

ANALYSIS OF CONSULTATION RESPONSES

# Guidance on malpractice and maladministration: response analysis

**ofqual**

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# Executive summary

We [consulted on proposals to make changes to our Guidance on malpractice and maladministration](#). The consultation ran between 20 February 2020 and 16 October 2020. The consultation length was extended from 12 weeks to 34 weeks due to the coronavirus (COVID-19) pandemic.

The consultation questions were available to complete online, via email or by post.

We received 29 responses to the consultation. Of these, 28 were online responses, and 1 was received by post. We are grateful to everyone who participated.

## Introduction

This report is a summary of the views expressed by those who responded to the consultation.

We proposed to replace existing Guidance for Condition A8 of the General Conditions of Recognition, with updated Guidance on malpractice and maladministration, covering a wider range of Conditions. The proposed new guidance has a narrative structure, considering multiple Conditions that come into play when dealing with malpractice and maladministration. The proposed guidance, if adopted, would replace the A8 Guidance currently in place, which took the form of positive and negative indicators, though some of these have been integrated into the guidance where appropriate. The guidance will sit within section A of the guidance, but will not be presented as relevant only to Condition of A8, as it relates to a number of different Conditions.

The guidance aims to make it easier for awarding organisations to understand their obligations, and what we expect them to do, when preventing, detecting, investigating and taking appropriate action in connection with malpractice and maladministration.

We did not propose any changes to the Conditions, so the obligations that are placed on awarding organisations would be unchanged.

## Who responded?

We received 29 responses to our consultation. 18 of these were from organisations, and 11 were personal responses.

Table 1: Breakdown of personal consultation responses

<b>Respondent type</b>	<b>Number of responses</b>
Student	1
Parent	5
Teacher	1
Other	4

Table 2: Breakdown of organisational consultation responses

<b>Respondent type</b>	<b>Number of respondents</b>
Awarding organisation or exam board	15
Group of awarding organisations	2
Other	1

Respondents who gave a personal response and were classified as 'other' included an exams officer, exams administrator, responsible officer (responding in a personal capacity) and a member of the public.

Respondents who gave an organisational response and were classified as 'other' identified as an advocacy group for awarding organisations in the performing arts.

A list of the organisations that responded to the consultation is included in Appendix A.

Table 3: Location of respondents to the consultation

<b>Location</b>	<b>Number of respondents</b>
England	25
Wales	2
Northern Ireland	1
Scotland	1

# Approach to analysis

The consultation was published on our website. Respondents could choose to respond using an online form, by email or by post. The consultation included 14 questions relating to the proposed guidance on malpractice and maladministration.

The consultation generated views from those who wished to participate, who cannot be considered as a representative sample of the general public or of any specific group.

We present the responses to the consultation questions in the order in which they were asked. Respondents could choose to answer all or just some of the questions. Many respondents chose not to answer all the questions asked. This means that the total number responding to each question varies; the details are provided for each question.

For most of the questions, respondents could indicate the extent to which they agreed with the proposals, using a 5-point scale (strongly agree, agree, neither agree nor disagree, disagree and strongly disagree), or where appropriate, could demonstrate their agreement or disagreement in a yes or no response. On a number of these questions, respondents were then given the opportunity to provide further comment in support of their opinion. Questions where respondents were asked to indicate their agreement, or the extent of their agreement, are referred to as 'closed', whereas those which asked respondents to provide comments are referred to as 'open'.

Not all respondents who responded to the closed questions provided further comment in the subsequent open question and, of those who did, not all comments were relevant to the question. In some cases, the comment was simply 'no further comment'.

During the analysis phase we reviewed every response to each question.

We have provided tables of the data from each of the closed questions.

Where we have included quotes from the responses, to illustrate the main themes identified, we have edited some for brevity and to preserve anonymity but have been careful not to change their meaning. It will be clear where partial quotes are used.

For question 2 where respondents were asked to give comments in an open question, as the responses related to specific sections of the draft guidance, we present them under the relevant headings relating to those included in the draft guidance where appropriate.

Respondents were invited to self-identify the group to which they belong. The number of responses in tables 1 and 2, and appendix A are based on these unverified self-descriptions.

