

Responses to the Consultation on Regulating Endorsement and Examiner–author Conflicts



June 2014

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Introduction

On 4th March 2014 we launched a consultation¹ on regulating examiner–author conflicts and resource endorsement. The proposals set out:

- a new condition to which awarding organisations would have to adhere if they endorse products;
- new statutory guidance for existing conditions to help awarding organisations to reduce the risk of situations where examiners are also authors;
- statutory guidance on how awarding organisations might assess the appropriateness of offering qualifications in a package with other products.

The aim of our proposals was to mitigate the risks we set out in the textbook action plan.² We identified that there were risks to:

- standards – resources written by senior examiners could compromise the confidentiality, integrity or predictability of assessments;
- a healthy qualifications market – through, for example, the bundling and selling together of resource packages alongside qualifications in a way that impacts negatively on students and/or the purchasers of qualifications;
- public confidence – through a perception or reality that the current publishing arrangements bring risks to standards or unintended consequences because they result in resources too closely aligned with qualification specifications;
- the effectiveness of learning – through the overall choice and quality of learning resources and whether these materials are more geared to helping students prepare for exams than they are to supporting engaged and effective teaching and learning.

The consultation ran for nine weeks from 4th March until 6th May. In all, 52 organisations and individuals responded to our questions. Of these, 43 provided information about what kind of organisation they represented, or whether they were responding with personal views. This document summarises these responses. Additionally, we undertook further discussion with stakeholders, through

¹ The closed consultation can be found at: <http://comment.ofqual.gov.uk/regulating-endorsement-and-examiner-author-conflicts> .

² For our previous work on textbooks, including our action plan, please see: www.ofqual.gov.uk/news/review-into-exam-textbooks-published .

teleconferences with awarding organisations and an event held in conjunction with the Educational Publishers Council.

Overall the responses were generally supportive of our approach. Out of 42 respondents who answered the question, 37 agreed that awarding organisations should be allowed to endorse resources, whilst 27 out of 41 respondents agreed we had correctly identified the risks. The report below sets out the responses to these questions and the reaction to our draft legal text in more detail.

Please note that where quotations and comments are provided they are representative of the views expressed by some, but not all, respondents and therefore should be treated with caution. The intention is only to provide a snapshot of the responses received.

1. About the respondents

There were 52 responses in total. Of these responses, 43 provided information about whether they were representing an organisation, and if so which kind of organisation.

Exam boards			4
Other awarding organisations			18
Other identified respondents	Other (including general public)	4	21
	Other representative group or interest group*	3	
	Parent/carer	2	
	Private Training Provider	1	
	Publisher	5	
	School/college or teacher representative group	1	
	Student	1	
	Subject association/learned society	1	
	Teacher (but not responding on behalf of a school)	3	
Not identified			9 ³

* This category includes the response of the Federation of Awarding Bodies (FAB), which represents more than 110 vocational awarding organisations.

The results indicate that the largest group of 22 respondents was awarding organisations including exam boards. There were responses from 5 publishers. The results below therefore strongly represent the views of the awarding organisations submitting responses to the consultation, and more weakly show those of the publishers and the general public.

