

## Regulatory Conditions Sections C and D

This table relates the Ofqual Conditions of Recognition (Section B) 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 a Director.

### Links

#### Part 1 The awarding organisation

[Go to A. Governance](#) [1]

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#### Part 2 The regulated qualification

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Conditions	Reference to TLM Policy and Procedures	Date reviewed
<b>C. Third parties</b>		
<b>Condition C1 Arrangements with third parties</b>		
C1.1 Where an awarding organisation arranges for a third party to undertake, on its behalf, any part of the development, delivery or award of qualifications which the awarding organisation makes available, or proposes to make available, the awarding organisation must -	<a href="#">Partners</a> [11]	8th October 2011 (IL)
(a) ensure that the arrangements which it establishes with that third		12/03/2012(se)
		15/04/2013 (IL)
		06/05/2014 (IL)
		27/03/15 (SE)
		28/08/16 (JK)
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party enable the awarding organisation to develop, deliver and award qualifications in accordance with its Conditions of Recognition, and (b) monitor and, where appropriate, enforce such arrangements so as to ensure that it is able to develop, deliver and award qualifications in accordance with its Conditions of Recognition.		16/1/18 (JK)  07/08/18 (PT)
C1.2 An awarding organisation must take all reasonable steps to ensure that, in making any such arrangements, it does not impose unnecessary or unduly burdensome requirements on third parties.	<a href="#">Partners</a> [11]	8th October 2011 (IL)  12/03/2012(se)  15/04/2013 (IL)  06/05/2014 (IL)  27/03/15 (SE)  28/08/16 (JK)  29/8/17 (JK)  16/1/18 (JK)  07/08/18 (PT)
<b>Condition C2 Arrangements with Centres</b>		
C2.1 Where a Centre undertakes any part of the delivery of a qualification on behalf of an awarding organisation, this condition applies in addition to the requirements in Condition C1.	<a href="#">Centres</a> [12]	8th October 2011 (IL)  12/03/2012(se)  15/04/2013 (IL)  06/05/2014 (IL)  27/03/15 (SE)  28/08/16 (JK)  29/8/17 (JK)  16/1/18 (JK)  07/08/18 (PT)
C2.2 Where this condition applies, an awarding organisation must ensure that arrangements between it and	<a href="#">Centres</a> [12]	8th October 2011 (IL)  12/03/2012(se)

the Centre include a written and enforceable agreement.		15/04/2013 (IL) 06/05/2014 (IL) 27/03/15 (SE) 28/08/16 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
<p>C2.3 That agreement must in particular include provisions which –</p> <p>(a) require the Centre to take all reasonable steps to ensure that the awarding organisation is able to comply with its Conditions of Recognition,</p> <p>(b) require the Centre to take all reasonable steps to comply with requests for information or documents made by the awarding organisation or Ofqual as soon as practicable,</p> <p>(c) require the Centre to assist the awarding organisation in carrying out any reasonable monitoring activities and to assist Ofqual/Qualifications Wales in any investigations made for the purposes of performing its functions,</p> <p>(d) set out all the requirements with which the Centre must comply in order to continue to deliver the qualification,</p> <p>(e) establish a sanctions policy to be applied in the event that the Centre fails to comply with these requirements,</p> <p>(f) require the Centre to retain a Workforce of appropriate size and competence to undertake the delivery of the qualification as required by the awarding organisation,</p> <p>(g) require the Centre to have available sufficient managerial and other resources to enable it effectively and efficiently to undertake the delivery of the qualification as required by the awarding organisation,</p>	<a href="#">Centres</a> [12]	8th October 2011 (IL) 12/03/2012(se) 15/04/2013 (IL) 06/05/2014 (IL) 27/03/15 (SE) 28/08/16 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)