# View expressed: consultation response outcomes

In this section we report the views, in broad terms, of those who responded to the consultation. We have structured this around the questions covered in the consultation document.

A consultation is not the same as a survey and the responses only reflect the views of those who chose to respond. As such it cannot be considered as a representative sample of any specific group

## Question 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?

Response	Number of responses
Strongly agree	5
Agree	16
Neither agree nor disagree	4
Disagree	1
Strongly disagree	1

The majority (88%) agreed or strongly agreed with the proposal. There was a general consensus amongst respondents in support of the guidance that they felt it was helpful to consider how the different Conditions came into play and interacted when dealing with malpractice and maladministration. Respondents also highlighted that they welcomed greater clarity that comes from the guidance. For example:

‘We think that providing guidance that cuts across the conditions will ensure that the breadth of the impact of malpractice and maladministration is clearer’. (Other representative or interest group)

'We welcome the new guidance. It is sufficiently detailed and clear, providing useful examples to help awarding organisations' understanding and application of these Conditions. We support the inclusion of the references to other conditions 'outside' condition A8 with clarity of how and why they relate to each other'.  
(Awarding organisation or exam board)

Of those respondents who neither agreed nor disagreed with the statement, 2 were awarding organisations, and both provided reasoning behind their choice. One respondent suggested that, on review by colleagues, they had received different opinions with some support for the more detailed guidance as presented in the consultation, whilst others supported the aim of showing how Conditions interact when dealing with malpractice and maladministration, but felt the style meant it was not an 'easy read'. A second respondent suggested that they neither agreed nor disagreed because they felt some areas were useful in reducing the risk of non compliance to the organisation, where others were not helpful. Further clarification on this was found in question 2. The remaining awarding organisations who responded to this question either agreed or strongly agreed.

Two respondents disagreed or strongly disagreed with the statement provided. Both of these respondents were parents or carers. One respondent who disagreed suggested that the draft guidance did not explicitly consider extraordinary events, such as the process for awarding in 2020, and new forms of potential malpractice and maladministration. The respondent who strongly disagreed did not give a reason.



## Question 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.

There were 20 responses to this question, though 5 of these were to highlight that the respondent had no further comments. Comments provided related to specific parts of the guidance, and so the analysis below is broken down into the relevant subheadings.

## Introduction

Three respondents suggested that lines 3 to 5, that consider those involved in the successful delivery of exams and assessments, should specifically reference more of the individuals who have a role in the process including senior leaders, SENCos, heads of centre and employers.

## What is malpractice and maladministration?

Three respondents suggested that there needs to be greater clarity that the draft guidance would apply to malpractice and maladministration in the context of qualifications.

‘A notable feature of the description of malpractice and maladministration in the draft guidance is the lack of reference to qualifications. This could be assumed, given the context of the guidance, but it would be more appropriate for the description of malpractice and maladministration to refer to the delivery of qualifications and, preferably, the impact upon the integrity of qualifications’.  
(Awarding organisation or exam board)

Seven respondents suggested that the guidance did not align with the recommendations of the JCQ ‘Report of the Independent Commission on Malpractice’ in terms of agreeing a single definition of malpractice, and whilst some simply noted this inconsistency, there were concerns raised that the guidance should align with the JCQ report and include a single, consistent definition of malpractice. A respondent (awarding organisation or exam board) suggested that a specific, formal definition of the terms malpractice and maladministration under section J of the Conditions would be helpful.

Two respondents commented on lines 64 to 67, with one respondent, an awarding organisation, suggesting that if it is not particularly relevant which classification is given it would be more appropriate to classify all such behaviour as malpractice. The

same respondent also commented that it would be challenging to report incidents to Ofqual should they not be appropriately categorised, referring to lines 80 to 81 of the guidance. Another felt that centres may find it difficult to understand if incidents were not consistently classified. This respondent also suggested that there was the need to highlight that, where maladministration is repeated, this may then be classified as malpractice, and that examples of this would be beneficial.

Some respondents raised concerns regarding reference to intentional bias or discrimination in line 36. One respondent felt it was non-standard to include such a reference directly. However, the same respondent also suggested that the guidance may be expanded to consider unconscious bias. Further respondents asked for additional clarity and examples on this suggesting a possible impact on equality.