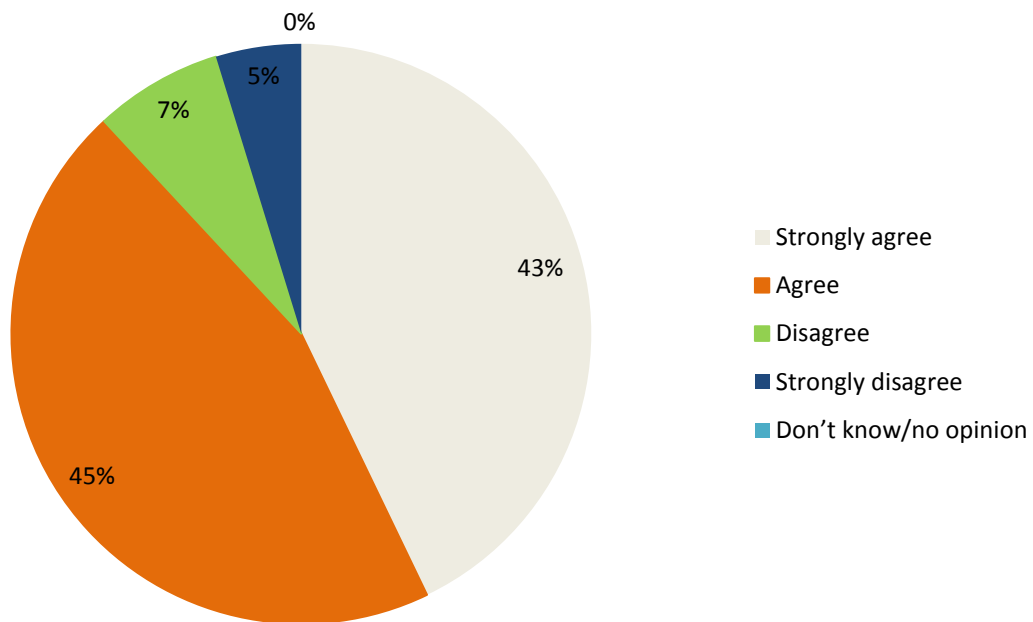
Fewer than 20 per cent of the awarding organisations that we regulate responded to the consultation.⁴ However, we did receive responses from 4 out of the 5 exam boards that make the great majority of awards to students, as well as from FAB, who represent approximately 60 per cent of all awarding organisations. Given this, the findings included in this report are indicative in nature.

³ In accordance with our procedures, those organisations and individuals who did not provide information on whether they represented individual or organisational views, and which kind of organisation, were not included in the results presented later in the report.

⁴ Based on 176 awarding organisations, as set out in our *Annual Qualifications Market Report* [at: http://ofqual.gov.uk/files/2013-09-13-annual-qualifications-market-report-2013-main-report.pdf](http://ofqual.gov.uk/files/2013-09-13-annual-qualifications-market-report-2013-main-report.pdf).

2. Responses to closed questions

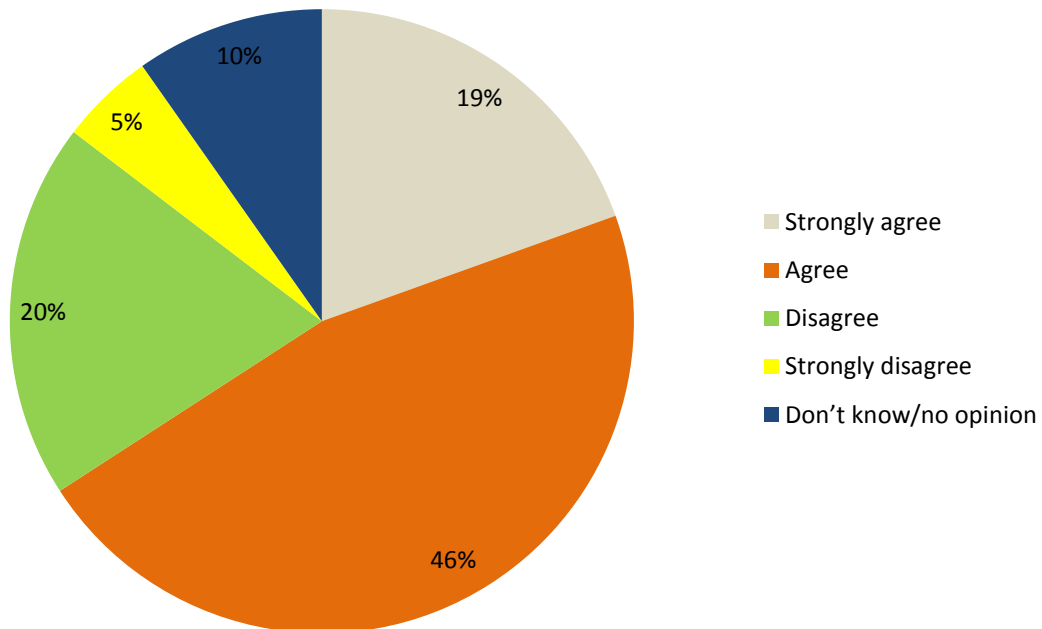
A. To what extent do you agree or disagree that the endorsement of resources by awarding organisations for the teaching and learning of qualifications should be allowed?



