

**Responses to Our Consultation Paper:
*Regulating Awarding Organisation
Training Events for Teachers***

Summary and Our Feedback



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Introduction

1. In November 2012 we published a consultation document, *Regulating Awarding Organisation Training Events for Teachers – Consultation*,¹ on new General Conditions of Recognition to:
 - a. reduce the risk that confidential assessment material is disclosed to teachers² and others at face-to-face training events provided by awarding organisations; and
 - b. require awarding organisations to provide information about a qualification to teachers and others who might reasonably need it to help prepare students for that qualification or help deliver it.

The consultation period closed in February 2013.

2. We received 71 responses to the consultation: from 36 schools/colleges, 28 awarding organisations and seven others (one 'learner', one subject expert group, one trade union and four miscellaneous respondents). We are grateful to everyone who responded.
3. This document gives details of how we have responded to the main themes in the responses to the consultation. It also contains an analysis of the responses to the consultation.

Themes in responses and our feedback on them

a) Restrictions on training events

4. We proposed in our consultation to prohibit awarding organisation face-to-face training events in relation to particular qualifications, except:
 - where an event is to prepare teachers to set or mark internal assessments; and
 - where teaching to the qualification has yet to begin (anywhere that the qualification is offered).

¹ Available at: <http://comment.ofqual.gov.uk/regulating-awarding-organisation-teacher-training-events>.

² The references in these Conditions to 'teachers' cover all those who prepare students for assessments, including tutors, lecturers and those home educating children.

5. In terms of these proposed restrictions on training events:
 - 35 agreed or agreed strongly with our proposals;
 - 33 disagreed or disagreed strongly; and
 - three did not express a view.
6. Many of the reservations expressed about the proposals were around whether it is proportionate to prohibit face-to-face training for specific qualifications once teaching has begun.
7. A number of respondents argued that the Conditions should allow awarding organisations to deliver face-to-face training to schools or colleges that are teaching a qualification for the first time, even if other schools or colleges are already teaching courses leading to the qualification. There were also questions about how to define a 'new' qualification and what restrictions on face-to-face events would be in place if a qualification was just 'amended'.
8. Further concerns about face-to-face training included that:
 - Such events are currently a significant feature of Continuous Professional Development for teachers.
 - Reliance on training materials published on the Internet and/or on webinars might have an adverse impact on some disabled teachers and teachers who do not use such technology for religious or ideological reasons.
 - Stopping such events could have a particularly significant impact on teachers of English for speakers of other languages (ESOL), which in turn would adversely affect students from overseas and minority ethnic groups. Face-to-face training events are key to ensuring that teachers (in England and overseas) can teach effectively to prepare students for these qualifications.
9. We took this feedback into account in considering whether to proceed with the prohibition of certain face-to-face training events at this stage. Ultimately, we decided not to proceed with the prohibition, particularly to help support teachers in delivering the new GCSEs and A levels being developed. Instead, we are imposing the tight regulation of on-going events and will keep the position under review.
10. The other main themes in the respondents' comments on our proposals over training events in the consultation, together with our responses, are as follows:

- A view that the draft Conditions (including the one on information provided by awarding organisations – see section (b) below) would stop a contractor working for more than one awarding organisation at any one time.

Our response: This is not intended and is not a consequence of the draft Conditions on which we consulted or those that we are now making.

- A concern that if awarding organisations are required to publish their relevant training materials their intellectual property will be at risk. In contrast, an organisation not restricted by the proposed Conditions (because it is not a recognised awarding organisation) could make use of the materials, run its own training events for teachers and be under no requirement to publish what it uses.

Our response: Awarding organisations can take steps to restrict the use to which the materials are put, in the same way that they can control the use of any other material that they publish. An awarding organisation is not restricted from taking action against another organisation that inappropriately used the materials.

Also, the publication requirement can be met by putting the materials on a secure part of the awarding organisation's website, available only to relevant teachers.

