

## Teacher involvement in the development of confidential assessment materials

### Response of the Association of School and College Leaders

#### A Introduction

- 1 The Association of School and College Leaders (ASCL) represents over 19,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million young people in more than 90 per cent of the secondary and tertiary phases, and in an increasing proportion of the primary phase. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
- 2 ASCL believes that the involvement of practising teachers in the drafting, production and moderation of external exam questions and papers results in significant benefits to the education system in England by improving the quality of assessment. However we believe Ofqual and awarding organisations should take all reasonable steps to protect the confidentiality of assessment materials. They should continually review the safeguards used and seek to enhance them on a regular basis where possible.
- 3 ASCL believes that any malpractice undertaken by assessment setters involved in the production of question papers seriously damages the integrity of the entire examination system and undermines public confidence. However the numbers of this kind of instance are very low due to the professional integrity of the vast majority of assessment setters and the current system of support and safeguards.
- 4 Whilst rare, ASCL does acknowledge that there are currently risks inherent in the process and strongly believes that Ofqual and the awarding organisations should work together to minimise and manage these risks by identifying and managing conflicts of interest. They should take all reasonable steps to prevent and investigate malpractice and apply sanctions in relation to proven malpractice. We recognise that there may be a staged approach to this as changes are made going forward through 2018, 2019 and beyond.
- 5 ASCL agrees with the proposal that all awarding organisations must hold up to date records of all conflicts of interest for everyone involved in the development and moderation of assessment materials. We support the transparency behind this and believe that this measure also safeguards teachers in ensuring they are aware of all potential risks. We also consider that it would be helpful for awarding organisations to adopt a consistent approach towards this practice. (Q1)
- 6 ASCL strongly disagrees with the proposal that awarding organisations should be free to decide whether to make public, information about the people who are involved in developing their confidential assessment materials. This practice would identify individuals and undoubtedly deter people from undertaking this important and necessary work. We understand there is already a succession planning issue and

arguably there would be a bigger risk to the system through publishing the names of examiners. This action and exposure would inevitably dis-incentivise teachers as examiners through concerns of being targeted and possible personal danger. (Q2)

- 7 ASCL supports the principle that awarding organisations need to manage the risks of teachers disclosing information about confidential assessment materials. It is desirable that there is a consistent and agreed approach across all awarding organisation towards the management of this risk in order to provide clarity and safeguards to all those involved. We would advocate a standard conflict of interest form across all awarding organisations. (Q4)
- 8 ASCL understands that the nature of different assessment requirements for different qualifications (such as technical and vocational qualifications) will require varying approaches to safeguarding. We accept that there is no one size fits all approach, however a strong focus on the confidentiality of assessment materials should be a priority irrespective of the size or nature of the qualification. In order that such arrangements are transparent and fully understood we believe that Ofqual should publish detailed statutory guidance that covers the full range of qualifications and all types of assessment. (Q5 & 6)
- 9 ASCL believes that statutory guidance for awarding organisations should include guidance on how assessment materials are produced including specific examples of the factors to be taken into consideration and the range of safeguards which are deemed appropriate in order to minimise the impact of inappropriate behaviour. It is important that all awarding organisations receive enhanced and on-going support and training related to any updated statutory guidance. Such guidance should assist awarding bodies to raise awareness among question setters of what actions may be considered to pose a risk and what measures to take to ensure the confidentiality of assessment materials. (Q16)
- 10 ASCL believes that prevention is the best approach to ensure a robust system and achieve public confidence. For example, awarding bodies should strengthen their communications around issues such as whistleblowing policies and procedures, monitoring processes, actions they will take in cases of suspected malpractice and include the potential sanctions in cases of malpractice. Enhanced communications by the awarding bodies in these areas would ensure that these issues are fully understood by everyone involved in setting questions or moderating papers.
- 11 At the outset of recruitment, awarding organisations should ensure that potential examiners are clearly informed as to what constitutes breaches of confidentiality and that applicants are aware of the sanctions that would be applied should there be any breach. These sanctions should be consistently applied across all awarding organisations. A process of monitoring the application of sanctions and ensuring consistency in their use will need to be developed.
- 12 ASCL does not agree with the proposal that teachers employed as question setters should be prevented from teaching the qualification. There are risks associated with this proposal in that teachers might not wish to develop assessments for qualifications they are not allowed to teach. It would also prevent awarding organisations from benefitting from insights from current teachers who are best placed to understand how students are responding to the course. We would prefer to see enhanced advice, information and guidance given to teachers and heads of centre in order to support and protect teachers in their role. (Q7)

