

Federation of Awarding Bodies –response to the Ofqual Consultation on amending statutory guidance for Condition G4, March 2017

Overview of the Federation of Awarding Bodies

The Federation of Awarding Bodies is the trade association for vocational and technical awarding organisations (AOs) with 125 organisations in full membership ranging from large generic AOs to those working in specific occupational areas, including professional bodies.

Compliance with the General Conditions of Recognition (GCRs) is of the utmost importance to our members and we know that they invest significant resources into trying to fully understand the GCRs so they can be confident that the systems and procedures they follow are fully compliant. We therefore have an interest in the draft guidance for Condition G4 and we welcome the opportunity to comment on the consultation proposals. We welcome Ofqual’s action to try to clarify further what compliance with Condition G4 might look like as we know from our dialogue with members that there has been a lack of clarity in relation this Condition, even with first version of the Guidance being in place. We further welcome the pre-consultation activity that Ofqual undertook to seek feedback from AOs to inform the amended Guidance.

This response is submitted on behalf of the Federation’s membership following consultation with them and with the Federation’s Board of Directors. However, AOs are a diverse community and our members may wish to make their own individual submissions containing their own particular perspectives and emphases, in addition to any comments forwarded to the Federation for inclusion in this overall response.

Further information

Further information and clarification can be obtained from Ailin O’Cathain, Head of Policy, ailin.ocathain@awarding.org.uk, telephone: 02037863171

Question 1: To what extent do you agree or disagree that the proposed amended guidance will help awarding organisations to understand the requirements of Condition G4?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons

The Federation agrees that the amended guidance will help AOs to understand the requirements of G4. However, there are still some areas within the draft guidance that would benefit from further clarification which would enhance the overall usefulness of the guidance.

Question 2: Do you have any comments on the proposed amended guidance for Condition G4? For specific comments, please refer to the relevant line numbers in your response.

Line 14- It is not clear whether this means that an AO cannot send **anyone at all** with knowledge of the contents of assessments into a centre. If this is the case, it may well cause significant resource difficulties for smaller AOs. In addition, if this is the case then it should be stated in very clear terms. As it stands, this is not clear.

Line 20/21 – states that AOs are required to respond effectively to mitigate any risks to the fairness and validity of the assessment. This would benefit from reference to examples of the type of responses that Ofqual would feel are effective in such circumstances. In the absence of this, the guidance is not as clear or helpful as it could be. The Federation is not recommending that Ofqual prescribes the action that AOs should, merely that it provides a flavour of the types of responses it may wish to consider.

Line 45-55 – these are useful examples of the different types of assessment where some, or all, aspects may be confidential.

Line 62 – this would benefit from further information to clarify how far an AO can go in clarifying the exam techniques required to support a learner in passing an assessment. It would be extremely helpful if Ofqual could provide an example of the type of information that they believe would be overstepping the line. For example, should an AO only provide key generic points that will help with exam technique (e.g. read the question, plan your answer, use examples and references that support your position etc.) or can they provide a model answer to a question that has been used in a previous live assessment (where learners performed badly), and which is similar in style and content to a question that may be used in future assessments?

Line 73 – most employment/work contracts include a confidentiality clause as a standard clause. It would be useful to clearly state whether generic confidentiality clauses are sufficient or whether Ofqual would require these to clearly specify that the confidentiality of **assessment material** must be maintained.

Line 84-86 – it would be useful to have an example of the type of activity that might be relevant to manage the risks in these situations (not to prescribe action, but to provide clarification of how an AO could comply).

Line 120 – this is useful information about the use of pre-recorded information at training events.

Line 135 – is this suggesting that AOs should consider monitoring data about assessments even when it has no reason to believe that there has been a potential breach of confidentiality? It would be

onerous for AOs but, more importantly, it would not be possible to directly attribute any peaks in achievement data to a breach of confidentiality. It is not clear what this section is suggesting.

Line 155 – this would benefit from clarification of whether financial charges for training events would be seen by Ofqual as a barrier to them being ‘reasonably available’.

Line 176 – it is not clear how Ofqual would expect an AO to monitor how effectively it prevents the disclosure of confidential information including by teachers to learners. An example to illustrate the meaning of this point would be useful.

Line 183 – the action that an AO would be required to take in relation to ‘former staff’ is not clear. An AO can add a requirement to staff and contractor contracts but it cannot actively monitor the individual’s adherence to this requirement (except for when a problem arises and is reported to the AO).

Question 3: To what extent do you agree or disagree that the proposed style of guidance will help awarding organisations to understand the requirements of Condition G4? Please provide any additional comments on the style of the guidance.

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your reasons

The Federation welcomes the decision by Ofqual to remove the duplication between positive and negative indicators. This duplication served no purpose and added unnecessary bulk to the Guidance document.

Question 4: We have not identified any ways in which the proposed amended guidance would impact (positively or negatively) on persons who share a protected characteristic. Are there any potential impacts we have not identified?

The Federation has not identified any potential impacts on persons who share protected characteristics.

Question 5: Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a protected characteristic?

The Federation has not identified any additional steps Ofqual could take to mitigate any negative impact resulting from these proposals on persons who share protected characteristics.

Question 6: Do you have any other comments on the impacts of the proposals on students who share a protected characteristic?

The Federation has no comments on the impacts of the proposals on students who share protected characteristics.

Question 7: We have not identified any ways in which the proposed amended guidance will unduly increase the regulatory impact of our proposals. To what extent do you agree or disagree with this assessment?

The Federation agrees that the proposed amended guidance will not unduly increase the regulatory impact of the proposals. The amendments to the guidance have been made to aid clarity and do not change the Condition or what AOs will need to do to comply with the Condition.

Question 8: Are there any additional steps we could take to reduce the regulatory impact of our proposals?

The Federation has not identified any additional steps Ofqual could take to reduce the regulatory impact of the proposals. We believe the regulatory impact of the amended guidance will be minimal.

Question 9: Are there any costs or benefits associated with our proposals which we have not identified?

As this is revised guidance for a Condition that has been in place for some time now the Federation has not identified any cost associated with the proposals other than the time it will take for Awarding Organisations to read the revised guidance and check the compliance of their current activity against the relevant Condition. Where the Guidance has added clarity to how the Condition should be interpreted for the purposes of compliance, an AO may find that it needs to amend its systems and procedures to some extent but we do not believe this will present a significant cost to AOs.

The benefits associated with the guidance are that it should now be clearer to AOs what is required to be compliant with Condition G4 and this should give them greater assurance and confidence in the approaches they have implemented to ensure the confidentiality of assessment materials.