Three respondents suggested that it would not be appropriate for the guidance to cover malpractice committed by an awarding organisation member of staff, as this would be addressed as a contractual or disciplinary issue rather than malpractice. Two awarding organisations suggested that, should it be the case that malpractice by awarding organisation staff is covered by the guidance, malpractice by Ofqual staff members should also be covered.

One respondent suggested that it would be helpful to add examples of malpractice, that included heads of centre and exams officers, to the list provided in lines 45 to 58 as they felt there was too much emphasis on teachers and Learners in the examples provided.

One respondent, a group of awarding organisations, suggested that it may be beneficial to remove lines 70 to 82 from the proposed guidance:

‘The lines above make it clear that all allegations of malpractice and maladministration must be investigated by the AO. The additional information provided in these paragraphs clouds the issue’. (Group of awarding organisations)

## Identifying risk and preventing malpractice and maladministration

There were suggestions that the statement in lines 86 to 88 is inaccurate as there may be examples where maladministration and malpractice does not have an Adverse Effect, and there was a request to provide some exemplification of what is meant by Adverse Effect.

An awarding organisation suggested that the information provided in lines 96 to 127 was helpful, and would benefit from considering other factors, such as for AOs operating outside of the UK.

Three respondents requested greater clarity on line 142 ‘incidents that could occur outside of England’, as they felt it was not clear whether this referred to incidents in the rest of the UK but outside of England, or solely those outside of the UK.

Regarding the remainder of this section of guidance, some respondents requested specific examples in relation to training or information provided to users of the qualification (line 157), any other appropriate safeguards (line 181) and what sort of materials may be considered with regards scrutiny of materials (195).

## Supporting centres in their approach to malpractice and maladministration

One awarding organisation supported the guidance provided on when to step in when a Centre cannot manage an issue. Another awarding organisation asked for greater clarity as to the point at which an awarding organisation would be expected to step in.

## Detecting malpractice and maladministration

Three respondents highlighted concerns about the use of the term whistle-blowers in lines 228 to 229, suggesting that such a term is not appropriate in this context. ‘Informant’ was proposed as an alternative.

## Notifying Ofqual

One awarding organisation requested clarification about the meaning of ‘promptly’ (line 257) when notifying Ofqual of an event.

One awarding organisation requested clarification on whether Ofqual would need to be notified in all cases, as they felt that this may present an excessive burden to awarding organisations.

A third awarding organisation suggested that the reference to reporting concerns of criminal activity to the police should be edited to reflect that this would only need to be done where there was a credible allegation.

## Investigating malpractice and maladministration

One respondent suggested that this section was overly prescriptive. Other respondents requested greater clarity on some aspects raised, including:

- whether awarding organisations are required to undertake all investigations (as some have interpreted from line 272)

- whether all investigations require clear terms of reference or only those undertaken by the awarding organisation
- what the minimum requirements would be in terms of whether an investigator has appropriate skills and experience
- to what extent an auditable trail would need to be in place with regards to the factors that must be considered when deciding who is best placed to undertake an investigation, including whether they have the competence and capacity

Concerns were also raised regarding personal interest, with one awarding organisation suggesting that the concept was vague and that it could lead to potential delays in investigations, increased costs for awarding organisations and a breakdown in the trust relationship with centres.

## Taking appropriate action where malpractice and maladministration is suspected or alleged

Three respondents indicated concern regarding lines 415 to 427 of the proposed guidance. One respondent (awarding organisation or exam board) suggested it conflicted with information provided to them from JQC with regard to proportionality. Another suggested that there may be an impact on public confidence if a qualification is awarded and then withdrawn. It was suggested that there may be a greater Adverse Effect should someone use a qualification to progress and subsequently have this removed.

There were different views about lines 447 to 455 which considered the weight given to the obligations placed on an awarding organisation by different Conditions. One awarding organisation suggested that the guidance was helpful, however, another awarding organisation felt it was ambiguous:

‘...there is no clear guidance which condition should be given greater weighting in the decision to award or withhold results’ (awarding organisation or exam board).

One respondent felt that there were legal implications in terms of data protection with regards to contacting learners about their certificates. Another awarding organisation suggested this would be challenging and requested further guidance on what might constitute reasonable steps in this context.

