

Regulating Awarding Organisation Training Events for Teachers

Consultation



November 2012

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Introduction

In April this year, we published our final report on exam board seminars. This set out the conclusions of our review of the role, value and risks of awarding organisation training events, or seminars¹, for teachers.

We concluded that we should do more to minimise the risks both that inappropriate information about the content of future exams could be passed to teachers at training events and that the curriculum could be narrowed when awarding organisations instruct teachers on how to deliver a qualification. We decided that face-to-face awarding organisation training events for teachers about a qualification should not continue, except where the training events are about new specifications or internal assessment (assessment marked by teachers), and that there should be more safeguards around the training that continues. Our approach was endorsed by the Education Select Committee in its report *The administration of examinations for 15-19 year olds in England*², June 2012. This consultation document sets out, and seeks views on, how we intend to regulate to put our decisions about awarding organisation training events for teachers into effect. We propose to introduce new General Conditions of Recognition, which would apply to all regulated qualifications. The new Conditions are designed to:

- reduce the risk that confidential information about assessments is passed from awarding organisations to teachers at training events
- make sure that the legitimate information shared at these events is also available to teachers who do not or cannot attend
- require awarding organisations to put reasonable controls in place to prevent misleading or confidential information about exams being passed to teachers by awarding organisation staff or contractors (including examiners) once they are no longer employed or contracted by an awarding organisation.

You may like to read our final report on exam board seminars before you respond to the questions in this consultation document. This final report sets out the reasons for our review and the rationale for our decisions about awarding organisation³ training events for teachers.

¹ *Exam Board Seminars Final Report*, April 2012, www.ofqual.gov.uk/files/2012-04-26-exam-board-seminars-final-report.pdf

² www.publications.parliament.uk/pa/cm201213/cmselect/cmeduc/141/141.pdf

³ We describe awarding organisations who offer qualifications such as GCSEs and GCEs as 'exam boards'. The conditions on which we are consulting would apply to all awarding organisations and all regulated qualifications.

Please make sure your response is received by us no later than 17th February 2013.

We will consider all the responses to this consultation before we finalise and publish the new Conditions in spring 2013. We intend to regulate so that no qualification-specific events (apart from those permitted by the new Conditions) will be held after 31st August 2013.

Section 1: Background

About us

1. We are a statutory body, created by the Apprenticeships, Skills, Children and Learning Act 2009, as amended by the Education Act 2011. These Acts set out the legal framework within which we operate, they give us certain duties and powers to take specific forms of regulatory action, and they define the objectives that we must seek to achieve when we exercise those powers.
2. We regulate to secure standards of, and public confidence in, regulated qualifications. We also regulate to secure efficiency in the provision of regulated qualifications and to raise awareness of the range and benefits of regulated qualifications.
3. We regulate the bodies that award qualifications. Each recognised body is known as an awarding organisation, and each qualification that it offers and for which it is recognised is known as a regulated qualification.

About this consultation

4. We are consulting on how we should regulate awarding organisations when they provide information about their qualifications to teachers⁴. We propose to put additional regulations in place for awarding organisation events: regulations that set out the kind of events that must no longer take place and regulations that govern the events that can continue. We propose that these additional regulations will form part of our General Conditions of Recognition, which set out the requirements that all recognised awarding organisations must meet. Our current General Conditions of Recognition can be found on our website⁵.
5. This consultation covers all qualifications regulated by us. We regulate academic and vocational qualifications in England, together with vocational qualifications in Northern Ireland, where those qualifications are provided by a body that is recognised by us to award them. We see the benefits of having the same arrangements for awarding organisation training events for teachers in different parts of the UK, and we will discuss with our fellow qualifications regulators whether this can be achieved.
6. This consultation is about the new regulations we propose to place on awarding organisations; it is primarily aimed at them. However, the proposals will also be

⁴ The term 'teacher' is used in this document as a wide term to include any person who facilitates learning. This could include a classroom teacher at a school or college, a trainer supporting work-based learning, or a parent who home schools a child. See the definition at page 19.