- The draft Conditions impose various obligations in relation to persons 'connected' or 'previously connected' with the awarding organisation. Various questions were posed as to whom this would cover, for example whether it would include spouses of employees.

Our response: A 'connected person' is a defined term in the Conditions: the interpretation section in Condition J provides that 'a person is connected to an awarding organisation if that person undertakes or is involved in any activity undertaken by the awarding organisation. Family connections are, therefore, excluded.

- The Conditions, as drafted, would require an awarding organisation to take steps to restrict the training activities of people who, at the time the Conditions came into effect, had already ceased to be connected with the awarding organisation. This would be difficult, or impossible, for an awarding organisation to address.

*Our response: The Conditions will require an awarding organisation to place appropriate restrictions on **current** staff, contractors and so on, in relation to their involvement in relevant training, including restrictions that would apply after their connection with the awarding organisation had ended. The Conditions require awarding organisations to take 'all reasonable steps' rather than create an absolute obligation. This recognises the fact that what an awarding organisation can reasonably achieve in different circumstances will be different. 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.*

The Conditions would not require awarding organisations to take steps now to restrict further the activities of people with whom they no longer had a contractual relationship at the time any new Condition came into effect (that is 1st September 2013). However, the Condition might, for example, require an awarding organisation to take steps to enforce existing obligations (such as an on-going confidentiality requirement).

Condition G4.5, about the confidentiality of assessments and assessment materials, also refers to previously connected persons. This is an existing requirement, which is currently numbered G4.3.

- Questions were raised about the materials on internal assessment used in training events for teachers, and the publication of materials used for these events that could relate to live assessments. Model answers, for example, might reasonably form part of these materials, which students should not see. There were also concerns that very small awarding organisations do not employ anyone who does not have access to confidential assessment materials, preventing them from running face-to-face events on internal assessment.

Our response: We have amended the draft Conditions on which we consulted so it is clear that awarding organisations can continue the current practice of sharing confidential information with teachers etc, when training them on conducting internal assessment. Such information cannot be shared with students.

- Concerns were expressed that the provision of webinars and the recording of events for monitoring purposes could be disproportionately expensive for small awarding organisations.

Our response: The Conditions require awarding organisations to 'take all reasonable steps to ensure that... confidentiality is maintained' at relevant

training events. We would expect the awarding organisations to do this effectively and proportionately: they have flexibility over exactly how they would do it. There is no explicit requirement to record the events, although this would be an obvious way of helping to discharge this obligation. We have amended the Guidance to bring this point out more clearly.

b) Providing accurate and helpful information about qualifications

11. We also consulted on new obligations on awarding organisations to provide accurate information about their qualifications that teachers might reasonably require, and to deal with any instance where inaccurate information has been given out (for example by an ex-employee). Respondents' views were as follows:
 - 44 agreed or agreed strongly with our proposals;
 - 21 disagreed or disagreed strongly; and
 - five did not express a view.
12. The principal concerns were:
 - from awarding organisations, around the difficulties of controlling the behaviour of former employees and contractors, and the potential implications of a stronger contractual relationship with consultants for their employment status; and
 - from teachers, around the quality of the support they get from the awarding organisations.
13. We took note of these points, but did not consider that they required amendment to our specific proposals.
14. We decided that the best way to proceed was to augment existing Conditions by requiring awarding organisations to provide information about a qualification to teachers and schools or colleges to help prepare students for that qualification or help deliver it. Also, some of the Conditions on which we consulted relate to the inappropriate disclosure of information about forthcoming assessments. Given that such a disclosure would equate either to malpractice or maladministration, we decided to strengthen the formal guidance on the relevant existing Condition rather than introduce new ones.

Appendix: Further information on breakdown of replies

(Where percentages do not always add up to 100, we have rounded the figures to the nearest whole number.)

