

# **General Conditions of Recognition Covering Specified Training Events**

Frequently Asked Questions

Version 2



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## Introduction

On 1st September 2013, we brought into force new *General Conditions of Recognition*<sup>1</sup> to reduce the risk of the confidentiality of assessments being breached in the context of training provided by awarding organisations to Teachers<sup>2</sup>. Details are contained in our letter to awarding organisations, sent on 25th July 2013<sup>3</sup>. These conditions are supported by new statutory guidance, set out in *Guidance to the General Conditions of Recognition*<sup>4</sup>, details of which are also contained in that letter.

On 10th September 2013, we published a first edition of this list of frequently asked questions. This was additional (non-statutory) guidance to give awarding organisations answers to specific questions that they had raised about our new requirements. We have now (in April 2014) published this second edition, with updated and additional material, drawing mainly on further queries from awarding organisations.

The new conditions require awarding organisations to make any training on specific qualifications for Teachers reasonably available and publish the training materials used. The conditions also require awarding organisations to put in place additional measures to protect the confidentiality of their assessments. This includes ensuring that no person who has had access to the contents of assessment materials or information about the assessment of a particular regulated qualification attends training events relating to that qualification, where divulgence of that information could compromise the integrity of the assessment. We have also indicated in the statutory guidance supporting the new conditions that a positive indicator of compliance by an awarding organisation will be its monitoring of training events, for example by recording them and sampling those recordings.

Please email any further questions about these conditions to:  
[conditionsandcriteria@ofqual.gov.uk](mailto:conditionsandcriteria@ofqual.gov.uk).

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1 Available at: [www.ofqual.gov.uk/documents/general-conditions-of-recognition](http://www.ofqual.gov.uk/documents/general-conditions-of-recognition)

2 We define a Teacher in general Condition J1.8 as:

‘A person who prepares any Learner, or any person likely to become a Learner, for assessment for a qualification and who does so... as a lecturer, supervisor, tutor or other appropriate provider of education or training, or... in circumstances in which that preparation takes place primarily at home.’

We define a Learner in general Condition J1.8 as:

‘A person who is registered to take a qualification and to be assessed as part of that qualification.’

3 Available at: [www.ofqual.gov.uk/files/2013-07-26-letter-on-seminars.pdf](http://www.ofqual.gov.uk/files/2013-07-26-letter-on-seminars.pdf)

4 Available at: [www.ofqual.gov.uk/files/2013-09-02-guidance-to-the-general-conditions-of-recognition-september-2013.pdf](http://www.ofqual.gov.uk/files/2013-09-02-guidance-to-the-general-conditions-of-recognition-september-2013.pdf)

## **When is an event permissible?**

### **1. What sorts of events delivered by or on behalf of awarding organisations are still allowed?**

Provided that confidentiality, as defined by Condition G4.1, is not breached and all other regulatory requirements are met, training for Teachers can be delivered if it:

- does not relate to a particular regulated qualification;
- is for Teachers who carry out internal assessment; the training is about how to conduct that assessment; and the training is not attended by any person who has confidential information in relation to any other assessments (such as external assessments) for that particular qualification;
- is about a particular regulated qualification and is attended by persons who:
  - (a) had sight of the contents of earlier assessments that are part of the current specification but have no confidential information on assessments that have yet to be taken; or
  - (b) have confidential information about assessments for an earlier specification for the same qualification but not the current specification; and

does not involve the presence of anyone with information about that qualification that must not be shared with Teachers and Learners.

To help it deliver such events, an awarding organisation may have restructured its qualification development team to ensure that it includes individuals who are not involved in any way with the assessment development and production process. Such persons would never see the assessments or have access to other confidential information about the assessments. They can, therefore, deliver training on the content of new specifications without any risk to the validity and reliability of the relevant assessments as a result of disclosing confidential information.

- 2. An awarding organisation holds a non-prohibited event about general exam techniques and teaching practices. In attendance are staff from the awarding organisation with knowledge of confidential information on a variety of qualifications including qualification X. During the event a Teacher asks for advice on qualification X. Can the awarding organisation answer the question without the event becoming prohibited under Condition G4? What should the awarding organisation do?**

Whether or not providing a response will breach the requirements of Condition G4.2 and G4.3 will depend upon the questions asked by any Teachers attending the training event. The obligation to maintain confidentiality in Condition G4.1 applies only to the content of assessment materials and information about the assessment where such confidentiality is required to ensure that the qualification in question reflects an accurate measure of attainment. If, therefore, the question asked by the Teacher was not related to assessment the disclosure of non-assessment related information in the response would not breach the requirement to maintain confidentiality and hence the event would not become 'prohibited training'.