⁵ General Conditions of Recognition, www.ofqual.gov.uk/how-we-regulate/regulatory-documents/

of interest to teachers, schools, colleges, training providers, learners, parents and the wider public. Our final report on exam board seminars was informed by a public call for evidence and discussions with teacher associations, exam boards and the Chartered Institute of Educational Assessors. We welcome responses to this consultation from anyone with an interest. We want our regulations to be clear and expressed in a way that best helps us to meet our statutory objectives. We also want those regulations to provide a framework in which awarding organisations can provide appropriate support to teachers in relation to qualifications whilst safeguarding the integrity of the qualifications system.

7. Our proposed new regulations are set out in detail below. Consultation questions and information about how you can respond are set out at the end of this consultation document.

Section 2: The rationale for our proposals

8. The proposals in this consultation document are based on the decisions set out in our final report on exam board seminars, a summary of which is set out below. We also set out in this section an explanation of further issues we have considered in relation to internal assessment.

Our review of exam board seminars

9. We developed a set of principles to guide our review of the role, value and risks of awarding organisation training events for teachers. Our review focussed specifically on training events for teachers about qualifications such as GCSEs and A levels. But we think that these principles are equally applicable to training events for teachers about any qualifications that assess candidates using confidential materials.
10. Qualifications demonstrate learners' achievements – knowledge, skills and understanding. They should support and reflect high-quality teaching and learning. They are valuable only if people trust that someone's qualification, and any grade awarded, is an accurate signal of that learning.
11. All aspects of the qualifications system must promote trust and consistency, and be seen to do so. All those who contribute to the qualifications system – such as learners, teachers, schools, colleges, assessors, examiners, markers, awarding organisation staff and qualifications regulators – need to behave with professionalism and integrity. The system must be designed to promote and support the integrity of all those who contribute to it. Checks and balances must be clearly in place to identify and respond if the system is undermined.
12. There are five specific principles guiding our review of the role, value and risks of awarding organisation training events for teachers:

Principle 1: Schools or colleges need enough information to enable them to deliver the curriculum and understand the nature of the assessments to be taken.

Principle 2: Information considered by the awarding organisation to be essential for teaching/delivering its qualification should be made available to all schools or colleges.

Principle 3: Examiners and staff of awarding organisations who have contributed to, or have access to, privileged information about a forthcoming assessment should not share this information with a teacher or learner in any circumstances.

Principle 4: We should not stop an activity that is essential to the delivery of a qualification (for example, the training of internal assessors⁶).

Principle 5: Where current arrangements are not posing an immediate risk to standards, changes should be made in a measured way to limit unforeseen circumstances.

13. Following our investigation into the events awarding organisations provide for teachers, and the application of these principles, we concluded that certain kinds of face-to-face events should not continue, as they posed too great a risk to standards and public confidence in the system. We decided that:
- Awarding organisation face-to-face training seminars for teachers that relate directly to the delivery of a specific, named qualification must not occur after 31st August 2013. We expect awarding organisations to wind these down over the academic year 2012/13, with appropriate safeguards during this transitional period. This applies to both seminars available to all and bespoke events for individual or groups of schools or colleges.
 - There are two exceptions to this: where face-to-face training may be essential to prepare teachers to set, deliver and mark internal assessments; and where awarding organisations run events to market or launch new subject specifications. Where such events are provided, attendees must not be given information that is not also available to all schools or colleges.
 - Awarding organisations should make any information necessary for the proper administration of qualifications accessible to all schools or colleges. Awarding organisations must minimise the risk that any inappropriate information is provided. Live online events, or webinars, can continue, provided that awarding organisations put controls and monitoring in place to ensure that risks are reduced to a minimum.
 - Awarding organisations must make sure they have in place adequate controls on their examiners and staff to prevent them from taking part in unregulated training for teachers (for example, via private training

⁶ Internal assessment is a form of assessment in which full exam conditions do not apply. Internal assessment will normally be undertaken by a qualified person who is not an employee or contractor of the awarding organisation, but the awarding organisation will specify the controls that will apply to how the work is set, the conditions under which it will be done and how it will be assessed. Internal assessment is often done at schools or colleges by teachers, or via work-based assessments, and it is important that those internal assessors are appropriately trained.

companies) either during or after their period of employment or engagement⁷.