Figure 1a: Types of organisations participating in the consultation

Organisation type	No.	%
School/college	36	51
Awarding organisation	28	39
Others	7	10
Total	71	100

Figure 1b: Consultation questions and responses

Consultation questions	Analysis of responses
Q.1. To what extent do you agree that the draft new Condition F4, about information that awarding organisations should provide to teachers, is appropriate?	62% of the respondents agreed that the draft Condition is appropriate. 30% disagreed. 8% had no opinion or did not know.
Q.2. If you disagree, what are your reasons? Please be clear in your answer with which particular points or clauses you agree and disagree.	Reasons given for disagreeing included: difficulties in implementing the new Condition; lack of clarity about the requirements; and limiting the ability of persons to work for more than one awarding organisation.
Q.3. To what extent do you agree that the proposed wording of the draft new Condition F4 is clear?	65% agreed that the proposed wording of the draft Condition is clear. 29% disagreed. 7% had no opinion or did not know.

<p>Q.4. If you disagree, what are your reasons? How could the wording be clearer?</p>	<p>Reasons given for disagreeing included that the Condition: fails to recognise the need for updates on new specifications; is unclear; and is ambiguous.</p>
<p>Q.5. To what extent do you agree that the draft new parts of Condition G4, about confidentiality in awarding organisation training events, are appropriate?</p>	<p>49% agreed that the draft new parts of the Condition are appropriate.</p> <p>47% disagreed.</p> <p>4% had no opinion.</p>
<p>Q.6. If you disagree, what are your reasons? Please be clear in your answer with which particular points or clauses you agree and disagree.</p>	<p>Some of the reasons given for disagreeing included that: there is a conflict between established practice and the draft new parts of the Condition; it would have a negative impact on schools or colleges needing support for a qualification that is new to them; the proposals are disproportionate; and they are vague.</p>
<p>Q.7. To what extent do you agree that the proposed wording of the draft new parts of Condition G4 is clear? If you disagree, what are your reasons? How could the wording be clearer?</p>	<p>62% agreed that the proposed wording of the draft new parts of the Condition is clear.</p> <p>28% disagreed.</p> <p>7% had no opinion or did not know.</p> <p>A number of reasons were cited, including that: the drafting is confusing; the wording and focus are unclear; and there is inconsistency with the other Conditions.</p>
<p>Q.8. To what extent do you agree that this new Condition F4 and these draft new parts of Condition G4 should apply to all regulated awarding organisations and qualifications?</p>	<p>58% agreed that the new Condition F4 and the draft new parts of Condition G4 should apply universally.</p> <p>39% disagreed.</p> <p>4% had no opinion or did not know.</p>

<p>Q.9. If you think any specific qualifications or types of awarding organisations should not be covered by the Conditions please explain your reasons.</p>	<p>39% thought that some specific qualifications or types of awarding organisations should not be covered by the Conditions. These respondents made references to a number of qualifications, including: Type D qualifications, Qualifications and Credit Framework qualifications and English for speakers of other languages (ESOL).</p>
<p>Q.10. To what extent do you agree that the proposed definition of 'Teacher' is clear and appropriate?</p>	<p>74% agreed that the proposed definition of 'Teacher' (for the purposes of the new requirement over training events) is clear and appropriate.</p> <p>16% disagreed.</p> <p>11% had no opinion or did not know.</p>
<p>Q.11. Do you have any comments or suggestions about this definition?</p>	<p>Comments included (variously) that the definition is too narrow, too broad, outdated or inappropriate.</p>
<p>Q.12. If you are responding from an awarding organisation, how might these new Conditions change the way that your awarding organisation provides information and training to schools or colleges?</p>	<p>85% of awarding organisations who responded noted a number of changes, arising from the new Conditions, to the way they might provide information and training to schools. Key concerns around these changes included that: it could have a negative impact on the market (such as giving an advantage to unregulated provision); it is inefficient; and it would stifle innovation.</p>
<p>Q.13. Are there any consequences of these draft Conditions that we should consider before introducing them? Please specify any actions we, awarding organisations or others could take to mitigate any negative consequences.</p>	<p>62% felt there are consequences of the draft Conditions that we should consider further.</p> <p>Comments included: 'devaluing teaching as a profession'; 'unfairness and disadvantage to schools'; and 'discrimination against teachers with accessibility requirements' (see paragraph 8, above).</p>