Likewise, if the event is attended only by Teachers who mark controlled assessments for the subject about which the question is asked, and the question relates to controlled assessment, then answering the question will not cause the event to become 'prohibited training'. This is because the disclosure of that information to those Teachers would not breach the requirement to maintain confidentiality.

However, in such circumstances, the staff will still need to ensure that the response given to the question does not breach the general requirement to maintain confidentiality in Condition G4.1, such as by giving assessment-related information in the first example, or information in relation to examinations in the second.

Awarding organisations will need to consider each particular circumstance and determine whether giving a response would be permitted under Condition G4. Where it is not, the attending staff should not answer the question and should explain why they cannot do so. The staff may direct the Teacher to the publicly available information (for example, the awarding organisation's website or the information provided to Teachers in compliance with Condition D8.1) and/or the appropriate subject contact details for Teachers. For example, some awarding organisations may provide a list of frequently asked questions for Teachers to look at or have a subject-specific contact within the organisation for Teachers to speak to directly.

We have indicated in the statutory guidance supporting Condition G4 that a positive indicator of compliance by an awarding organisation will be its training of relevant staff about how to protect confidential assessment materials, including during interactions with Teachers. Awarding organisations may find it useful for such training to address how to deal with queries from Teachers in relation to specific

qualifications at general training events. In addition, it may be useful to make it clear to Teachers at the beginning of such general training events that, in most cases, staff cannot answer questions related to the assessment of specific qualifications.

## **Online training**

**3. Can examiners and others who have confidential information about the assessments of a particular regulated qualification deliver online seminars relating to that qualification?**

No. A person is 'present' at training within the meaning of Condition G4.3(b) where he or she is present either physically or remotely by means of simultaneous electronic communication. Likewise, a person can be present at training simply through his or her attendance, whether or not that person is actually delivering or presenting the training.

So, where somebody has information about the assessment of a particular regulated qualification, including the content of that assessment, and that information is currently confidential, he or she cannot participate in training in relation to that qualification, either physically or remotely, whether delivering the training or not.

**4. Can an awarding organisation pre-record material from a chief examiner for a qualification and then present this at a training event for Teachers about that qualification?**

Yes. A training event about a qualification that uses a pre-recorded message from someone with confidential information would not fall within the definition of 'prohibited training' under Condition G4.3 because that person would not be 'present' under the definition of that term in Condition G4.3(b), which concerns the use of simultaneous electronic communication.

The awarding organisation would, of course, need to comply with Condition G4.2(a) in that a pre-recorded message could not disclose information that would breach Condition G4.1. It must also comply with the obligation under Condition G4.4(c) concerning the publication of training materials.

## **Staff and contractors**

**5. Awarding organisation staff and contractors often have contact with Teachers. When would this count as ‘training’? For example, would:**

- (a) a qualifications developer attending an event at the request of Centres to discuss elements of the specification count as ‘training’?**
- (b) a staff member who has worked on live exam papers be allowed to carry out concept testing on ideas for new specifications with Teachers?**

Condition G4.2 concerns the provision of training. ‘Training’ should be given its ordinary meaning and, in general terms, will usually encompass meetings at which attendees are either taught a particular skill or provided with information in relation to a particular regulated qualification, with the aim of better equipping them to deliver that qualification. The obligations in Conditions G4.2 and G4.4 will not, therefore, apply to meetings with Teachers where the purpose is to facilitate the development or design of a particular regulated qualification by an awarding organisation.

However, it is important to note that meetings with Teachers, at which the primary purpose is not to provide training, may incorporate a training element. We expect awarding organisations to consider carefully whether each particular meeting with Teachers will provide training for them and, if so, will it adhere to the requirements in Conditions G4.2(a) and G4.4.

As we noted in our response to question 2 above, we have indicated in the statutory guidance supporting Condition G4 that a positive indicator of compliance by an awarding organisation will be its training of relevant staff about how to protect confidential assessment materials, including during interactions with Teachers. Awarding organisations may find it useful for such training to address how to deal with queries from Teachers in relation to specific qualifications in contexts that are not principally training events. In addition, it may be useful to make it clear to Teachers at the beginning of relevant meetings that, in most cases, staff cannot answer questions related to the assessment of specific qualifications.

