

**ofqual**  
**conference**

# **Safeguarding the confidentiality of assessment materials & managing conflicts of interest**

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## A reminder

**Third top private school under investigation following exams 'cheating' scandal**

**Examiners should be 'banned from teaching exams they set'**

**Eton teacher leaves school after leaking exam questions**

**EXAM CHEAT STORM** Teachers shift blame to exam boards after 'cheating' scandals grips three of Britain's top schools

Staff called for stricter safeguards after reportedly admitting teachers are 'tempted to give their pupils too much help'

**The exam cheating controversy shows the system is fraught with danger - but teachers must still set papers**

## Background

- Ofqual announced in August a review of the rules regarding serving teachers / trainers writing & reviewing exam papers / other confidential assessments
- Our rules do not prevent this, although AOs must take **all reasonable steps** to make sure confidential assessment material / information about assessments is not disclosed
- AOs must also take **all reasonable steps** to prevent malpractice, must investigate it and must take **all reasonable steps** to sanction it where it has occurred
- AOs must also take **all reasonable steps** to manage conflicts of interest
- NB our definition of teachers includes anyone who prepares a learner for an assessment for a qualification – supervisor, lecturer, tutor etc.

## Evidence gathering

- Call for evidence asking for views on
  - benefits & risks of teacher involvement in developing exams for qualifications they teach
  - effectiveness of the safeguards used to prevent disclosure
  - ability of a teacher who knows the content of an exam to disregard that when preparing their students
  - how current safeguards could be strengthened
- Information from the exam boards on current practice
- Review of practice in other countries
- Interviews with teacher examiners
- Interviews and focus groups with parents and students

## Our emerging position on which we are consulting

- We have decided that teachers should continue to be involved in writing exams
- We are consulting on enhancements to address the risks which arise in respect of the use of teacher-examiners in three broad categories:
  1. the processes used to produce confidential assessment materials
  2. arrangements to support the appropriate behaviour of teachers who develop assessment materials
  3. improved detection of inappropriate disclosure where this occurs

*NB These safeguards would apply where confidentiality in the content of an assessment or information about an assessment is required to ensure the qualification reflects an accurate measure of attainment (GCR G4.1) - so not just exams but not necessarily all assessments either*

## Discussion in breakout groups

- Consider the issues associated with each of the options – including issues not listed on the slides.
- How could they be addressed?
- Which of the options would you favour?
- Which of the options would best secure public confidence?
- How should we assess the potential additional costs of the options?
- How should we define the assessments to which such safeguards would be applied? Is what is meant by confidential assessments clear enough?

## **Discussion: The processes used to produce confidential assessment materials**

Prevent teachers who have contributed to writing or checking exams knowing which questions or papers will be used in any one year.

- What degree of unpredictability would be needed? 50% chance? 25% chance? (of paper/question being used at any given time)
- Would one approach be appropriate for all qualifications and subjects?
- Are there sufficient writers?
- Extra costs?
- Would it be a sufficient safeguard for one exam writer to write all the possible papers and questions that could be used, albeit they do not know which ones will be used at any given time?
- How long before this could be fully implemented?

## Discussion: The processes used to produce confidential assessment materials

Prevent teachers who have contributed to writing or checking exams knowing which questions or papers will be used in any one year.

- Item or paper ‘banks’?
- To what extent do you currently use item banking for:
  - Multiple choice?
  - Short answer?
  - Extended response?
  - Are these held at subject or QP level?
- What level of **wastage** would there be across the lifecycle of a qualification?
- Should there be one solution or a **variety of solutions** for how to achieve this?
- Are there other safeguards AOs could use when developing assessments to reduce the risk of inappropriate behaviour?



## **Increasing support and understanding for teachers who develop assessment materials**

- Clear contractual arrangements setting out the teacher's obligations with respect to information about confidential assessment materials & any limitations on other roles they could undertake while information they held remained confidential.
- Training the teacher on appointment & while they remained subject to those contractual provisions on how they should satisfy those obligations.
- Having direct contact with the teacher's centre to emphasise the importance of ethical practice, the potential consequences of wrong-doing & support the centre might provide the teacher to avoid deliberately or sub-consciously using the information they hold in an inappropriate way.
- Requiring annual declarations from teacher and examiners that they understand & at all times comply with their obligations to protect the confidentiality of assessment materials.

## Increasing teacher support and understanding (continued)

- We propose to amend the *General Conditions of Recognition*, condition A4 regarding the management of conflicts of interest.
- This is to make it clear that an AO must maintain up to date record of potential conflicts of interest held by any teacher who has seen information about confidential assessment materials, including any teaching roles they hold and the details of the centres in which they teach.

## Discussion: Increasing teacher support and understanding

- To what extent do these reflect current practice?
- Do you agree we should make it explicit in our conditions that all AOs should hold up to date records of all conflicts of interest held by anyone who develops or otherwise sees information about confidential assessment materials?
- Should any possible registers be publically available?
- Do you agree that these measures would support teachers who had seen information about confidential assessment materials to meet their obligations?
- Are there any other types of support an awarding organisation should provide?
- What issues or differences are there in the FE sector compared to schools?

## Improved detection of inappropriate disclosure where this occurs

- Routinely reviewing the work of students whose teacher had prior knowledge of the assessments to look for any unusual patterns in their responses;
- Sampling the teaching plans & materials used by teachers who have prior knowledge of assessments to look for signs they are narrowing their teaching;
- Extending the monitoring of social media to look for signs that confidential information has been disclosed.
- Such steps could also protect teachers from spurious allegations.
- We believe such additional safeguards could be introduced quickly and at reasonable cost.

## Discussion: Improved detection of inappropriate disclosure where this occurs

- To what extent are these an extension of current practices?
- What benefits and limitations do these approaches have?
- To what extent would these practices act as a deterrent to inappropriate behaviour?
- Are there other steps an AO could take to detect or deter to inappropriate behaviour?
- What are the cost implications?

**ANY FINAL REFLECTIONS?**