<p>Q.14. Are there any specific positive or negative impacts on people who share particular characteristics [including 'protected characteristics' under the Equality Act 2010] that we should consider in relation to these draft Conditions? If so, what are they and how could any negative impacts be addressed?</p>	<p>38% noted that the proposals would have some negative impacts on people who share particular characteristics. Particular characteristics identified included 'disability' and 'race' (again, see paragraph 8, above).</p>
<p>Q.15. Do you have any other comments you would like to make about any aspect of these proposals?</p>	<p>55% had comments to make about aspects of the proposals.</p>

Further detail is set out in the tables below.

Figure 2a: Respondents' views on the appropriateness of the proposed approach over regulating what information awarding organisations should provide to teachers

	Agree		Disagree		Don't know/ No opinion
	Strongly agree	Agree	Disagree	Strongly disagree	Don't Know/ No opinion
Total	7	37	15	6	6
%	10	52	21	8	8

Figure 2b: These responses by types of respondents

Organisation type	Agree		Disagree		Don't know/ No opinion
	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ No opinion
Awarding organisation	0	17	9	1	1
School/college	7	15	5	5	4
Other	0	5	1	0	1
Total	7	37	15	6	6

Figure 3a: Respondents' views on the clarity of the proposed wording of draft new Condition F4 (Information for Teachers)

	Agree		Disagree		Don't know/ No opinion
	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ No opinion
Total	7	39	16	4	5
%	10	55	23	6	7

Figure 3b: These responses by types of respondents

Organisation type	Agree		Disagree		Don't know/ No opinion
	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ No opinion
Awarding organisation	0	19	8	1	0
School/college	7	18	5	2	4
Other	0	2	3	1	1
Total	7	39	16	4	5

Figure 4a: Respondents' views on the appropriateness of the draft new parts of Condition G4 (Maintaining confidentiality of assessment materials)

	Agree		Disagree		Don't know/ No opinion
	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ No opinion
Total	10	25	20	13	3
%	14	35	28	18	4

Figure 4b: These responses by types of respondents

Organisation type	Agree		Disagree		Don't know/ No opinion
	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ No opinion
Awarding organisation	2	9	14	3	0
School/college	6	15	6	7	2
Other	2	1	0	3	1
Total	10	25	20	13	3

Figure 5a: Respondents' views on the clarity of the proposed wording for the draft new parts of Condition G4

	Agree		Disagree		Don't know/ No opinion
	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ No opinion
Total	8	36	13	7	7
%	11	51	18	10	10

Figure 5b: These responses by types of respondents

Organisation type	Agree		Disagree		Don't know/ No opinion
	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ No opinion
Awarding organisation	1	14	8	3	2
School/college	6	20	5	1	4
Other	1	2	0	3	1
Total	8	36	13	7	7

Figure 6a: Respondents' views on whether the Conditions should apply to all regulated awarding organisations and qualifications

	Agree		Disagree		Don't know/ No opinion
	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ No opinion
Total	21	20	16	11	3
%	30	28	23	16	4

Figure 6b: Responses by types of respondents

Organisation type	Agree		Disagree		Don't know/ No opinion
	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ No opinion
Awarding organisation	5	10	10	3	0
School/college	13	10	6	6	1
Other	3	0	0	2	2
Total	21	20	16	11	3

Figure 7a: Respondents' views on the clarity and appropriateness of the proposed definition of 'Teacher' in the context of these Conditions

	Agree		Disagree		Don't know/ No opinion
	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ No opinion
Total	14	38	6	5	8
%	20	54	9	7	11

Figure 7b: These responses by types of respondents

	Agree		Disagree		Don't know/ No opinion
Organisation type	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ No opinion
Awarding organisation	2	20	4	1	1
School/college	10	16	1	3	6
Other	2	2	1	1	1
Total	14	38	6	5	8

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