

CONSULTATION QUESTIONS

Questions for Consultation on Guidance on malpractice and maladministration

Consultation on changing the statutory guidance

ofqual

How to respond to this consultation

The closing date for responses is **14 May 2020 at 23:45**.

Please respond to this consultation in one of three ways:

- complete the online response (click 'Respond online') on our consultation homepage
- complete this response form and either:
 - email your response to consultations@ofqual.gov.uk – please include *Consultation on Guidance on malpractice and maladministration* in the subject line of the email and make clear who you are and in what capacity you are responding
 - post your response to: *Consultation on Guidance on malpractice and maladministration*, Ofqual, 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH, making clear who you are and in what capacity you are responding
- **We can only consider your response if you fill in the 'About you' section at the end of the document.**

1. Your data and rights

The identity of the data controller and contact details of our Data Protection Officer

This Privacy Notice is provided by The Office of Qualifications and Examinations Regulation (Ofqual). We are a 'controller' for the purposes of the General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018 ('Data Protection Laws'). We ask that you read this Privacy Notice carefully as it contains important information about our processing of consultation responses and your rights.

It's our job to tell you how we will collect and use your information, why we need it and what your rights are. We do this to comply with the Data Protection Laws and to protect your privacy.

How to contact us

If you have any questions about this Privacy Notice, how we handle your personal data, or want to exercise any of your rights, please contact:

Data Protection Officer at dp.requests@ofqual.gov.uk or write to us at: Data Protection Officer, Ofqual, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.

Why we are collecting your personal data

As part of this consultation process you are not required to provide your name or any personal information that will identify you. If you provide us with your personal details then we might process those details to get in touch with you about your response.

We will process any other personal data provided in the responses for the purpose of informing the development of our policy, guidance or other regulatory work in the subject area of the request for views. In the case of consultations, we will publish a summary of responses and may publish copies of responses on our website, www.gov.uk/ofqual. We will not include personal details.

We will also publish an annex to the consultation summary listing all organisations that responded. We will not include names of individuals or other contact details. If you tell us that you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

The lawful basis we are relying on to process your personal data is article 6(1)(e) of the GDPR, which allows us to process personal data when this is necessary for the performance of our public tasks in our capacity as a regulator.

Name

Position (if applicable)

Organisation (if applicable)

Telephone number

Email

Sharing your response

We may share your response, in full, with The Department for Education (DfE) and The Institute for Apprenticeships and Technical Education (the Institute) where the

consultation is part of work involving those organisations. We may need to share responses with them to ensure that our approach aligns with the wider process. If we share a response, we will not include any personal data. Where we have received a response to the consultation from an organisation, we will provide the DfE and the Institute with the name of the organisation that has provided the response, although we will consider requests for confidentiality.

Freedom of Information

Please note that as a public body, all written information that we hold is subject to Freedom of Information requests. Any requests from a third party for us to share your personal data with them will be dealt with in accordance with data protection laws.

If there is any part of your response that you wish to remain confidential, please indicate this in your response but note we cannot guarantee that confidentiality can be maintained in all circumstances.

If there is any part of your response that you wish to remain confidential, please indicate below.

Do you wish any part of your response to remain confidential? *



Yes



No

If you selected 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, please state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality

How long will we keep your personal data

For this consultation, Ofqual will keep your personal data for a period of 2 years after the close of the consultation.

Your data

Your personal data:

- will not be sent outside of the European Economic Area
- will not be used for any automated decision making

As a data subject, you have the legal right to:

- access personal data relating to you
- have all or some of your data deleted or corrected
- prevent your personal data being processed in some circumstances
- ask us to stop using your data, but keep it on record

Please note that exceptions apply to some of these rights which we may apply in accordance with the law. If you would like to exercise your rights, please contact us using the details set out above.

You also have the right to lodge a complaint with the Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at ico.org.uk, or telephone 0303 123 1113. ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

2. Consultation questions

1. To what extent do you agree or disagree that the draft guidance will help awarding organisations to understand the requirements of Conditions when dealing with malpractice and maladministration, including condition A8.



Strongly agree



Agree



Neither agree nor disagree



Disagree



Strongly disagree

Please explain your response

2. Do you have any comments on the draft guidance on malpractice and maladministration? For specific comments, please refer to the relevant line number in your response.

3. To what extent do you agree or disagree that the proposed style of guidance will help awarding organisations to understand the requirements when addressing malpractice and maladministration?



Strongly agree



Agree



Neither agree nor disagree



Disagree



Strongly disagree

Please provide any additional comments on the style of the guidance

4. To what extent do you agree or disagree that adding specific examples to the proposed guidance would help awarding organisations to understand the requirements of Conditions when dealing with malpractice and maladministration?



Strongly agree



Agree



Neither agree nor disagree



Disagree



Strongly disagree

If you agree, please indicate the particular sections of the guidance where you feel specific examples would be beneficial.

5. We have not identified any ways in which the proposed guidance would impact (positively or negatively) on persons who share a protected characteristic. Are there any potential impacts we have not identified?



Yes



No

Comments:

6. Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a protected characteristic?



Yes



No

Comments:

7. Do you have any other comments on the impact of the proposal on Learners who share a protected characteristic?



Yes



No

Comments:

8. Do you have any comments on the estimated costs to awarding organisations, large and small, of following our proposed guidance?



Yes



No

Comments:

9. Are there any additional steps we could take to reduce the regulatory impact of our proposals?



Yes



No

Comments:

10. Are there any costs or benefits associated with our proposals which we have not identified?



Yes



No

Comments:

11. Do you have any comments on the readability and accessibility of the guidance?



Yes



No

Comments:

12. Do you have suggestions on how it might be improved?



Yes



No

Comments:






13: Do you have any comments on the impact of our proposals on innovation by awarding organisations?

14. Please provide any comments you may have on when any new guidance should be introduced.

3. Feedback

We want to write clearly and effectively, putting the reader first. How easy to read did you find this consultation? *

Very hard to read


1  2  3  4  5  Very easy to read


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


4. Your details


To evaluate responses properly, we need to know in what capacity you are responding to the consultation. We will therefore only consider your response if you complete the following section.


Which nation or country are you based in? *


 England

 Wales

 Northern Ireland


 Scotland


 Other EU country (please state below)

 Other non-EU country (please state below)

Other country:

How did you find out about this consultation? *

 Ofqual's newsletter

 Ofqual's social media channels



Other social media channels



Ofqual's website



Internet search



Other (please specify):

Is this the official response from your organisation or your own, personal response? *



This is the official response from my organisation



This is a personal response

5. Your details (personal response)

Which of the following best describes you? *



Student



Parent or carer



Teacher (responding in a personal capacity)



Other (please specify):

6. Your details (official response)

Which of these options best describes your organisation? *



Awarding body or exam board



Local authority



School or college



Academy chain



Private training provider



University or higher education institution



Employer



Other representative or interest group

7. Your details (school or college)

Type of school or college *



Comprehensive or non-selective academy



State selective or selective academy



Independent



Special school



Further education college



Sixth form college



Other (please specify):

8. Your details (representative group)

Type of representative or interest group *



Group of awarding organisations



Union



Employer or business representative group



Subject association or learned society



Equality organisation or group



School, college or teacher representative group



Other (please specify):



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Published by:



Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH

0300 303 3344
public.enquiries@ofqual.gov.uk
www.gov.uk/ofqual