General Conditions for Recognition August 2018

Note: Where ever these conditions make reference to Ofqual it equally applies to the Welsh Government.

This table relates the Ofqual Conditions of Recognition, Section A to the Policy and Procedures of The Learning Machine Ltd, and records the review dates when the conditions were last checked for compliance. The procedure is for each condition to be independently checked by two Directors.

Links [1]

Part 1 The awarding organisation

Go to A. Governance [2]

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Part 2 The regulated qualification

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Conditions	Reference to TLM Policy and Procedures	Date last revi
A. Governance		
Condition A1 Suitability for continuing recognition		
A1.1 An awarding organisation must not, by means of any act or omission which has or is likely to have an Adverse Effect, render itself unsuitable to continue to be recognised for the award of a relevant qualification.	Governance [11] and constitution [12]	29th August 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

		7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A1.2 For these purposes, an act or omission may include in particular one which results in the awarding organisation – (a) being convicted of a criminal offence, (b) being held by a court or any professional, regulatory, or government body to have breached any provision of Competition Law, Equalities Law, or Data Protection Law (c) being held by a court or any professional, regulatory, or government body to have breached a provision of any other legislation or any regulatory obligation to which it is subject, or (d) becoming insolvent or subject to corporate financial restructuring.	No specific policies except records at companies house and other relevant agencies will provide evidence that this condition is fulfilled. In the case of data protection TLM adopts the Ofqual policy. Governance [13]	29th August 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A1.3 An awarding organisation must: (a) ensure that, within two years of first being recognised for the award of qualifications, it has submitted to Ofqual for accreditation or directly to the Register a qualification that meets its Conditions of Recognition, and (b) take all reasonable steps to ensure that, once it has submitted a qualification that meets its Conditions of Recognition, no two-year period passes in which it does not award a qualification in accordance with its Conditions of Recognition.	Governance [14] and constitution [12]	18th April 2013 6/5/2014 (IL) (N year period is u 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A1.4 An awarding organisation must ensure that each of its Senior Officers is at all times a person suitable to be engaged in that role in an awarding organisation that is recognised for the award of the relevant qualifications. A1.5 For these purposes, a Senior Officer may in particular be unsuitable for that role by virtue of – (a) any criminal convictions held by him or her, (b) any finding by a court or any professional, regulatory, or government body that he or she has breached a provision of any legislation or any regulatory obligation to which he or she is subject, (c) any proceedings in bankruptcy or any individual financial arrangement to which he or she is or has been subject (d) any disqualification from holding the directorship of a company or from public office, or	Governance [14] and constitution [12]	29th August 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

(e) any finding of malpractice or maladministration, in relation to a qualification (whether a regulated qualification or a qualification which is not regulated), to which he or she is or has been subject.		
Condition A2 Establishment in the EU or the EFTA		
A2.1 An awarding organisation must ensure that it at all times – (a) is ordinarily resident in a member state of the European Union or the European Free Trade Association, or (b) is legally established, or has a substantial presence, in a member state of the European Union or the European Free Trade Association.	No specific policies but evidence from business address. Governance [14]	29th August 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
Condition A3 Safeguards on change of control		
A3.1 Where there is a change of control in relation to an awarding organisation, it must – (a) take (and procure that every other relevant person takes) all reasonable steps to ensure that the change of control does not have an Adverse Effect, and (b) put in place a plan designed to ensure that the interests of Learners will be protected.	Governance [15]	29th August 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A3.2 For the purposes of this condition, a change of control takes place in relation to an awarding organisation where – (a) a person obtains control of the awarding organisation who did not, immediately prior to doing so, have control of it, or (b) the awarding organisation merges with any person.	Governance [16]	29th August 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

		7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A3.3 Where the awarding organisation is a company, sub-sections (2), (3) and (4) of section 450 of the Corporation Tax Act 2010 shall apply for the purpose of determining whether a person has or had control of the awarding organisation.	Governance [16]	29th August 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
Condition A4 Conflicts of interest		A4 modified 20 previous cnditi
A4.1 For the purposes of this condition, a conflict of interest exists in relation to an awarding organisation where – (a) its interests in any activity undertaken by it, on its behalf, or by a member of its Group have the potential to lead it to act contrary to its interests in the development, delivery and award of qualifications in accordance with its Conditions of Recognition, (b) a person who is connected to the development, delivery or award of qualifications by the awarding organisation has interests in any other activity which have the potential to lead that person to act contrary to his or her interests in that development, delivery or award in accordance with the awarding organisation's Conditions of Recognition, or (c) an informed and reasonable observer would conclude that either of these situations was the case.	Conflict of interest policy [17]	29th August 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 30/6/2014 (IL) 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A4.2 An awarding organisation must identify and monitor – (a) all conflicts of interest which relate to it, and (b) any scenario in which it is reasonably foreseeable that any such conflict of interest will arise in the future.	Conflict of interest policy [17]	29th August 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 30/6/2014 (IL)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