- 13 Where practical, ASCL supports the proposal that teachers involved in question setting may not know whether or when the assessment materials they have developed or seen are used. This would protect the teacher and strengthen the current safeguards. In addition to this degree of unpredictability, ASCL also supports the idea that no serving teacher should be involved in the design of the entire assessment. However we recognise this may incur additional costs and we would not want these passed on to schools and colleges. ( Q7)
- 14 The use of a question bank with a limited life shelf of up to two years or the production of a rolling series of complete papers could mitigate the likelihood of risk involved. Although there would still be a requirement for a senior examiner to ensure that the final paper constructed was balanced appropriately to meet the assessment objectives and syllabus content. (Q7)
- 15 Safeguards could be enhanced through the reintroduction of meetings for examiners to encourage greater collegiality and shared values. The opportunities presented by high quality face to face training could reinforce the consequences for individuals if there are breaches of trust. (Q8)
- 16 Examination papers are set well in advance; the final checking by senior examiners is usually about 6 weeks prior to the examination. This could be completed by someone not directly involved in preparing students for that particular examination series. Adopting this approach would protect the students and teachers themselves who are often determined not to advantage their students in any way. (Q8)
- 17 ASCL supports the proposal to ensure that there is enhanced support for teachers who have seen information about confidential assessment materials. We would encourage consistent and clear contractual arrangements which specify the teacher's obligations as question setters and detailed advice and guidance to be able to carry out this role effectively without inadvertently compromising their position. The insistence on annual declarations would ensure teachers are aware of their obligations at all times and may prevent teachers either deliberately or sub-consciously using the information they hold in an inappropriate way. (Q9)
- 18 Whilst mindful of workload implications for school and college leaders ASCL does support the proposal that awarding organisations should have direct contact with the teacher's centre to emphasise the importance of ethical practice, the potential consequences of wrong-doing and the support the centre might provide teachers. This information should be consistent across exam boards and be user-friendly and supportive rather than punitive in tone. It should also be timely, so that it can play a part in a schools' overarching ethical code of practice that might be appropriate for the beginning of the school year. (Q9 & Q10)
- 19 ASCL supports a strengthening of the monitoring procedures of awarding organisations to ensure they are taking all reasonable steps to detect the inappropriate use of information about confidential assessment materials. This detection may well include investigation into reliable ways of identifying, through statistical analyses of scripts of question setters, whether they are providing an unfair advantage to students. (Q11)
- 20 We do not agree with the proposal to sample lesson plans and formative assessments of teachers as routine deterrent practice. We would only be supportive of this as part of an investigation into suspected malpractice and only if the information were available, as teachers are not required to produce detailed individual lesson plans.(Q11)

- 21 ASCL supports the monitoring of social media to look for signs that confidential information has been disclosed. We also support proposed statistical monitoring to look for unusual results or patterns of results in centres where teachers with prior knowledge of assessments are teaching. (Q11)
- 22 ASCL supports the view that prevention is the best approach to ensure a robust system and achieve public confidence and we believe that teachers should be made aware of the steps awarding bodies might take if they suspect malpractice. In order to support teachers with this, awarding bodies should strengthen their communication around potential sanctions in cases of malpractice and develop their monitoring procedures. (Q12)
- 23 If there were a proven breach of confidentiality, we support the proposal that awarding organisations should take regulatory action against an individual, where they had the power to do so, for example by terminating the individual's contract with the organisation. However the decision of whether to report the malpractice to the NCTL should reside with the question setter's headteacher or other employer where appropriate. (Q15)

## **B With reference to your specific questions**

**Question 1**  
24 Paragraph 5

**Question 2**  
25 Paragraph 6.

**Question 4**  
26 Paragraph. 7

**Questions 5 & 6**  
27 Paragraph 8

**Question 7**  
28 Paragraphs 12, 13, 14

**Question 8**  
29 Paragraphs 15, 16

**Questions 9 & 10**  
30 Paragraphs 17, 18

**Question 11**  
31 Paragraphs 19, 20, 21

**Question 12**  
32 Paragraph 22

**Question 15**  
33 Paragraph 23

**Question 16**  
34 Paragraph 9

## **C Conclusion**

- 35 ASCL believes that the input of teachers is uniquely valuable in this process; the current system is built on the professional integrity of teachers which has been a cornerstone of the teaching profession for a very long time. We would want to maintain this whilst continuing to promote good practice and taking the opportunity to strengthen and reinforce the range of checks and balances in place to preserve this integrity.
- 36 We hope this is of value to your consultation, ASCL is willing to be further consulted and to assist in any way that it can.

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