14. We are now seeking views on the new Conditions we propose to introduce to put these decisions into effect. We propose that the new Conditions should apply to all qualifications that use unseen exam papers or other forms of secure or confidential assessment information. A consistent approach across all types of qualifications that rely on secure assessment information, including qualifications for 14 to 19 year olds, vocational qualifications and professional qualifications, is the best way to secure the standards of those qualifications and public confidence in them. This allows awarding organisations to put the same arrangements in place for all their qualifications that use secure assessment information, and it provides greater consistency for teachers and schools or colleges.

⁷ In this context, unregulated training means training that is not provided by a regulated awarding organisation.

Section 3: Implementing our decisions

15. We propose to regulate awarding organisation training events for teachers by introducing a new Condition, F4, and adding new clauses to Condition G4 of our General Conditions of Recognition⁸. These new Conditions, and guidance to support them, are set out in Section 4. The proposed full text of the proposed Conditions is set out in the appendix.

What are we trying to achieve with these new Conditions?

16. The new Conditions are designed to reduce the risk that confidential information about assessments is passed from awarding organisations to teachers at training events. They are designed to make sure that the legitimate information shared at these events is also available to teachers who do not or cannot attend.
17. We also propose to introduce Conditions to make sure awarding organisations put reasonable controls in place to prevent misleading or confidential information about exams being passed to teachers by awarding organisation staff or contractors (including examiners) once they are no longer employed or contracted by an awarding organisation.

Will these Conditions apply to all awarding organisations?

18. Our General Conditions of Recognition apply to all awarding organisations. All regulated qualifications must meet the requirements in our General Conditions of Recognition.
19. The proposed new Condition F4 is about the provision of information to teachers. It would apply to all regulated qualifications.
20. Condition G4 is an existing Condition about maintaining confidentiality of assessment materials⁹.
21. We propose to add new clauses to Condition G4 to regulate awarding organisation training events for teachers. The new clauses that put restrictions

⁸ General Conditions of Recognition, www.ofqual.gov.uk/how-we-regulate/regulatory-documents/

⁹ Condition G4 has recently been updated: during February 2012, we consulted on our approach to risk-based regulation, and as part of this consultation we suggested two additional clauses to the existing Condition G4 (G4.3 and G4.4). We have introduced additional clauses, taking the consultation responses into account, which will come into effect in February 2013. These additional clauses are included within the clauses below (G4.2 (a) and G4.6).

on certain face-to-face training events for teachers will only apply where confidentiality in assessment materials is required.

22. Where a qualification has units – or distinct parts – that use confidential assessment materials, and units that do not, restrictions on face-to-face training events for teachers will apply only to those units that use confidential assessment materials. They will not apply to units, or parts of a qualification, that are assessed by teachers – so awarding organisations can still train teachers about how to set and mark internal assessments.

What are confidential assessment materials?

23. We propose to keep the existing Condition G4.1, which sets out what confidentiality means in the context of regulated qualifications:

G4.1 Where confidentiality in –

(a) the contents of assessment materials, or

(b) information about the assessment,

is required in order to ensure that a qualification which an awarding organisation makes available, or proposes to make available, reflects an accurate measure of attainment, the awarding organisation must take all reasonable steps to ensure that such confidentiality is maintained.

24. To be confidential, information must, firstly, be set – and known about – in advance of an assessment (for example, by those who have developed or checked assessment materials). Secondly, it must be information that, if known by a candidate before the assessment was due to be held, would:

(a) give that candidate an unfair advantage, and/or

(b) prevent the assessment from properly reflecting that candidate's skills, knowledge or ability.

25. Information is not confidential if:

- advance knowledge of that information would not give a candidate an unfair advantage or prevent the assessment from accurately assessing that candidate's skills, knowledge or ability, and/or
- it cannot be known for certain before the assessment begins, for example where it is decided during the assessment.