	Strongly agree	Agree	Disagree	Strongly disagree	Don't know / no opinion	Total
Exam boards	4	0	0	0	0	4
Other awarding organisations	9	9	0	0	0	18
Publishers	1	4	0	0	0	5
Other	4	6	3	2	0	15
Total	18	19	3	2	0	42

Of the 42 respondents who answered question A, 37 agreed that endorsement of resources by awarding organisations should be allowed. Those who disagreed with our approach were not awarding organisations or publishers.

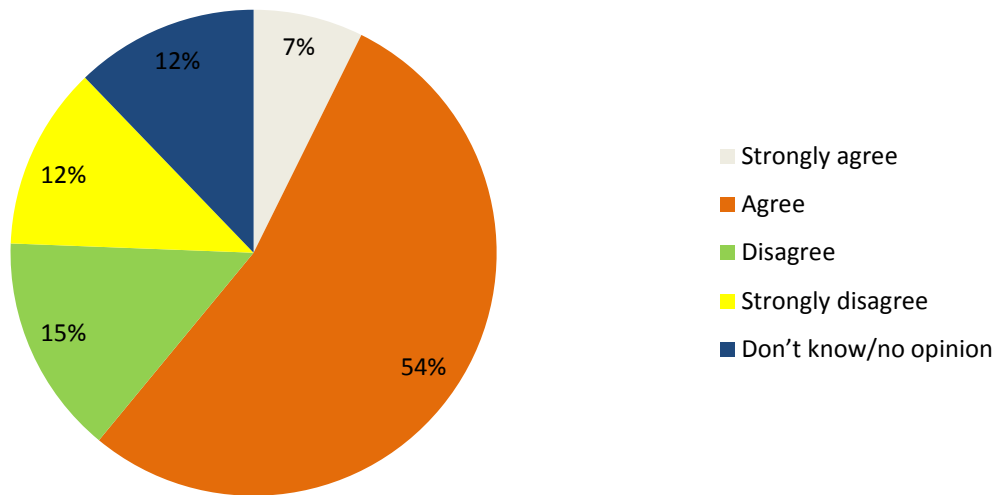
B. To what extent do you agree or disagree that we have correctly identified the risks that endorsement creates?



	Strongly agree	Agree	Disagree	Strongly disagree	Don't know / no opinion	Total
Exam boards	1	3	0	0	0	4
Other awarding organisations	1	9	4	1	3	18
Publishers	2	2	0	1	0	5
Other	4	5	4	0	1	14
Total	8	19	8	2	4	41

There were 41 respondents to question B, which asked whether we had correctly identified the risks that endorsement creates. These responses were generally positive, with 27 agreeing that we had identified the risks. The exam boards agreed that we had correctly identified the risks. However other awarding organisations and other respondents provided a slightly less positive response.

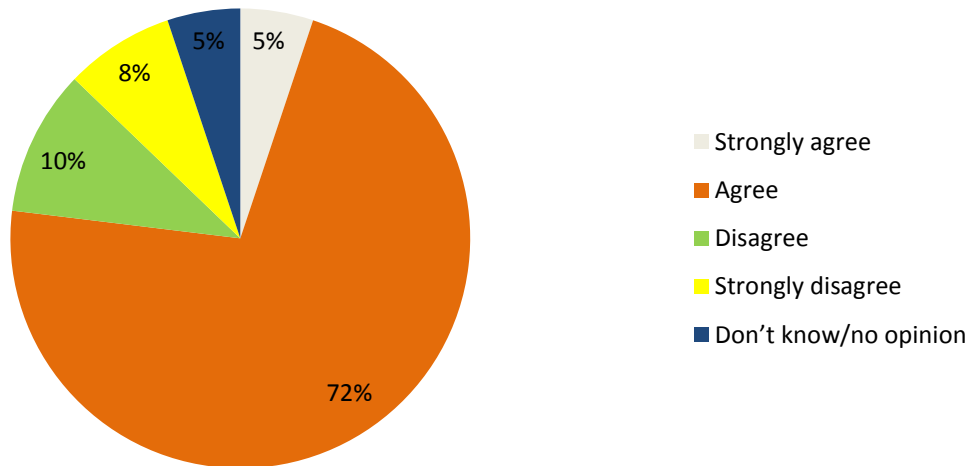
C. To what extent do you agree or disagree that where an endorsement process is set up, the controls we are proposing are appropriate to manage these risks sufficiently?