## Taking appropriate action once malpractice or maladministration is established

One respondent indicated that they felt line 476 needed greater clarity and should read that they must take reasonable steps to sanction those responsible for malpractice or maladministration, rather than outlining that they must take action, in order to more appropriately reflect the obligation placed on them by the Conditions.

## Review of decisions relating to malpractice and maladministration

A number of respondents raised concerns about contacting learners to inform them of the outcome of investigations and any sanctions. They suggested that this could have legal implications for awarding organisations in terms of data protection duties, and also cost implications. One respondent suggested it would be helpful if the guidance included examples of what reasonable steps an awarding organisation might be expected to take to contact learners.

Similar concerns were raised with regards notifying the Teacher Regulation Agency (or any other teaching regulator) where a teacher has committed malpractice or maladministration. Some suggested that awarding organisations may need to take legal advice, which would create a financial burden. One respondent sought greater clarification as to whether informing the Teacher Regulation Agency would be a requirement.

## General comments

One awarding organisation asked for clarity about the status of Ofqual's guidance.

One respondent suggested that the guidance should explicitly reference centre assessment grades as used in the extraordinary arrangements for summer 2020 in case this form of assessment be used again.

### Question 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?

Response	Number of responses
Strongly agree	5
Agree	15
Neither agree nor disagree	2
Disagree	2
Strongly disagree	2

The majority of respondents (77%) either agreed or strongly agreed that the proposed style of guidance would help awarding organisations understand the requirements. 65% of those who agreed or strongly agreed were awarding organisations or exam boards. Where respondents agreed, many suggested that the narrative style was more comprehensive and therefore aided understanding and provided clarity. Others said the style was clear and straightforward. 20% of respondents who agreed with this statement explicitly indicated that they felt the guidance was an improvement on the previous guidance for Condition A8.

Some respondents suggested areas for improvement, with 2 respondents suggesting that consistency across the document needed to be improved, as some parts were more prescriptive than others, and some parts included fewer examples. One respondent suggested that whilst the style was appropriate the content did not provide appropriate guidance for awarding organisations in dealing with extraordinary incidents of malpractice and maladministration.

Two respondents strongly disagreed with the proposed style of guidance. One, an awarding organisation or exam board, explained their answer: whilst the format of the guidance was clear, they felt that using case studies rather than narrative guidance would better help them understand the requirements.

Two also disagreed with the proposed style of guidance. One respondent, an awarding organisation or exam board, indicated that the narrative guidance resulted in a lengthy document and highlighting similarities with documentation already produced by JCQ.

Respondents who neither agreed nor disagreed gave no reasons for their answer.

## Question 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?

Response	Number of responses
Strongly agree	8
Agree	15
Neither agree nor disagree	2
Disagree	2
Strongly disagree	0

Overall, 86% of respondents strongly agreed or agreed that adding specific examples to the proposed guidance would help awarding organisations to understand the requirements of the Conditions when dealing with malpractice and maladministration.

Whilst there was overall agreement that, in principle, examples were helpful, some suggested limiting the number to 1 or 2 examples in each section, so the guidance was not overly prescriptive.

One respondent commented that the broad range of assessment models and awarding organisations would mean that not all eventualities could be covered. Another suggested the need to be explicit that examples provided were not exhaustive.

One respondent felt the draft guidance included an appropriate number of examples.

There were different views with regards to the sections of the guidance that would benefit from the addition of further examples. Respondents highlighted a range of areas where they felt examples were beneficial, including:

- 'potential and actual Adverse Effects' (awarding organisation or exam board)
- 'case studies...clarifying how investigations should be conducted' (awarding organisation or exam board)
- 'designing out malpractice in the design of assessments' (other representative or interest group)

- ‘determining when a Centre or an Awarding Organisation is best placed to lead an investigation’ (personal response, other)
- ‘more examples relating to ‘Adverse Effect’ for awareness during malpractice investigations’ (awarding organisation or exam board)

One respondent suggested it may be beneficial to include both positive and negative examples. Another respondent suggested that any examples used should be specific real-world examples to show the types of malpractice most commonly found.

Two respondents suggested that where further examples are included these should include reference to vocational learning, and other forms of assessment other than examinations, with one suggesting the need to consider examples for remote assessment.