26. Examples where confidential assessment material is used:

Example 1

An A level biology qualification requires three two-hour exams, where the exam paper for each should not be opened until the exam starts. It also includes a practical assessment marked by a teacher.

The exam papers include confidential assessment materials because: (a) they are prepared in advance, and (b) if any candidates knew about them before the exam they would have an unfair advantage.

Under the new Conditions, the awarding organisation should **not** provide face-to-face training for teachers about the qualification units that are assessed by the written exams. But it could provide face-to-face training for teachers about how to mark the practical assessment. It would have been able to provide face-to-face training for teachers about the whole qualification before it was first taught in schools or colleges.

Example 2

A GCSE history specification states that candidates will need to answer essay questions on six historical topics during two three-hour exams. The essay topics for each exam will be selected by the exam board in advance from a given list of 12 topics. In addition, the candidates must complete a controlled assessment task, which the teacher will set and mark.

Knowledge of the whole list of 12 topics is not secure information, as it is already publicly available. But knowledge about which of the topics will be examined in a particular exam is confidential assessment information because: (a) these topics are selected in advance, and (b) if any candidates knew before the assessment which topics had been selected it would give them an unfair advantage. If teachers focussed their teaching on topics they knew would form part of an exam, this would also narrow the candidates' learning experience.

Under the new Conditions, the awarding organisation should **not** provide face-to-face training for teachers about the qualification, other than training about the new qualification before it was first taught and training to teachers about how to set and mark the controlled assessment.

Example 3

A marketing qualification requires one 30-minute exam, where the exam paper should not be opened until the exam starts. It also includes compilation of a portfolio of evidence marked by a workplace-based assessor.

Knowledge of what questions will be asked in the exam is confidential assessment material because if any candidates saw the questions before the assessment was held it would give them an unfair advantage.

Under the new Conditions, the awarding organisation should **not** provide face-to-face training for teachers about that qualification, other than training for the workplace-based assessors about how to mark the portfolio. It could have provided training about the whole qualification when it was first launched.

27. Examples of where confidential assessment materials are not used:

Example 1

A drama qualification requires that candidates perform two monologues of their choice from a list of 20, provided in advance of the assessment by the awarding organisation.

This assessment does not use confidential assessment materials: there is no information held by the awarding organisation about this qualification that could give candidates an unfair advantage if seen in advance.

Under the new Conditions, the awarding organisation **can** still provide face-to-face training for teachers about the qualification, including training about internal assessment or new qualification specifications.

Example 2

A business qualification requires candidates to submit an assignment to demonstrate they understand the importance of stakeholder management. This is the only form of assessment used for the qualification.

This assessment does not use information that could give candidates an unfair advantage, if seen in advance.

Under the new Conditions, the awarding organisation **can** still provide face-to-face training for teachers about the qualification.

Example 3

A qualification in dance requires candidates to demonstrate a number of practical skills. The range of skills that may be tested is set out in advance by the awarding organisation and is available to teachers and candidates. The examiner decides during the assessment which of these skills the candidate will be asked to demonstrate. Confidential assessment material is not used; under the new Conditions, the awarding organisation **can** still provide face-to-face training for teachers about the qualification.

Example 4

A qualification in motor mechanics is assessed by observation. Observations are documented in candidates' portfolios, which set out the skills to be tested. The skills that should be demonstrated are available to candidates. Observations are made by an assessor from the college where the candidates study for the qualification.

This assessment does not use confidential assessment materials: there is no information held by the awarding organisation about the qualification that could give candidates an unfair advantage, if seen in advance.

Under the new Conditions, the awarding organisation **can** provide face-to-face training for teachers about the qualification, as it is wholly internally assessed.