	Strongly agree	Agree	Disagree	Strongly disagree	Don't know / no opinion	Total
Exam boards	1	3	0	0	0	4
Other awarding organisations	2	11	0	1	4	18
Publishers	0	3	1	1	0	5
Other	0	5	5	3	1	14
Total	3	22	6	5	5	41

Of the 41 responses we received, 25 agreed that where an endorsement process is set up, the controls we are proposing are appropriate to manage these risks sufficiently. The exam boards and a majority of other awarding organisations agreed that the controls we are proposing are appropriate to manage the risks identified. However, the response from publishers and other respondents was mixed. Of the 3 teachers who responded, 2 disagreed, whilst a subject association and a private training provider strongly disagreed.

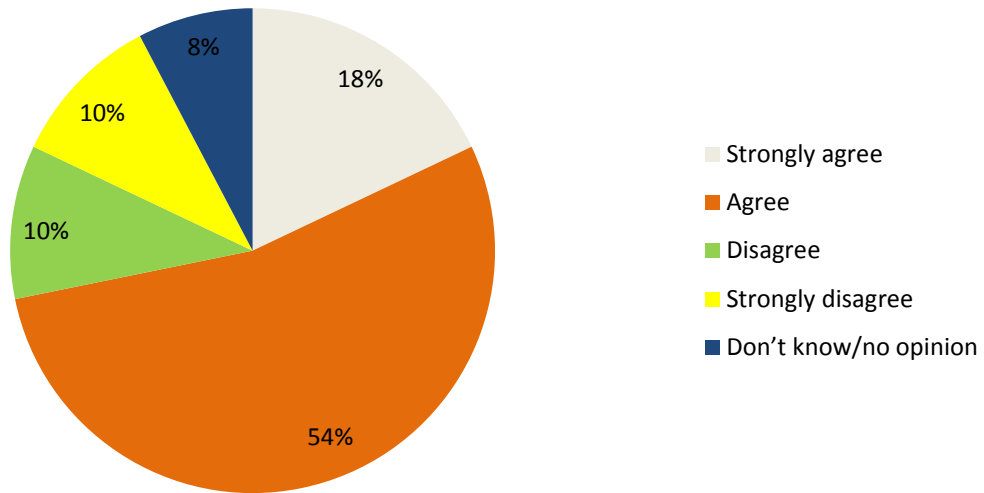
D. To what extent do you agree or disagree that the draft new guidance in relation to Condition A4, about conflicts of interest when a senior examiner also prepares resources for a qualification, is appropriate?



	Strongly agree	Agree	Disagree	Strongly disagree	Don't know / no opinion	Total
Exam boards	0	3	1	0	0	4
Other awarding organisations	0	14	1	1	1	17
Publishers	0	3	0	0	1	4
Other	2	8	2	2	0	14
Total	2	28	4	3	2	39

Of the 39 respondents who answered question D, 30 agreed that the new guidance under Condition A4 (about conflicts of interest) was appropriate. Out of 4 exam boards, 3 agreed that the new guidance was appropriate, as did 14 other awarding organisations. All of the publishers who answered this question agreed that the proposed guidance was appropriate. Responses were also relatively positive from other respondents as well, of whom 10 agreed and 4 disagreed.