<p>(h) require the Centre to undertake the delivery of the qualification required by the awarding organisation in accordance with Equalities Law,</p> <p>(i) require the Centre to operate a complaints handling procedure or appeals process for the benefit of Learners,</p> <p>(j) set out any Moderation processes that the awarding organisation will undertake or that will be undertaken on its behalf,</p> <p>(k) specify a process to be followed in any withdrawal of the Centre (whether voluntary or not) from its role in delivering a qualification, and</p> <p>(l) require the Centre to take all reasonable steps to protect the interests of Learners in the case of such a withdrawal.</p>		
<p>C2.4 In the event that the Centre withdraws from its role in delivering a qualification, the awarding organisation must take all reasonable steps to protect the interests of Learners.</p>	<p><a href="#">Centres</a> [13]</p>	<p>8th October 2011 (IL)</p> <p>12/03/2012(se)</p> <p>15/04/2013 (IL)</p> <p>06/05/2014 (IL)</p> <p>27/03/15 (SE)</p> <p>28/08/16 (JK)</p> <p>29/8/17 (JK)</p> <p>16/1/18 (JK)</p> <p>07/08/18 (PT)</p>
<p>C2.5 The awarding organisation must, in respect of the parts of the delivery of qualifications which the Centre undertakes:</p> <p>a. provide effective guidance to the Centre, and</p> <p>b. make available to the Centre any information which, for the purposes of that delivery, the Centre may reasonably require to be provided by the awarding organisation.</p>	<p><a href="#">Centres</a> [13]</p>	<p>8th October 2011 (IL)</p> <p>12/03/2012(se)</p> <p>15/04/2013 (IL)</p> <p>26/7/13 (IL)</p> <p>06/05/2014 (IL)</p> <p>27/03/15 (SE)</p> <p>28/08/16 (JK)</p>

		29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
<b>Condition C3: Arrangements with publishers</b>		26/06/2014 (IL) 27/03/15 (SE) 28/08/16 (JK) 29/8/17 (JK) 07/08/18 (PT)
C3.1 Where an awarding organisation has in place an endorsement process the awarding organisation must:  (a) take all reasonable steps to ensure that the endorsement process does not have an Adverse Effect, and; (b) publish the criteria which it uses to decide whether or not to endorse a particular resource.	<a href="#">Publishers</a> [14]	26/06/2014 (IL) 27/03/15 (SE) 28/08/16 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
C3.2 For the purposes of this Condition, an 'endorsement process' is a process by which the awarding organisation endorses resources which are designed to support the preparation of Learners and persons likely to become Learners for assessments for a qualification which it makes available or proposes to make available.	<a href="#">Publishers</a> [14]	26/06/2014 (IL) 27/03/15 (SE) 28/08/16 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
<b>D. General requirements for regulated qualifications</b>		
<b>Condition D1 Fitness for purpose of qualifications</b>		
D1.1 An awarding organisation must ensure that each qualification which it makes	<a href="#">Fitness</a> [15]	8th October 2011 (IL) 12/03/2012(se)

available is fit for purpose.		15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
D1.2 A qualification will only be fit for purpose if that qualification, as far as possible, secures the requirements of –  (a) Validity, (b) Reliability, (c) Comparability, (d) Manageability, and (e) Minimising Bias.	<a href="#">Fitness</a> [16]	8th October 2011 (IL) 12/03/2012(se) 15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
D1.3 In any case where there is a conflict between two or more of these requirements, an awarding organisation must secure that it achieves a balance between those requirements that –  (a) ensures its compliance with its Conditions of Recognition, and (b) is objectively the optimum balance in relation to the particular qualification.	<a href="#">Fitness</a> [17]	8th October 2011 (IL) 12/03/2012(se) 15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
<b>Condition D2 Accessibility of qualifications</b>		
D2.1 An awarding organisation must ensure that it complies with the requirements	<a href="#">Accessibility</a> [17]	8th October 2011 (IL) 12/03/2012(se)

