise confidential and if so your rationale to support this view. The rationale will be reviewed in light of any requests received to disclose information and the qualifications regulators will, wherever possible, provide prior notification should they consider the need to disclose any of this information.

Transitional arrangements for units and qualifications accredited, and information provided to the regulators under the test and trials arrangements

17. Recognised Organisations are reminded that, if they are responsible for any QCF units and qualifications accredited under previous test and trial arrangements which do not fully comply with the 2008 regulatory requirements, they are required promptly to amend those units and qualifications so as to bring them into full compliance, once the facility to do so is available through the Web Based Accreditation system. They are also required specifically to notify the qualifications regulators of any temporary non-compliance during any monitoring activity of those units and qualifications. For the avoidance of doubt, to the extent that any QCF unit or qualifications accredited under previous test and trial arrangements is already consistent with the 2008 regulatory requirements then those requirements and these Terms & Conditions apply. The qualifications regulators are only waiving any enforcement action in respect of any non-compliance to the extent that the 2008 regulatory requirements are necessarily inconsistent with a previously accredited unit or qualification, and then only for so long as the recognised organisation requires to bring the unit or qualification into full compliance.