

Decisions on teacher involvement in the development of confidential assessment materials



In September 2017, we announced we would review:

- the risks and benefits of the long-established practice whereby some teachers who write or contribute to exam papers also teach the qualification; and
- the effectiveness of the safeguards used to reduce the risk of a teacher who has this dual role disclosing or otherwise misusing information about confidential assessments.

Following research and evidence gathering, we consulted on proposals to improve the safeguards around teacher involvement in the development of confidential assessment materials between 14 March and 25 April 2018.¹ This document explains our decisions following that consultation.

This document also explains our decisions following an earlier consultation. Between 9 March and 7 April 2017, we consulted on amending the statutory guidance for Condition G4.² We initially intended to publish the outcomes of that consultation later in 2017. However, before we were able to do so, we became aware that we might need to consult again on Condition G4 when we committed to reviewing the approaches awarding organisations take to safeguarding the use of teachers in contributing to confidential assessment materials.

We decided to wait until our review and any resulting consultation, had concluded, as we were aware that any consultation was likely to cover similar ground.

Summary of our decisions

In line with our consultation proposals, we decided we will:



¹ <https://www.gov.uk/government/consultations/consultation-teacher-involvement-in-the-development-of-confidential-assessment-materials>

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- revise General Condition of Recognition A4 “Conflicts of interest” in order to make it an explicit requirement that awarding organisations must establish and maintain an up to date register of all conflicts of interest which relate to them
- allow awarding organisations to decide whether or not to publish information about the people who are involved in developing and delivering their confidential assessment materials
- make it explicit in General Condition of Recognition G4.1 “Maintaining confidentiality of assessment materials” that awarding organisations need to manage the risks of teachers disclosing information about confidential assessment materials
- create a new section of statutory guidance which identifies a number of Conditions that place obligations on awarding organisations which are relevant to the risks around the involvement of Teachers in the development of assessments. It will outline some of the factors that will be relevant in an awarding organisations' analysis of the strength of the safeguards it needs, and include examples to illustrate the different safeguards that an awarding organisation may choose to put in place for qualifications with different risk profiles. Awarding organisations must have regard to this guidance when determining their approaches in this area

Conflicts of interest

Respondents to our consultation were almost all in favour of our proposals relating to conflicts of interest. The only responses not in favour were on the basis that the existing requirement is sufficient.

Given that there were no substantive objections to our proposed change to Condition A4, we have decided to take forward our proposal and make it a requirement that awarding organisations must establish and maintain an up to date register of all conflicts of interest which relate to them. Most of the comments we received in response to our proposal indicated that this change would make little difference to awarding organisations' current practice.

Respondents gave us mixed views regarding our proposal to allow awarding organisations to decide whether to make public information about the people who are involved in developing their confidential assessment materials. Our proposal was in response to suggestions that we should require awarding organisations to publish this information. With a single exception, those who disagreed that awarding organisations should be free to decide whether to make public this information thought that we should not permit such lists to be published.

Awarding organisations have indicated that currently this information is not generally made public, although some publish the names of their Chairs of Examiners in order

to provide reassurance to their customers that the specification has been designed and will be assessed by experts. Responses to our consultation indicate that awarding organisations intend to continue the current practice. We have decided to take forward our proposal and continue to allow awarding organisations the freedom to make this decision.

Condition G4.1

The great majority of respondents agreed that we should make explicit in Condition G4 that awarding organisations need to manage the risks of teachers disclosing confidential assessment information.

Those that disagreed did so on the basis that the current condition is already sufficient. We believe that making this risk explicit will emphasise the importance of this area for public confidence, and so we have decided to take forward our proposal and amend Condition G4.1.

Statutory guidance

On the whole, respondents to our consultation were positive about our proposals for new or revised guidance.

Our earlier proposals

Our 2017 consultation proposed updated guidance which would replace, in its entirety, the existing guidance for Condition G4. Responses to that consultation were positive on the whole, and did not give us reason to reconsider our proposals.

We have chosen to combine the guidance we consulted on in 2017 with the guidance we consulted on in 2018. This means that the guidance we propose now looks quite different to the specifics of our previous proposal in 2017. However, it covers many of the same issues and follows the same principles – revising the format to make it easier to understand and follow, and refining the wording to make it clear the guidance does not impose rules beyond what the Condition requires.

Purpose and function of guidance

There were two key aspects to the guidance which we proposed. Firstly, that the safeguards an awarding organisation uses need to be tailored to its particular qualifications, and secondly that we should publish expanded statutory guidance that makes clear the safeguards we would expect an awarding organisation to apply to different types of qualifications.