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of Equalities Law in relation to each of the qualifications which it makes available.		15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
D2.2 An awarding organisation must monitor qualifications which it makes available for any feature which could disadvantage a group of Learners who share a particular characteristic.	<a href="#">Accessibility</a> [17]	8th October 2011 (IL) 12/03/2012(se) 15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
D2.3 Where an awarding organisation has identified such a feature, it must -  (a) remove any disadvantage which is unjustifiable, and (b) maintain a record of any disadvantage which it believes to be justifiable, setting out the reasons why in its opinion the disadvantage is justifiable.	<a href="#">Accessibility</a> [17]	8th October 2011 (IL) 12/03/2012(se) 15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
<b>Condition D3 Reviewing approach</b>		
D3.1 An awarding organisation must keep under review, and must enhance where	<a href="#">Review</a> [18]	8th October 2011 (IL) 12/03/2012(se)

necessary, its approach to the development, delivery and award of qualifications, so as to assure itself that its approach remains at all times appropriate.		15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
D3.2 An awarding organisation must –  (a) have due regard to all information, comments and complaints received from users of qualifications in relation to the development, delivery and award of qualifications, and (b) identify and give due regard to any credible evidence which suggests that a change in its approach to the development, delivery and award of qualifications is required in order to ensure that the approach remains appropriate.	<a href="#">Review</a> [18]	8th October 2011 (IL) 12/03/2012(se) 15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
D3.3 Where an event relating to an awarding organisation (or an event, of which it is or should be aware, relating to any other awarding organisation) has had an Adverse Effect, the awarding organisation must review and revise where necessary its approach to the development, delivery and award of qualifications to ensure that its approach remains appropriate.	<a href="#">Review</a> [18]	8th October 2011 (IL) 12/03/2012(se) 15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
<b>Condition D4 Responding to enquiries and complaints procedures</b>		
D4.1 An awarding organisation	<a href="#">Respond</a> [19]	8th October 2011 (IL)



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must answer accurately, fully and within a reasonable time any reasonable enquiries received by it from users of qualifications.		12/03/2012(se) 15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
D4.2 Nothing in this condition obliges an awarding organisation to disclose information if to do so would breach a duty of confidentiality or any other legal duty.	<a href="#">Respond</a> [19]	8th October 2011 (IL) 12/03/2012(se) 15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
D4.3 An awarding organisation must establish, maintain, publish and at all times comply with a written complaints procedure.	<a href="#">Respond</a> [19]	8th October 2011 (IL) 12/03/2012(se) 15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
D4.4 The complaints procedure must in particular include procedures and timescales for –	<a href="#">Respond</a> [19]	8th October 2011 (IL) 12/03/2012(se)

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(a) responding to complaints, and (b) dealing with the subject matter of complaints.		15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
<b>Condition D5 Compliance of qualifications with Regulatory Documents</b>		
D5.1 An awarding organisation must ensure that any qualification which it makes available, or proposes to make available, complies with any requirement relating to that qualification which is set out in a Regulatory Document.	<a href="#">Comply</a> [20]	8th October 2011 (IL) 12/03/2012(se) 15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
D5.2 An awarding organisation must ensure that in the development, delivery and award of any qualification which it makes available, or proposes to make available, it has regard to any guidelines and principles of good practice relating to that qualification which are set out in a Regulatory Document.	<a href="#">Comply</a> [20]	8th October 2011 (IL) 12/03/2012(se) 15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
<b>Condition D6 Compliance of units developed by others with Regulatory Documents</b>		