**6. Can examiners be involved in the preparation of training events?**

Yes. The restrictions on the involvement of those with confidential information relate to their attendance during the actual delivery of the training, not their work on the training materials or other involvement in advance of the training being delivered.

**7. Do these Conditions mean that a contractor can work for only one awarding organisation at any one time?**

No.

**8. The Conditions require an awarding organisation to take steps to restrict the training activities of persons who, at the time the Conditions came into effect (1st September 2013), had already ceased to be connected with the awarding organisation. This was difficult, or impossible, for an awarding organisation to address. What does Ofqual expect of the awarding organisations?**

The obligations in Condition G4.2(a) require an awarding organisation to take all reasonable steps to ensure that confidentiality is maintained in line with Condition G4.1, where any person connected to an awarding organisation, or previously connected to it, provides training or training materials in relation to a particular, relevant regulated qualification. Likewise, Condition G4.2(c) requires an awarding organisation to take all reasonable steps to ensure that any person connected to it, or previously connected to it, does not provide or endorse any 'prohibited training'.

What constitutes 'all reasonable steps' in compliance with these two requirements will depend on each individual case. In particular, we recognise that the ability of awarding organisations to control the behaviour of those with whom they have a current contractual relationship will be greater than their control over those out of contract.

However, 'all reasonable steps' regarding the activities of a previously connected person may, for example, require an awarding organisation to take steps to enforce existing obligations (such as an ongoing confidentiality requirement) and/or to contact that person to request that he or she ceases to provide 'prohibited training'.

Condition G4.5, in place since 18th February 2013, relates to offers to disclose confidential information within the meaning of Condition G4.1 and imposes obligations in respect of previously connected persons. Again, what constitutes 'all reasonable steps' in compliance with this Condition will differ from case to case.

**9. An awarding organisation needs to train future assessors/examiners in a new qualification. These persons happen to be Teachers but that is not the capacity in which the awarding organisation would be training them. Can the awarding organisation use trainers who have confidential information about the new qualification?**

Neither the definition of 'Teacher' in Condition J1.8 nor the requirements in Condition G4 allow for persons to be viewed as Teachers in some circumstances but not in others. Whether or not a person is a Teacher will simply be a matter of fact ascertained by applying the definition in Condition J1.8. If a person falls within that definition, he or she will be a Teacher for the purposes of the Conditions no matter what other roles he or she may fulfil.

Although the primary role of a trainee in relation to the training in question is as an examiner or an assessor, if the trainee is also a Teacher then the attendance at the training event of a person with confidential information which could not be shared with Teachers would constitute 'prohibited training' and therefore breach Condition G4.2(b).

This does not prevent the training from taking place, but it does mean that the awarding organisation must deliver it in a different way. For example, a chief examiner may prepare the training materials, which can then be delivered by a person who has not had sight of the confidential material.

**10. An awarding organisation previously monitored the performance of its trainers during Teacher meetings. Chief examiners, chairs of examiners or qualification developers acted as observers during training sessions for assessments about which the observers had confidential information in order to carry out this performance monitoring. Under the new Condition can such individuals continue in this role?**

No. Chief examiners, chairs of examiners, qualification developers and similar individuals cannot be present during training to Teachers about such assessments as observers for the purpose of monitoring the performance of trainers. This is because these individuals would have confidential information about the assessment and their attendance would therefore constitute 'prohibited training' as defined in Condition G4.3.

However, an awarding organisation may record training events for such persons to review at a later date. Alternatively, if the observation is related to the delivery and general performance of the trainer, rather than the trainer's precise knowledge of the qualification, an observer without confidential information in relation to that qualification may also be able to assess the trainer. For example, the chief examiner for a different qualification could act as an observer for the purposes of performance monitoring.

## **Publication of materials**

### **11. How can an awarding organisation protect its intellectual property given it is required to publish various training materials?**

An awarding organisation can take appropriate steps to restrict the use of its training materials, if it so wishes, in the same way that it can control the use of any other material that it publishes. For example, the publication requirement in Condition G4.4(c) can be met by publishing the materials on a secure part of the awarding organisation's website, available only to the relevant Teachers rather than the general public.