Section 4: Proposed new Conditions

28. To put our decisions about awarding organisation training events for teachers into effect, we propose to create a new Condition, F4, and add new clauses to Condition G4.
29. Section F of the Conditions is about information that should be provided to purchasers¹⁰ about qualifications. F4 will be a new Condition within Section F.
30. Section G of the Conditions is about setting and delivering assessments. The original Condition G4 requires awarding organisations to maintain the confidentiality of assessment materials and to investigate any breaches. We have already consulted on one addition to this Condition¹¹. We are proposing to make further additions to G4.
31. The proposed new Conditions, plus the guidance to support them, are set out below.
32. The full text of the proposed new Conditions F4 and G4 is set out in the appendix.

33. Proposed new Condition F4

- F4.1 In respect of any qualification it makes available, an awarding organisation must also make available to Teachers any information that is, or may reasonably be considered as, required by Teachers for the preparation or delivery of assessments in respect of that qualification.*
- F4.2 An awarding organisation must take all reasonable steps to ensure that any person connected, or previously connected, to it does not provide incorrect or misleading information to Teachers about any assessment or the content of any assessment materials.*
- F4.3 Where an awarding organisation suspects, or any other person alleges, that any person connected, or previously connected, to the awarding organisation has provided incorrect or misleading information to Teachers about any assessment or the content of any assessment materials, the awarding organisation must investigate that suspicion or allegation.*

¹⁰ Purchasers may include, for example, schools, teachers and learners.

¹¹ *Risk-based Regulation*, February 2012, www.ofqual.gov.uk/files/2012-02-23-risk-based-regulation-a-consultation-for-awarding-organisations.pdf

F4.4 Where an investigation carried out by an awarding organisation in accordance with Condition F4.3 finds that incorrect or misleading information has been provided to any Teacher, the awarding organisation must provide the correct information to the Teacher(s) affected, unless that information is confidential in accordance with Condition G4.

34. Draft guidance for Condition F4 is set out below.

Examples of positive indicators that suggest an awarding organisation is likely to comply with Condition F4:

The awarding organisation –

- (a) publishes on its website all qualification specifications, sample past papers and any other information that may reasonably be considered as required for Teachers to prepare Learners for assessment of its qualification
- (b) provides to Teachers through its staff and contractors only accurate information about its qualifications
- (c) investigates, thoroughly and in a timely way, any allegations that current or former staff or contractors have provided incorrect or misleading information to Teachers about its qualifications, and corrects any misunderstandings with those affected.

Examples of negative indicators that suggest an awarding organisation is not likely to comply with Condition F4:

The awarding organisation –

- (a) does not publish on its website appropriate information for Teachers
- (b) provides inaccurate or incomplete information about its qualifications
- (c) fails to investigate effectively allegations that current or former staff or contractors have provided incorrect or misleading information about its qualifications to Teachers, and does not attempt to correct any misunderstandings with those affected.

35. Proposed new Conditions G4.2, G4.3, G4.4, G4.5, G4.6 and G4.7

G4.2 In particular an awarding organisation –

- (a) *must take all reasonable steps to ensure that such confidentiality is maintained where it (or any person connected to it) provides training or training materials in relation to a qualification, and*

- (b) must not (and must ensure that any person connected to it does not) provide or endorse any face-to-face training to Teachers in relation to a qualification.*

G4.3 Condition G4.2 (b) does not apply in any case in which –

- (a) the training relates to a new qualification or a new specification for a qualification, and*
- (b) the delivery of that qualification has not yet commenced.*

G4.4 Condition G4.2 (b) does not apply in any case in which the training –

- (a) does not feature, require or involve the presence, attendance or participation of any person who holds confidential information (including in particular in relation to the content of assessment materials and information about the assessment) in relation to that qualification, and*
- (b) solely relates to units of the qualification which do not use confidential assessment materials and do not require any information about the assessment to be kept confidential, or*
- (c) is to prepare Teachers to set or mark internal assessment.*

G4.5 Where an awarding organisation (or any person connected to it) provides any training for Teachers about a qualification it must –

- (a) make sure that the training is made available to all Teachers preparing Learners registered, or likely to be registered, in respect of the qualification for which the training is to be provided,*
- (b) advertise to Teachers the availability of the training, including in particular by publishing the training details on its website or otherwise on the internet, and*
- (c) publish on its website, or otherwise on the internet, the content of any training materials provided in connection with the training as soon as reasonably practicable after the training has been held.*

G4.6 An awarding organisation must take all reasonable steps to ensure that no person connected to it, or previously connected to it, offers to disclose information about any assessment or the content of any assessment materials where that information is (or is said or implied to be) confidential.