“The examples are mostly academic led and it may be useful to apply them more clearly to vocational learning and apprentices”. (awarding organisation or exam board)

Relating to structure, one respondent (personal response, other) suggested that it would be more helpful to include examples in an appendices rather than adding them to the body of the guidance itself.



## Question 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?

Response	Number of responses
Yes	2
No	25

Twenty five respondents indicated that they had not identified any potential impacts on persons who shared a protected characteristic, representing 93% of respondents.

Two respondents felt there were potential impacts that we had not identified. Both respondents were providing personal responses and identified as parents or carers. One respondent referenced the arrangements for the awarding of GCSE, AS and A levels in 2020 specifically and the impact of these arrangements on those with particular protected characteristics. As such the comment made was out of scope for this specific consultation. The second respondent referenced the guidance provided to schools for students with a special educational need, and again this is out of scope for this specific consultation.

## Question 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?

Response	Number of responses
Yes	2
No	25

The majority of respondents (93%) indicated that they had not identified any additional steps we could take to mitigate any negative impact resulting from the proposal to introduce the draft guidance on persons who share a protected characteristic.

One respondent who answered 'no' to this question suggested that it may be helpful to provide some guidance on the use of translators and advocates for vulnerable persons during investigations.

The 2 respondents that had highlighted in question 5 that they felt there were potential impacts on those with protected characteristics, also proposed additional steps that could be taken. One respondent suggests that improving the clarity of guidance would mitigate any negative impact on students, however it is unclear whether this related to the previous comment made which referred to guidance provided for schools as part of the arrangements for awarding in 2020 as opposed to the proposed guidance on which we are consulting, which makes this out of scope for this consultation. The second respondent explicitly referred to guidance provided to centres for the arrangements for the awarding of GCSE, AS and A levels in summer 2020, which is not in scope for this consultation.

## Question 7

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

Response	Number of responses
Yes	1
No	26

The majority of respondents (96%) had no additional comments on the impact of the proposal on Learners who share a protected characteristic.

One respondent, who had given positive responses to both previous questions, suggested that guidance should consider the potential for extraordinary events, such as the arrangements in place for awarding summer 2020, though again comments were out of scope for the specific consultation.

## Question 8

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

Response	Number of responses
Yes	12
No	15

With regards the cost to awarding organisations, 56% of respondents had no comments on the estimated costs we presented. Of those respondents, one added that:

‘it could be argued there is a reduction in cost given clarification about “personal interest” (awarding organisation or exam board).

Of those who indicated they had additional comments, 6 explicitly highlighted that they felt the estimate of an average of £120 per awarding organisation for the one-off cost of familiarisation with the new guidance stated in the consultation document was too low. Generally those who commented said there were costs that had not been considered in the consultation document, focused around increased costs to review and change templates, policies and procedures, and any associated staff training and other costs. Where this was broken down further, 3 respondents suggested that there would be an increased burden on awarding organisations with regard to the threshold for who should carry out investigations, which would increase costs. One respondent also suggested that there would be an administrative burden should centres be required to gather Learners’ contact details.

A small number of respondents suggested that they would require additional clarification in line with points raised in other questions of the consultation, before being able to fully comment on the cost implications.

‘It would be helpful to clarify the references to suitably qualified and trained individuals (e.g. line 340) to provide guidance particularly to smaller AOs who may feel they need external support which could potentially push up costs’.  
(Other representative or interest group)

'Further clarification of the expectations relating to the terms of reference would identify whether this will result an additional workload and cost'. (Awarding organisation or exam board)

'Without further clarity on the requirements around documenting processes, it would be difficult to make an accurate estimate of the cost of implementation but we anticipate that it would be significant'. (Group of awarding organisations)

Two respondents explicitly referenced a revised costing estimate, with one suggesting £1,000 (awarding organisation or exam board), and the other between £1,000 and £3,000 (awarding organisation or exam board).

## Question 9

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

Response	Number of responses
Yes	13
No	13

Half of respondents suggested that there are additional steps that we could take to reduce the regulatory impact of the proposals, ten of which were awarding organisations or exam boards, or groups of awarding organisations.

Of those who did not identify any additional steps to reduce the regulatory impact of proposals, 2 respondents, who identified as awarding organisations, said that they welcomed the additional guidance.