		27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A4.3 An awarding organisation must establish and maintain an up to date record of all conflicts of interest which relate to it.	Conflict of interest policy [17]	29th August 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 30/6/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A4.4 An awarding organisation must take all reasonable steps to ensure that no conflict of interest which relates to it has an Adverse Effect.	Conflict of interest policy [17]	29th August 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 30/6/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A4.5 Where such a conflict of interest has had an Adverse Effect, the awardiing organisation must take all reasonable steps to mitigate the Adverse Effect as far as possible and correct it.	Conflict of interest policy [17]	29th August 20 12/03/2012(SE) 14/03/2013 (IL)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

		6/5/2014 (IL) 30/6/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A4.6 An awarding organisation must take all reasonable steps to avoid any part of the assessment of a Learner (including by way of moderation) being undertaken by any person who has a personal interest in the result of the assessment.	Conflict of interest policy [17]	29th August 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 30/6/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A4.7 Where, having taken all such reasonable steps, an assessment by such a person cannot be avoided, the awarding organisation must make arrangements for the relevant part of the assessment to be subject to scrutiny by another person.	Conflict of interest policy [17]	29th August 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 30/6/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 16/1/18 (JK) 07/08/18 (PT)
A4.8 An awarding organisation must establish, maintain,	Conflict of interest policy [17]	07/08/18 (PT)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

and at all times comply with an up to date written conflict of interest policy, which must include procedures on how the awarding organisation intends to comply with the requirements of this condition.		
A4.9 When requested to do so by Ofqual/Qualifications Wales in writing, an awarding organisation must promptly submit to Ofqual/Qualifications Wales its conflict of interest policy, and must subsequently ensure that the policy complies with any requirements which Ofqual/Qualifications Wales has communicated to it in writing.	Conflict of interest policy [17]	29th August 20 14/03/2013 (IL) 6/5/2014 (IL) 30/6/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 16/1/18 (JK) 07/08/18 (PT)
Condition A5 Availability of adequate resources and arrangements.		
A5.1 An awarding organisation must – (a) ensure that it has the capacity to undertake the development, delivery and award of qualifications which it makes available, or proposes to make available, in accordance with its Conditions of Recognition, and (b) take all reasonable steps to ensure that it undertakes the development, delivery and award of those qualifications efficiently.	Overall business strategy [18]	29th August 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A5.2 For these purposes, an awarding organisation must establish and maintain: (a) arrangements which will ensure that it retains at all times a workforce of appropriate size and competence; (b) arrangements for the retention of data which will ensure that adequate information is available to it at all times; (c) arrangements which will ensure that sufficient	Overall business strategy [19]	6/6/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

technical equipment and support is available to it at all times; (d) appropriate management resources, and (e) appropriate systems of planning and internal control.		
A5.3 For these purposes, an awarding organisation must also – (a) regularly review its ongoing resource requirements and make appropriate changes to take into account the findings of each review, and (b) adequately plan any new developments which it proposes to introduce, and allocate sufficient resources to ensure that such developments are effectively introduced.	Overall business strategy [20]	6/6/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A5.4 An awarding organisation must ensure that it will have available sufficient financial resources and facilities to enable it to develop, deliver and award qualifications in accordance with its Conditions of Recognition until at least the time by which every Learner for a qualification it makes available has had the opportunity to complete that qualification.	Overall business strategy [21]	6/6/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 7/9/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
Condition A6 Identification and management of risks		
A6.1 An awarding organisation must take all reasonable steps to identify the risk of the occurrence of any incident which could have an Adverse Effect.	Risk based approach [11]	5th October 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 30/3/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A6.2 Where such a risk is identified, the awarding organisation must take all reasonable steps to – (a) prevent the incident from occurring or, where it	Risk based approach [11]	5th October 20 12/03/2012(SE)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