G4.7 Where any breach of any of conditions G4.1 to G4.6 (including through the loss or theft of assessment materials) is either suspected by an awarding

organisation or alleged by any other person, the awarding organisation must investigate that breach.

36. Draft guidance for proposed new Conditions G4.2, G4.3, G4.4, G4.5 and G4.6, G4.7

Draft guidance for Conditions G4.2 to G4.7 is set out below.

Examples of positive indicators that suggest an awarding organisation is likely to comply with Conditions G4.2 to G4.7:

The awarding organisation –

- (a) trains relevant staff about how to protect confidential assessment materials, including during interactions with Teachers and Learners
- (b) follows confidentiality policies and processes, which include how to maintain confidentiality during interactions with Teachers and Learners
- (c) records all face-to-face Teacher training events and other interactive events such as teleconferences and webinars, so that any concerns can be checked after the event
- (d) monitors events by sampling recordings of them
- (e) provides face-to-face and online training for Teachers about how to set and mark internally assessed units, using staff who do not have access to confidential information about other units of that qualification
- (f) puts all presentations and other training materials used at its Teacher training events on its website, clearly linked from the pages containing the relevant qualification specifications
- (g) prevents current and former staff and contractors who have had access to confidential information from providing Teacher training events not delivered by the awarding organisation
- (h) requires all current and former contractors and staff who have had access to confidential assessment material to apply in writing for permission to provide any Teacher training about its qualifications not run by itself
- (i) gives clear guidelines to examiners and staff about taking part in Teacher training events not provided by itself, and trains examiners and staff about these guidelines
- (j) investigates breaches and alleged breaches of the confidentiality conditions

Examples of negative indicators that suggest an awarding organisation is not likely to comply with one or more of Conditions G4.2 to G4.7:

The awarding organisation –

- (a) does not make sure its confidentiality policies and processes are up to date and followed
- (b) offers face-to-face Teacher training about a currently offered qualification that uses confidential information
- (c) endorses face-to-face Teacher training provided by a third party about a qualification that uses confidential information, after teaching to prepare Learners to take that qualification has begun
- (d) provides events about internally assessed units that are prepared, delivered or supported by contractors or staff with access to confidential information about other units of that qualification
- (e) does not make presentations or course material used at its Teacher training events available on its website
- (f) provides information to Teachers in training courses that is additional to, or contradicts, published information
- (g) does not know whether its staff or contractors with access to confidential material have provided Teacher training privately or through other organisations
- (h) does not restrict staff or contractors who have or have had access to confidential material using that information in training events during or after their employment or engagement
- (i) does not investigate allegations that ex-examiners have provided confidential information to Teachers about a future exam.

Proposed new definition

37. To help awarding organisations understand the definition of 'Teacher' in these new Conditions we propose to add this as a key term under Condition J1.8. This definition is set out below:

Definition of 'Teacher' –

Any person who prepares any Learner for the assessment of a qualification, which may include:

- (a) a member of the teaching staff of a school, a further or higher education establishment or a private training provider*
- (b) a person who provides a work-based learning programme, and*
- (c) a person who teaches a Learner at home.*

Section 5: Consultation questions

38. This consultation is about the regulations relating to awarding organisation training events and information for teachers.
39. We would like to hear what you think about our proposals.
40. We will consider responses to this consultation before we finalise the regulations, which we aim to publish in spring 2013.
41. You may respond to all or just some of the questions. Please note that question 12 is designed with awarding organisations in mind, you may prefer not to answer this question unless you are responding from an awarding organisation.
42. It is important that we are able to understand who is responding to the consultation, and in what capacity. Therefore, we ask you to complete our information page. We will only consider those responses where the information page has been completed.
43. Please note that if you do not want your response to this consultation published, you must state clearly that your response is confidential to us.