There were 2 clear areas where the majority of suggestions were made for additional steps to take. Four respondents suggested steps in relation to the timing of the introduction of the proposed guidance:

- the provision of sufficient notice
- alignment with JCQ's annual publication of its policies and procedures on malpractice and maladministration
- delaying its introduction until the pressures caused by the pandemic had passed

The second main area where suggestions were made considered how awarding organisations would be required to evidence that they show regard to the guidance. Respondents indicated that they would require clarification as to what level of documentation would be required. This was raised by 5 of those respondents who indicated that they felt there were additional steps that could be taken. Comments included:

'...the capacity, capability and potential conflict of interest of AO staff and Assessment Associates should rightly be considered by AOs on an ongoing basis, and there should be mechanisms for monitoring these, but it seems disproportionate to require AOs to document a consideration of these factors for

each case when there are overarching processes to govern this' (awarding organisation or exam board).

'It would be helpful to indicate the scope and detail of documented evidence expected by Ofqual from AOs to ensure that any audit trail was deemed to be compliant' (other representative or interest group).

One respondent suggested that a different, principles-based, approach may be more beneficial to awarding organisations in interpreting and complying with the conditions of recognition.

One respondent said:

'there should be further consultation by Ofqual and JCQ in order to remove any areas of potential ambiguity, contradiction or duplication' (awarding organisation or exam board).

## Question 10

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

Response	Number of responses
Yes	11
No	16

41% of respondents indicated that there were costs or benefits identified with proposals that had not been identified. Of these, 9 were awarding organisations, or other representative groups, including groups of awarding organisations. Two were from parents or carers. Of the responses from parents and carers, 1 was not within the scope of the consultation.

Five, who identified further costs, indicated that these were costs of reviewing and adapting policies and procedures based on the guidance, and any associated training costs that would result from any changes. Two respondents highlighted that there may be legal costs involved in relation to any requirement to report teachers to the Teacher Regulation Agency. A further 2 respondents suggested that the awarding organisation would incur additional costs if they, rather than their centres, had to investigate concerns of malpractice.

Two respondents suggested that to be able to assess the costs fully they would need further clarification on the final guidance, and the timescales for implementation.

59% of respondents to this question did not identify any additional costs or benefits. One respondent said the guidance would:

‘provide the opportunity to develop and enhance compliant practices associated with the identification, investigation and review of malpractice and maladministration activities’ (awarding organisation or exam board).



### Question 11:

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

Response	Number of responses
Yes	9
No	18

The majority of respondents indicated that they did not have any comments on the readability and accessibility of the guidance. However, despite indicating they had no comments, 3 did provide comments, with 1 highlighting they felt it was ‘an accessible and straight forward document’ (awarding organisation or exam board), and another suggesting it is ‘consistent with other Ofqual documents’ (awarding organisation or exam board). A third who highlighted no further comments, did add a request for ‘plain English where possible’ (awarding organisation or exam board).

Of the 9 respondents that did indicate they had further comments, there were 3 overarching themes to responses given. Four indicated that they felt the guidance was readable and accessible for the target audience. One felt the guidance became increasingly technical through the second part of the document but felt that it was still accessible for the audience. Three agreed that it was accessible for the target audience, but indicated that other stakeholders, such as learners or centres, who may refer to the guidance for information, may not find this to be the case. It was suggested that this could be alleviated through the production of a summary or ‘easy-read’ document.

‘The language of the guidance is appropriate for AO staff and most centre staff members, especially all those experienced with malpractice policies and processes. Although the guidance is not aimed at learners, it is highly pertinent to them and concerns their actions, it is therefore good practice to ensure that it is fully accessible, perhaps in a summarised or ‘easy read’ version’ (Group of awarding organisations).

Two respondents commented that the narrative structure resulted in a lengthy document. Suggestions were made to improve the readability and accessibility, which are considered within the scope of question 12.

## Question 12

Do you have suggestions on how it might be improved?