Only one response to our consultation expressed an opinion that safeguards should not be tailored to particular qualifications. This was on the basis that centres may be burdened by different requirements for different qualifications and awarding organisations. We believe, however, that the effect on centres will be minimal, as any changes are likely to involve awarding organisations' internal processes and

relationships with third parties contracted to them. We have decided therefore that we will adopt this proposal and make it clear through our guidance that the safeguards an awarding organisation uses need to be tailored to its particular qualifications.

A minority of respondents raised concerns that expanded guidance might prevent awarding organisation from applying appropriate safeguards by shoehorning qualifications into different 'types'. This is a concern we understand but is the opposite of what the guidance intends. We believe that the expanded guidance, on which we will consult, will make it clear that awarding organisations will be free to use safeguards appropriate for their qualifications, and they will not be required to assign any qualification to a particular type. We have decided to adopt our proposed approach.

The rest of our proposals involved the details of the kinds of safeguards and factors awarding organisations might take into consideration, and which we proposed to include in our guidance.

Types of safeguards

We consulted on proposals which categorised the safeguards awarding organisations can use to reduce the risk that a teacher who has information about confidential assessment materials uses the information inappropriately in three main ways.

How assessment materials are produced

Our proposals covering the production of assessment materials were broadly agreed with. Although most respondents were supportive in principle, a number expressed concerns regarding the manageability of our proposal that teachers who contribute to confidential assessment materials should not know if or when those materials will be used.

We believe that having this option available to awarding organisations provides them with a potentially valuable safeguard which would permit the use of teachers in developing even the most high-stakes assessments. Our guidance does not mandate what form this safeguard should take – for example, if question banks are unfeasible then a number of whole papers could be developed instead.

We have decided to specify the particular safeguards we proposed in our guidance.

A handful of other safeguards were suggested. While we did not disagree with any of the suggestions, nowhere do we suggest that the safeguards we proposed are an exhaustive list, so we have decided not to include any of the suggestions.

How inappropriate behaviour is deterred and detected

There were no substantive disagreements with our proposals of safeguards which might deter Teachers from this kind of malpractice. There were a number of suggestions for other safeguards of this type, but these either lay outside of our remit or were covered by proposals we had already made. We have decided to adopt our proposals without any changes.

How teachers who have confidential information can be supported to behave appropriately

We received some responses to our consultation which questioned the validity of using statistical monitoring to detect malpractice. We also published a paper³ alongside our consultation which stated:

Although they can provide some kind of likelihood-based conclusion about possible cheating for those who are interested in the performance of the test and use of the results, it is impossible for them to prove that cheating or test collusion has actually happened.

We still believe that statistical monitoring can add value in detecting and deterring this form of malpractice, so we have decided to adopt our proposal. We will make clear in our proposed guidance, however, that awarding organisations should consider whether a particular type of monitoring will yield reliable information.

We also received questions about the manageability and validity of our proposal that where appropriate, awarding organisations could sample materials such as teaching plans and formative assessments used by Teachers who hold confidential assessment information to look for signs they had inappropriately narrowed their teaching. We believe that there are situations where this might be appropriate, and we do not suggest that this kind of safeguard be used in every situation. We have decided to include this safeguard in our guidance.

We did not receive any other comments which gave us cause to question the safeguards we proposed in our consultation, so have decided to include them in our guidance

Factors

We also proposed a number of factors for awarding organisations to consider when deciding which safeguards should be in place for a particular qualification. We did

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690007/Statistical_techniques_for_studying_anomaly_in_test_results- a_review_of_literature.pdf

not receive any responses which made us question any of the factors we had proposed. We have decided to use the factors we proposed in our guidance.

We did receive some suggestions for additional factors which awarding organisations should consider. These focussed on the specific type of assessment used in a particular qualification. We agree that these are aspects which should factor in to an awarding organisations thought processes, and we use some factors of this type in our proposed guidance, taking into account, for example, the delivery and assessment model and sampling regime.

Use of examples

We proposed to include examples in our statutory guidance to illustrate to awarding organisations the ways in which they should take factors into consideration and the range of safeguards which would be appropriate.

We received no responses which gave us reason to think this was unhelpful, so we have decided to include examples in our guidance.

Equalities impact and regulatory impact

Responses to our consultation did not identify any ways in which our proposal would negatively impact on people because they share particular protected characteristics.

Responses from awarding organisations were limited in terms of their predictions of the regulatory impacts our proposals would have. The responses we did receive suggested that the impact of our proposals would vary widely. For many qualifications offered by awarding organisations, our proposals would have little or no impact, either because the nature of the qualification is such that confidential assessment materials are not used, or because the awarding organisation already has adequate safeguards in place.

Some of the largest awarding organisations, such as the exam boards offering GCSEs and A levels, indicated that there would be a cost to implementing our proposals. However, we consider the impact of the additional regulatory safeguards we are putting in place to be proportionate and necessary to ensure that confidential information about assessments is not shared, particularly where that information has been developed or otherwise seen by teachers.