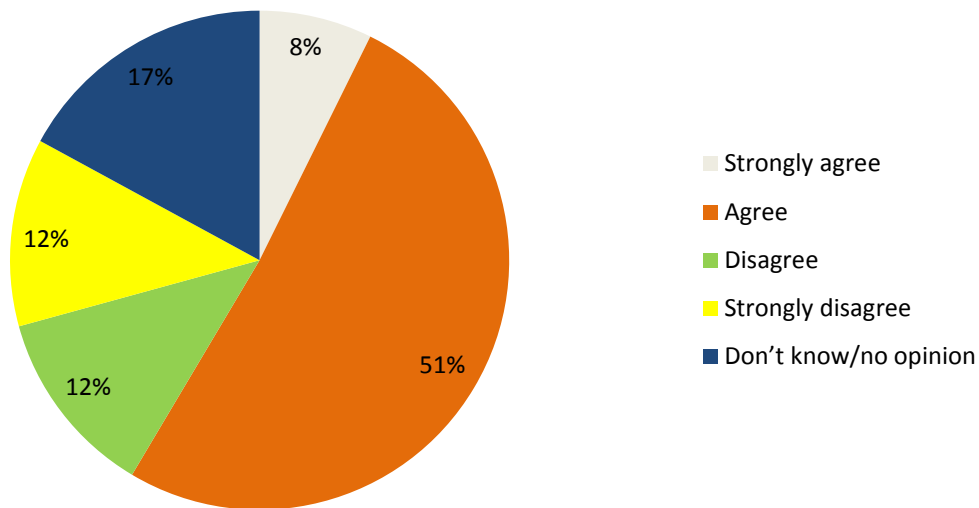
E. To what extent do you agree or disagree that the draft new guidance in relation to Condition G4, about maintaining confidentiality of assessment material, is appropriate?



	Strongly agree	Agree	Disagree	Strongly disagree	Don't know / no opinion	Total
Exam boards	3	0	0	1	0	4
Other awarding organisations	1	13	2	1	0	17
Publishers	0	3	0	0	1	4
Other	3	5	2	2	2	14
Total	7	21	4	4	3	39

With respect to the new guidance relating to Condition G4, about maintaining confidentiality of assessment material, 28 of the 39 respondents agreed that it was appropriate. Responses from exam boards were mixed with 3 strongly agreeing with the proposal, and 1 strongly disagreeing. The exam board which strongly disagreed supported the need to protect the confidentiality of assessment materials but felt that: “the draft guidance would impose requirements that would not be practically achievable”. All other respondents seemed, on balance, to be generally in agreement with this proposal.

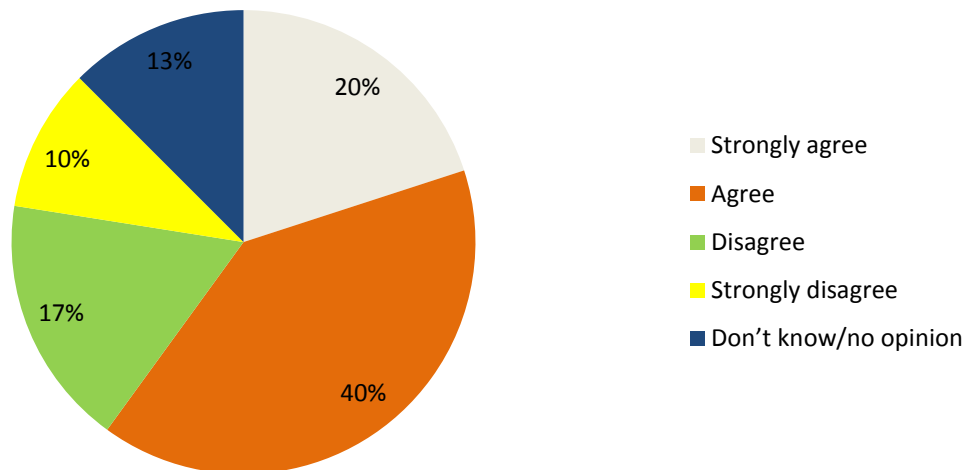
F. To what extent do you agree or disagree that the draft new guidance in relation to Condition F2, about packaging qualifications and resources together, is appropriate?



	Strongly agree	Agree	Disagree	Strongly disagree	Don't know / no opinion	Total
Exam boards	2	2	0	0	0	4
Other awarding organisations	0	12	1	2	3	18
Publishers	0	2	2	1	0	5
Other	1	5	2	2	4	14
Total	3	21	5	5	7	41

In all, 24 of the 41 responses to this question agreed that the new guidance relating to Condition F2 about packaging qualifications and resources together was appropriate. All of the exam boards agreed that this was appropriate guidance, whilst responses from other respondents were less clear cut. Of the 5 publishers who responded, 3 disagreed that the guidance was appropriate. This is likely to reflect their concerns about fair competition in the educational publishing industry.