If you would like to feedback to us about this consultation in another way, please contact consultations@ofqual.gov.uk.

44. The deadline for responses to this consultation is 17th February 2013.

How to respond to this consultation

45. Please respond to the questions we have asked using one of these methods:
 - Completing the online response form at <http://comment.ofqual.gov.uk/regulating-ao-teacher-training-events/respond/>.
 - Emailing your response to: consultations@ofqual.gov.uk.
 - Posting your response to: Training Consultation, Regulatory Development Team, Ofqual, Spring Place, Coventry Business Park, Herald Avenue, Coventry, CV5 6UB.

Questions

1. To what extent do you agree that the draft new Condition F4, about information that awarding organisations should provide to teachers, is appropriate?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know/no opinion

2. If you disagree, what are your reasons? Please be clear in your answer with which particular points or clauses you agree and disagree.

3. To what extent do you agree that the proposed wording of the draft new Condition F4 is clear?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know/no opinion

4. If you disagree, what are your reasons? How could the wording be clearer?

5. To what extent do you agree that the draft new parts of Condition G4, about confidentiality in awarding organisation training events, are appropriate?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know/no opinion

6. If you disagree, what are your reasons? Please be clear in your answer with which particular points or clauses you agree and disagree.

7. To what extent do you agree that the proposed wording of the draft new parts of Condition G4 is clear?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know/no opinion

If you disagree, what are your reasons? How could the wording be clearer?

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?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know/no opinion

9. If you think any specific qualifications or types of awarding organisations should not be covered by the Conditions please explain your reasons.

10. To what extent do you agree that the proposed definition of 'Teacher' is clear and appropriate?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know/no opinion

11. Do you have any comments or suggestions about this definition?

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?

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.

14. Are there any specific positive or negative impacts on people who share particular characteristics¹² that we should consider in relation to these draft Conditions? If so, what are they and how could any negative impacts be addressed?

15. Do you have any other comments you would like to make about any aspect of these proposals?

¹² Including those defined by the Equality Act 2010, namely: age, disability, gender reassignment, marriage and civil partnership, race, religion and belief, sex, sexual orientation

Information pages: your details

Your name* _____

Your organisation's name* _____

Organisation*

- Awarding organisation for 14 to 19 general qualifications
- Awarding organisation for 14 to 19 vocational qualifications
- Awarding organisation for vocational and/or professional qualifications
- Awarding organisation for other kinds of qualifications
- School/college
- Private training provider
- Higher education institute
- Learner
- Parent/carer
- Employer
- Other representative group/interest group
- Government body/organisation (national and local)
- Other (including general public)

School / college type

- Academy and/or free school
- Comprehensive
- State selective
- Independent
- Special school
- Further education
- Sixth form

None of the above (please state what) _____

How many staff does your organisation employ (full or part time)?

Fewer than 50

50 to 249

250 or more

Representative group / interest group type

Group of awarding organisations

Union

Sector skills council

Employer/business representative group

Equality group

Other voluntary or community group

None of the above

Representative group / interest group name**

Nation*

England

Wales

Scotland

Northern Ireland

Other EU country (please state which) _____

Non-EU country (please state which) _____

Email address* _____

How did you find out about this consultation?

- Our newsletters or other communications
- Via internet search
- From our website
- Via another organisation (please state which) _____
- Other (please state how) _____

May we contact you for more information?

- Yes
- No

Would you like us to treat your response as confidential?

- Yes
- No

We want to write clearly, directly and put the reader first. Overall, do you think we have got this right in this document?

- Yes
- No

Do you have any comments or suggestions about the style of writing?

*Denotes mandatory fields

**Please state name of group, if you are responding from a representative group

Appendix: Full text of proposed new Conditions and definitions

Below is the full text of the proposed new Conditions F4 and G4.2, G4.3, G4.4, G4.5 and G4.6, and the text of the proposed new definition.