Response	Number of responses
Yes	11
No	15

Of the 42% of respondents who had suggestions on how the readability and accessibility of the document might be improved, 6 of these focused on changing the formatting of the guidance to improve accessibility and readability, including:

- greater use of a range of stylistic features, including diagrams, charts, tables, bullet points and infographics
- keeping the line numbering in the published guidance
- breaking up text and linking to the relevant Conditions
- signposting of headings and subheadings to aid navigation

Two respondents who made suggestions reiterated previous points made regarding the use of examples and scenarios to improve the accessibility of the guidance.

Others linked back to their previous comments as a way to improve accessibility, which have been analysed in the relevant section. One respondent provided a comment that was out of scope for the consultation.

### Question 13

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

Response	Number of responses
Yes	11
No	15

The majority (58%, 15 respondents) indicated that they did not have any comments on the impact of proposals on innovation by awarding organisations. However, one of these did provide a comment highlighting that they felt there would only be positives.

Of those who commented, 9 were awarding organisations or groups of awarding organisations. Two awarding organisations said that they did not foresee any negative impacts of the proposals on innovation by awarding organisations. One respondent felt that the regulatory requirements by their nature tempered the innovation of awarding organisations but recognised that there was still room to work within these guidelines.

Three respondents suggested that the guidance was prescriptive in areas which they felt may limit the scope for awarding organisations to be able to innovate when it comes to their own processes. Two awarding organisations indicated that they felt that the guidance would require them to focus more time and resources on the investigation of malpractice and maladministration, and associated administration, which would mean they were less able to invest in innovation.

One respondent referred to timing and the impact of the pandemic on awarding organisations:

‘This feels particularly timely when AOs are in the process of adapting assessments sometimes at short notice to take account of the current situation. In some places the guidance is quite detailed and statements made about mitigating or designing out malpractice (e.g. line 165) assume a much longer design and implementation process than is currently the case’ (other representative or interest group).

## Question 14

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

There was a spectrum of opinion on when any new guidance should be introduced and many reasons for delay were given.

Three respondents suggested that the guidance should be introduced as soon as possible. Of these, 1 was a parent or carer, and 2 were awarding organisations.

Five respondents felt it would not be appropriate to introduce any guidance mid-exam cycle and suggested that guidance should be implemented for the beginning of the 2020 to 2021 academic year.

Six respondents suggested that awarding organisations needed appropriate lead time to implement the guidance, to allow them to read and share any guidance, and make any necessary changes. The time frame suggested varied from 1 month to 6 months.

'AOs should be given sufficient notice to implement the new guidance, and we would suggest that all parties should be given at least six months lead in time to the new guidance' (awarding organisation or exam board).

'I think a delay of not more than one month is reasonable' (personal response, other).

'Any timeline should take account of the current situation and the fact that AOs will need time to read, understand and communicate the guidance to colleagues as well as take account it in the design of its policies, procedures and record keeping' (other representative or interest group).

Seven respondents highlighted the impact of the pandemic on awarding organisations and schools and colleges, suggesting delaying the introduction of the guidance would allow for account to be given to the consequential changes to assessments.

'It is important to note that these innovations are taking place at a particularly challenging time with the extraordinary regulatory frameworks placing significant pressure on AO resources. We would like to see meaningful dialogue with AOs on the implementation timescales once the proposals have been finalised' (group of awarding organisations).

'It is likely that the remainder of the 2020/ 21 academic year will be a challenging and uncertain time for centres and awarding organisation. Contingency planning and implementation of new procedures and systems required to ensure that adapted assessments can take place and results issued will place additional burden on awarding organisation staff' (awarding organisation or exam board).

One awarding organisation suggested that they felt the guidance should be in place in advance of Ofqual taking responsibility for the external quality assurance of end point assessments.

One respondent, a parent or carer, suggested that it would have been beneficial to have new guidance in place in advance of awarding in summer 2020.

# Appendix A: List of organisational consultation respondents

When completing the questionnaire, we asked respondents to indicate 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. We have not included a list of those responding as an individual.

- Association of Accounting Technicians (AAT)
- ABRSM
- ACCA
- BHS Qualifications
- Cambridge Assessment International Education
- CICM
- Council for Curriculum Examinations and Assessment
- Council for Dance Drama and Musical Theatre
- CPCAB
- Federation of Awarding Bodies
- Gateway Qualifications
- JCQ
- Innovate Awarding
- Institute of Commercial Management
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