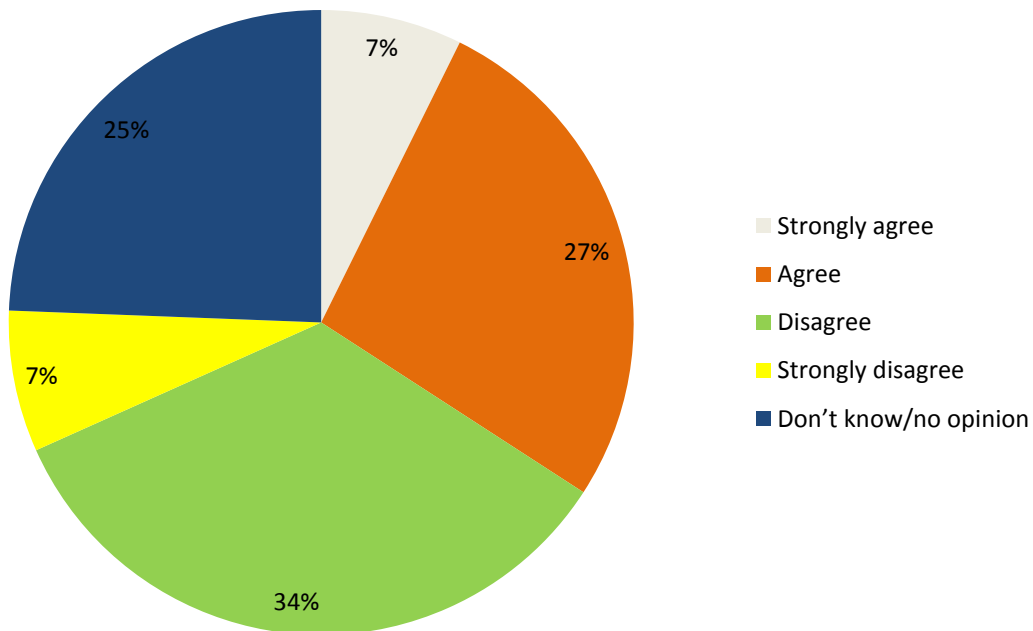
G. To what extent do you agree or disagree that the draft new condition C3 and related guidance, about awarding organisations arrangements with publishers, is appropriate?



	Strongly agree	Agree	Disagree	Strongly disagree	Don't know / no opinion	Total
Exam boards	3	0	0	0	0	3
Other awarding organisations	2	9	3	1	3	18
Publishers	1	2	1	1	0	5
Other	2	5	3	2	2	14
Total	8	16	7	4	5	40

There were 40 responses to question G. Of these, 24 agreed that the draft new condition and related guidance about awarding organisations' arrangements with publishers is appropriate. Views of publishers and other respondents were mixed with 2 (out of 5) publishers disagreeing, and 5 out of 14 other respondents disagreeing.

H. To what extent do you agree or disagree that public confidence in these arrangements will be improved as a result of the proposals?



	Strongly agree	Agree	Disagree	Strongly disagree	Don't know / no opinion	Total
Exam boards	0	3	0	0	1	4
Other awarding organisations	2	3	6	0	7	18
Publishers	0	3	1	1	0	5
Other	1	2	7	2	2	14
Total	3	11	14	3	10	41

Of the 41 respondents who answered question H, 14 agreed that public confidence in these arrangements will be improved as a result of the proposals. Three respondents strongly disagreed and 14 disagreed with this statement whilst 10 did not have an opinion or did not know.

There were 18 additional written comments regarding this question, of which:

- 3 believed either that the public were not concerned or interested enough;
- 7 believed that there is no problem with the current arrangements;
- 4 thought that the real problem with public confidence is elsewhere in the system (for example, teaching to the assessment, potential market abuses by awarding organisations and publishers);
- 4 thought the policies are not sufficient or appropriate enough, or are unlikely to be communicated well enough.

This suggests that only 4 respondents believed that public confidence would not be improved because the policies were not appropriate to the problem or will not be implemented well enough.

Of the 10 “Don’t know” responses, 3 respondents believed that communication and/or implementation will be critical.

3. Responses to open questions

Question I

Are there any other alternatives to introducing regulatory controls that we should be considering for endorsement processes?