Naturally, an awarding organisation is also free to take any available legal action against another organisation that inappropriately uses its materials.

### **12. Does an awarding organisation have to publish the training materials its examiners or former examiners use if they provide training or training materials in relation to a relevant regulated qualification, even if the awarding organisation is not directly involved in that activity?**

Two different types of obligation are imposed by Condition G4.4(c), depending on who provides the training in question:

- (a) An awarding organisation must publish the content of any training materials in connection with training that it provides to Teachers concerning a regulated qualification.
- (b) An awarding organisation must take 'all reasonable steps' to publish training materials in relation to training provided by persons to whom it is connected.

What constitutes 'all reasonable steps' in compliance with this requirement will depend on each individual case. It may include, for example, an awarding organisation having a provision in its contracts with staff and contractors requiring them to provide copies of any training materials that they provide to Teachers as part of training in relation to the awarding organisation's regulated qualifications.

### **13. Does Ofqual have any requirements over how an awarding organisation must meet its requirements to 'publish' training materials?**

Yes. Condition J1.7, which contains a rule of interpretation applicable across all of the Conditions:

Where an awarding organisation is required to publish a document or information, that document or information must be published in a way which is:

- (a) clear to its intended audience,
- (b) accurate, and
- (c) reasonably accessible (including by way of publication, if available, on the awarding organisation's website).

## Qualification reform

- 14. Where a new specification for an existing qualification is to be introduced, is it just presenters who have confidential information about the new specification who cannot be involved in relevant training, or would those who have confidential information about a previous specification also be unable to attend?**

The amendments we made to Condition G4 took into account the important reforms to GCSEs and A levels that are currently taking place. We see a key role for training events in supporting Teachers preparing to teach new GCSEs and reformed A levels. Our amendments to Condition G4 allow these events to take place, whilst maintaining confidentiality in respect of the existing qualifications and specifications.

Condition G4.1 imposes confidentiality in relation to the content of assessment materials or information about the assessment, where such confidentiality is required to ensure that a qualification reflects an accurate measure of attainment.

Specifically, Condition G4.2(b) states that awarding organisations “must not provide or endorse any prohibited training”.

Condition G4.3 defines ‘prohibited training’ as training:

- (a) provided to Teachers in relation to such a qualification;
- (b) at which a number of persons are present (whether physically or remotely by means of simultaneous electronic communication);
- (c) where any one of those persons holds information in relation to the content of assessment materials or information about the assessment for that qualification; and
- (d) where disclosure of the information to Teachers would breach such confidentiality.

Therefore, where a new specification is introduced, persons who do not hold confidential information in relation to that specification may be present at related training. Persons who hold confidential information in relation to the previous specification for the same qualification may be present, as long as the disclosure of that confidential information to Teachers will not have an impact on the ability of assessments for the new specification to reflect an accurate measure of attainment. So, for example, a person who holds confidential information that relates solely to the previous specification may be present at training that relates solely to the new specification.

Likewise, in a situation where a new qualification is introduced, a person who holds confidential information in relation to a similar qualification (such as a previous GCSE in the same subject) may attend training in relation to the new qualification, as long as disclosure of that confidential information to Teachers will not have an impact on the ability of assessments for the new qualification to reflect an accurate measure of attainment.

The attendance of such persons at training for new specifications or qualifications may not breach Conditions G4.2(a) and G4.3, but Condition G4.1 requires that the information in relation to assessment yet to be taken for the old qualification remains confidential to avoid compromising those assessments. This is critically important as Teachers attending training for the new specifications or qualifications are likely still to be preparing Learners for the previous specifications or the old qualifications in the same subject.

## Internal assessment

### 15. What are the exceptions for training events on internal assessments that Ofqual has mentioned previously?

The answer to the previous question outlines how Conditions G4.1, G4.2 and G4.3 work together. These conditions allow a distinction to be made between:

- (a) information that can be shared with Teachers that they cannot then pass on to their Learners (for example, in the context of training on how to conduct internal assessments); and
- (b) information that neither Teachers nor Learners should see because this would breach the requirement of confidentiality in Condition G4.1.

So, for example, if an awarding organisation were to share model answers at a training event where Teachers were being standardised to mark controlled assessment or coursework, this would be permissible under Condition G4.2(b). This is because the event falls outside the definition of 'prohibited training'.