Condition F4¹³: Information for Teachers

- F4.1 In respect of any qualification it makes available, an awarding organisation must also make available to Teachers any information that is, or may reasonably be considered as, required by such Teachers for the preparation or delivery of assessments in respect of that qualification.*
- F4.2 An awarding organisation must take all reasonable steps to ensure that any person connected, or previously connected, to it does not provide incorrect or misleading information to Teachers about any assessment or the content of any assessment materials.*
- F4.3 Where an awarding organisation suspects, or any other person alleges, that any person connected, or previously connected, to the awarding organisation has provided incorrect or misleading information to Teachers about any assessment or the content of any assessment materials, the awarding organisation must investigate that suspicion or allegation.*
- F4.4 Where an investigation carried out by an awarding organisation in accordance with Condition F4.3 finds that incorrect or misleading information has been provided to any Teacher, the awarding organisation must provide the correct information to the Teacher(s) affected, unless that information is confidential in accordance with Condition G4.*

¹³ This is a draft additional condition on which we are consulting

Condition G4: Maintaining confidentiality of assessment materials

G4.1¹⁴ Where confidentiality in –

- (a) the contents of assessment materials, or*
- (b) information about the assessment,*

is required in order to ensure that a qualification which an awarding organisation makes available, or proposes to make available, reflects an accurate measure of attainment, the awarding organisation must take all reasonable steps to ensure that such confidentiality is maintained.

G4.2¹⁵ In particular an awarding organisation –

- (a) must take all reasonable steps to ensure that such confidentiality is maintained where it (or any person connected to it) provides training or training materials in relation to a qualification, and*
- (b) must not (and must ensure that any person connected to it does not) provide or endorse any face-to-face training to Teachers in relation to a qualification.*

G4.3¹⁶ Condition G4.2 (b) does not apply in any case in which -

- (a) the training relates to a new qualification or a new specification for a qualification, and*
- (b) the delivery of that qualification has not yet commenced.*

G4.4¹⁷ Condition G4.2 (b) does not apply in any case in which the training -

- (a) does not feature, require or involve the presence, attendance or participation of any person who holds confidential information (including in particular in relation to the content of assessment*

¹⁴ This is an existing condition

¹⁵ G4.2 (a) will be imposed in February 2013, G4.2 (b) is a draft condition on which we are consulting

¹⁶ G4.3 is a draft condition on which we are consulting

¹⁷ G4.4 is a draft condition on which we are consulting

materials and information about the assessment) in relation to that qualification, and

- (b) solely relates to units of the qualification which do not use confidential assessment materials and do not require any information about the assessment to be kept confidential, or*
- (c) is to prepare Teachers to set or mark internal assessment.*

G4.5¹⁸ Where an awarding organisation (or any person connected to it) provides any training for Teachers about a qualification it must –

- (a) make sure that the training is made available to all Teachers preparing Learners registered, or likely to be registered, in respect of the qualification for which the training is to be provided,*
- (b) advertise to Teachers the availability of the training, including in particular by publishing the training details on its website or otherwise on the internet, and*
- (c) publish on its website, or otherwise on the internet, the content of any training materials provided in connection with the training as soon as reasonably practicable after the training has been held.*

G4.6¹⁹ An awarding organisation must take all reasonable steps to ensure that no person connected to it, or previously connected to it, offers to disclose information about any assessment or the content of any assessment materials where that information is (or is said or implied to be) confidential.

G4.7²⁰ Where any breach of any of conditions G4.1 to G4.6 (including through the loss or theft of assessment materials) is either suspected by an awarding organisation or alleged by any other person, the awarding organisation must investigate that breach.

¹⁸ G4.5 is a draft condition on which we are consulting

¹⁹ G4.6 will be imposed in February 2013

²⁰ The substance of G4.7 is already in place but will be re-drafted if the proposed additions are made following this consultation

Proposed definition of 'Teacher'

Definition of 'Teacher' –

Any person who prepares any Learner for the assessment of a qualification, which may include:

- (a) a member of the teaching staff of a school, a further or higher education establishment or a private training provider*
- (b) a person who provides a work-based learning programme, and*
- (c) a person who teaches a Learner at home.*

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