<p>D6.1 An awarding organisation may only make available a qualification which uses a unit or Rule of Combination developed by another person where it reasonably believes that –</p> <p>(a) the unit or Rule of Combination complies with the requirements relating to it that are set out in any Regulatory Document, and</p> <p>(b) in the development of the unit or Rule of Combination, due regard has been had to the guidelines and principles of good practice set out in any Regulatory Document.</p>	<a href="#">Comply</a> [21]	<p>8th October 2011 (IL)</p> <p>12/03/2012(se)</p> <p>15/04/2013 (IL)</p> <p>06/05/2014 (IL)</p> <p>27/03/2015 (SE)</p> <p>3/09/2016 (JK)</p> <p>29/8/17 (JK)</p> <p>16/1/18 (JK)</p> <p>07/08/18 (PT)</p>
<p><b>Condition D7 Management of the withdrawal of qualifications</b></p>		
<p>D7.1 For the purposes of this condition, an awarding organisation withdraws a qualification at the point in time when it first –</p> <p>(a) ceases to register Learners for the qualification,</p> <p>(b) ceases to deliver or award that qualification to Learners,</p> <p>(c) surrenders its recognition in respect of that qualification, or</p> <p>(d) has its recognition withdrawn by Ofqual/Qualifications Wales in respect of that qualification.</p>	<a href="#">Withdraw</a> [22]	<p>8th October 2011 (IL)</p> <p>12/03/2012(se)</p> <p>15/04/2013 (IL)</p> <p>06/05/2014 (IL)</p> <p>27/03/2015 (SE)</p> <p>3/09/2016 (JK)</p> <p>29/8/17 (JK)</p> <p>16/1/18 (JK)</p> <p>07/08/18 (PT)</p>
<p>D7.2 Where an awarding organisation intends to withdraw, otherwise believes it to be likely that it will withdraw, or is obliged to withdraw, a qualification, it must take all reasonable steps to protect the interests of Learners in relation to that qualification.</p>	<a href="#">Withdraw</a> [22]	<p>8th October 2011 (IL)</p> <p>12/03/2012(se)</p> <p>15/04/2013 (IL)</p> <p>06/05/2014 (IL)</p> <p>27/03/2015 (SE)</p> <p>3/09/2016 (JK)</p> <p>29/8/17 (JK)</p>

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		16/1/18 (JK) 07/08/18 (PT)
D7.3 An awarding organisation must give to Ofqual /Qualifications Wales reasonable notice of its anticipated withdrawal of a qualification, and must do so prior to the time at which it provides that information to any Learners, Centres, or purchasers of qualifications.	<a href="#">Withdraw</a> [22]	8th October 2011 (IL) 12/03/2012(se) 15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
D7.4 Where an awarding organisation intends to withdraw, or is obliged to withdraw, a qualification, it must –  (a) promptly prepare, maintain, and comply with a written withdrawal plan, which must specify how the interests of Learners in relation to that qualification will be protected, and (b) provide clear and accurate information about the withdrawal to Learners, Centres, and purchasers of qualifications who are likely to be affected by the withdrawal.	<a href="#">Withdraw</a> [22]	8th October 2011 (IL) 12/03/2012(se) 15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
D7.5 An awarding organisation must ensure that any withdrawal plan which it prepares complies with any requirements which Ofqual/Qualifications Wales has communicated to it in writing.	<a href="#">Withdraw</a> [22]	8th October 2011 (IL) 12/03/2012(se) 15/04/2013 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 4/9/16 (JK) 29/8/17 (JK) 16/1/18 (JK)

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		07/08/18 (PT)
<b>Condition D8. Making available information to help meet Teachers' needs</b>		
D8.1 In respect of each qualification which it makes available, an awarding organisation must ensure that there is available to each Teacher any information which, for the purpose of prearing Learners and persons likely to become Learners for assessments for that qualification, the Teacher may reasonably require to be provided by the awarding organisation.	<a href="#">Info</a> [23]	26/7/13 (IL) 06/05/2014 (IL) 27/03/2015 (SE) 3/09/2016 (JK) 29/8/17 (JK) 16/1/18 (JK) 07/08/18 (PT)
D9.1 In respect of each qualification which it makes available that is subject to an accreditation requirement in accordance with section 139 of the Act, and for which accreditation will cease to have effect in accordance with section 140(6) of the Act, an awarding organisation must comply with any requirements relating to that qualification which are set out in any saving and transitional provisions made by Ofqual/Qualifications Wales in accordance with section 140(10) of the Act.	<a href="#">Info</a> [23]	16/1/18 (JK) 07/08/18 (PT)
<a href="#">Go to E. Design and Development of Qualifications</a> [5]		

**Source URL:** <https://theingots.org/community/ofqualCD>

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(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');

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