This free text question was answered by 28 respondents. The responses summarised below are only indicative and should be treated with caution when making inferences about the data.

Respondents suggested the following alternatives to introducing regulatory controls:

- Self-regulation: strengthening of the existing Code of Practice across exam boards, coordinated by the Joint Council for Qualifications (JCQ).
- No endorsement (combined with a resources list).
- An independent kite mark.
- Prohibiting the use of awarding body names on non-endorsed books, or communicating better the difference between endorsed resources and those produced for a particular specification.
- Initially only introduce the proposed regulation for general qualifications
- Ban exam boards from publishing resources for their own exams, as well as from having a preferred partner.
- Less restrictive guidelines for smaller subjects.
- Consider the role of universities and subject associations in endorsing resources.

Question J

What criteria for endorsement would you like exam boards to use to improve quality of endorsed resources?

There were 34 answers to this open-ended question. The summary below represents the suggestions which were common in some of the responses.

- Emphasis on teaching and learning.
- Coverage of the specification.
- Quality of learning materials.
- Quality of teaching support.

- Curriculum coverage; although endorsed resources should be allowed to cover particular elements.
- Accessibility of language (particularly for international qualifications).
- Effective use of learning technology and digital resources.
- Criteria relating to cultural sensitivities.
- The appropriate way to reference examinations – a clarification that hints and tips about passing exams are inappropriate.
- Interesting and varied material, including questions.
- The endorsement process should be available to any author or publisher who applies for the process and as long as they meet the criteria then they should have their resource endorsed, regardless of status.
- Do not overtly direct the learner to the answers, for example, by providing page numbers in the learning resources to refer to.

Question K

Are there any specific positive or negative impacts on people who share particular characteristics⁵ that we should consider in relation to these draft Conditions? If so, what are they and how could we address any negative impacts?

No respondents identified any specific impacts on people who share particular characteristics.

Question L

Would any of our proposals have financial or wider resource consequences, positive or negative, for schools, exam boards, publishers or others? Please provide evidence to support your answer.

There were 36 responses to this open question. Of these, 15 identified a negative impact, whilst 10 responded that there was a positive impact or no impact at all. For the remaining 11 responses we could not identify a positive or negative impact. The bullet points below represent a flavour of the responses.

- The proposals are unlikely to lead to a significant change to the uptake of endorsed resources.

⁵ Including those defined by the Equality Act 2010, namely: age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, sexual orientation.

- There will be some additional administrative burden on awarding organisations as a result of having to write additional policies and monitor staff, contractors and former staff.
- There is a possibility that if the process becomes too onerous for examiner authors they will no longer be an examiner. This will add costs for awarding organisations if it becomes more difficult to recruit or keep examiners.

4. List of organisational consultation respondents

When completing the questionnaire, respondents were asked whether they were responding as an individual or on behalf of an organisation.

Below we list those organisations that submitted a response to the consultation, excluding those who asked for their response to be kept confidential. We have not included a list of those responding as an individual, however all responses were given equal status in the analysis.

Advisory Committee on Mathematics Education (ACME)
Altain Education
AQA Education
Association of Accounting Technicians (AAT)
Association of Chartered Certified Accountants (ACCA)
Association of School and College Leaders (ASCL)
Cambridge English Language Assessment
Cambridge International Examinations
Chartered Institute of Purchasing and Supply (CIPS)
Collins Learning (a division of HarperCollins Publishers)
Council for Awards in Care, Health and Education (CACHE)
Federation of Awarding Bodies (FAB)
FPSB UK
Hodder Education
Institute of Hospitality Awarding Body
International Baccalaureate Organisation (IBO)
Learning for Work (LFW)
London Mathematical Society (LMS)
Mathematics in Education and Industry (MEI)
National Association of Licensed Paralegals (NALP)
NCFE
Oxford and Cambridge RSA Examinations (OCR)
Oxford University Press (OUP)
Pearson
Recruitment and Employment Confederation (REC)
Science Community Representing Education (SCORE)
The Skills Network (TSN)
The Institute of Export and International Trade
The Learning Machine Ltd (TLM)
Tribal Education Ltd
Trinity College London
Voice: the union for education professionals

WJEC CBAC Ltd
Worshipful Company of Farriers (WCF)
ZigZag Education

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