cannot be prevented, reduce the risk of that incident occurring as far as is possible, and (b) prevent any Adverse Effect that the incident could have were it to occur or, where it cannot be prevented, mitigate that Adverse Effect as far as possible.		14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 30/3/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A6.3 An awarding organisation must establish and maintain, and at all times comply with, an up to date written contingency plan.	Risk contingency plan [22]	5th October 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 30/3/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A6.4 A contingency plan must be of sufficient detail and quality to allow the awarding organisation to mitigate, as far as possible, the Adverse Effect of any incident which has been identified by the awarding organisation as having a risk of occurring.	Risk contingency plan [22]	5th October 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 30/3/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
Condition A7 Management of incidents		
A7.1 Where any incident occurs which could have an Adverse Effect, an awarding organisation must (whether or not it has previously identified a risk of that incident occurring) promptly take all reasonable steps to – (a) prevent the Adverse Effect and, where any Adverse	Governance and management of incidents [23]	5th October 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

Effect occurs, mitigate it as far as possible and correct it, and (b) give priority to the provision of assessments which accurately differentiate between Learners on the basis of the level of attainment they have demonstrated and to the accurate and timely award of qualifications.		27/03/2015 (SE 27/08/2016 (JK) 30/3/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
Condition A8 Malpractice and maladministration		
A8.1 An awarding organisation must take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of qualifications which it makes available or proposes to make available.	Governance and management of incidents [24]	5th October 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 30/3/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
Investigating and managing the effect of malpractice and maladministration A8.2 Where any such malpractice or maladministrationis suspected by an awarding organisation or alleged by any other person, and where there are reasonable grounds for that suspicion or allegation, the awarding organisation must – (a) so far as possible, establish whether or not the malpractice or maladministration has occurred, and (b) promptly take all reasonable steps to prevent any Adverse Effect to which it may give rise and, where any such Adverse Effect occurs, mitigate it as far as possible and correct it.	Governance and management of incidents [25]	5th October 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 30/3/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
Procedures relating to malpractice and maladministration A8.3For the purposes of this condition, an awarding organisation must – (a) establish and maintain, and at all times comply with, up to date written procedures for the investigation of	Governance and management of incidents [26]	5th October 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

suspected or alleged malpractice or maladministration, and (b) ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.		27/03/2015 (SE 27/08/2016 (JK) 30/3/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A8.4 Where a Centre undertakes any part of the delivery of a qualification which an awarding organisation makes available, the awarding organisation must take all reasonable steps to keep under review the arrangements put in place by that Centre for preventing and investigating malpractice and maladministration.	Governance and management of incidents [27]	5th October 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 30/3/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A8.5 An awarding organisation must, following a request from such a Centre, provide guidance to the Centre as to how best to prevent, investigate, and deal with malpractice and maladministration.	Governance and management of incidents [24]	5th October 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 30/3/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
Dealing with malpractice and maladministration A8.6 Where an awarding organisation establishes that any malpractice or maladministration has occurred in the development, delivery or award of qualifications which it makes available, or proposes to make available, it must promptly take all reasonable steps to – (a) prevent that malpractice or maladministration from	Governance and management of incidents [28]	5th October 20 12/03/2012(SE) 14/03/2013 (IL) 6/5/2014 (IL) 27/03/2015 (SE

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

recurring, and (b) take action against those responsible which is proportionate to the gravity and scope of the occurrence, or seek the cooperation of third parties in taking such action.		27/08/2016 (JK) 30/3/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
A8.7 Where an awarding organisation has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence – (a) may affect a Centre undertaking any part of the delivery of a qualification which an awarding organisation makes available, it must inform that Centre, and (b) may affect another awarding organisation, it must inform that awarding organisation.	Governance and management of incidents [26]	5th October 20 12/03/2012(SE) (IL) 6/5/2014 (IL) 27/03/2015 (SE 27/08/2016 (JK) 30/3/17 (JK) 15/1/18 (JK) 07/08/18 (PT)
Go to B. The awarding organisation and Ofqual **[1]**		

Source URL: https://theingots.org/community/ofqualA

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[21] https://theingots.org/community/ofqual_governance#3
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[28] https://theingots.org/community/ofqual_governance#a8.6

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');