However, although the disclosure of such information to Teachers would not breach confidentiality as defined by Condition G4.1, that Condition and Condition G4.2(a) require the awarding organisation to take all reasonable steps to ensure that such information is not passed on to Learners where this would affect the ability of the assessment to reflect an accurate measure of attainment.

The statutory guidance<sup>5</sup> in relation to Conditions G4.1–G4.6 recognises that material may be shared at training events for Teachers doing internal assessments, which should not be shared with Learners. The guidance provides an indication, in the third bullet point, of how the awarding organisation can meet the requirements in Conditions G4.1 and G4.2(a) in such circumstances:

[the awarding organisation] makes sure that, where it provides training to Centres about how to set, deliver or mark assessments, the Centre is trained on how to protect confidential assessment materials and maintain confidentiality and the training itself is designed and delivered to minimise the risk of a breach of confidentiality by the future disclosure of materials provided in connection with the training.

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<sup>5</sup> Available at: [www.ofqual.gov.uk/files/2013-09-02-guidance-to-the-general-conditions-of-recognition-september-2013.pdf](http://www.ofqual.gov.uk/files/2013-09-02-guidance-to-the-general-conditions-of-recognition-september-2013.pdf)

**16. Will a person who holds confidential information about a particular regulated qualification be able to attend training solely related to the standardisation of internal assessment in that qualification?**

Possibly. Whether or not Conditions G4.2 and G4.3 operate to prevent the presence of a person at a particular training event will depend on the nature of the confidential information that the person holds in relation to the qualification for which training is being provided.

A person can attend such training if he or she holds only confidential information in relation to the qualification that, if disclosed to Teachers, would not breach the requirement of confidentiality in Condition G4.1. One such example would be if the person held confidential information in relation to the standardisation of marking in internal assessment only.

However, a person cannot attend such training if he or she holds confidential information in relation to a qualification that, if disclosed to Teachers, would breach the requirement of confidentiality in Condition G4.1. One such example would be if the person held confidential information in relation to external assessment for that qualification.

## Definitions

- 17. The conditions impose various obligations in relation to persons ‘connected’ or ‘previously connected’ to the awarding organisation. What does ‘connected’ mean?**

Condition J1.5, which contains a rule of interpretation applicable across all of the conditions, states that: “A person is connected to an awarding organisation if that person undertakes or is involved in any activity undertaken by the awarding organisation.”

- 18. Does the inclusion of home-educating parents in the definition of ‘Teacher’ have implications for how awarding organisations relate to private candidates in other contexts?**

No. The term ‘Teacher’ is only used in Conditions D8 and G4.<sup>6</sup> In both cases, the Conditions recognise that someone undertaking the education of a Learner in a home environment may be preparing that Learner to take a qualification. Such a home educator will, therefore, reasonably require some of the same information as a classroom Teacher.

Conditions D8 and G4 will not, however, require the provision of information or training to home educators in relation to the delivery of assessments, as assessments are delivered only through Centres.

- 19. Does the definition of Teachers apply to persons anywhere in the world, or just Teachers in England and Teachers of vocational qualifications in Northern Ireland?**

We define the term ‘Teacher’ with reference to both a Learner and a regulated qualification. As the qualifications that Ofqual regulates can be taken by Learners

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<sup>6</sup> These conditions sit under the headings *Making available information to help meet Teachers’ needs* and *Maintaining confidentiality of assessments materials, including the conduct of specified training events*, respectively.

anywhere in the world, our definition of Teachers applies anywhere in the world. This is because if an awarding organisation delivered 'prohibited training' on a qualification to Teachers outside England or Northern Ireland (in the case of vocational qualifications), this could still have an impact on the standard of that qualification everywhere else it was taken, including England and Northern Ireland.

**20. What do you consider to be 'confidential information'?**

Condition G4.1 refers to confidentiality in respect of:

- (a) the contents of assessment materials, and
- (b) information about the assessment for a qualification.

This covers any information which, if divulged inappropriately, could impact on the validity and/or reliability of an assessment. For some assessments, it might be enough to maintain confidentiality in relation to precise information about specific questions. For other assessments, knowledge of a broad overview about the topic/s to be set or the general structure of the paper might compromise the ability of the assessment effectively to measure the Learner's attainment.

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