

**MEI response to Ofqual consultation about
regulating awarding organisation training events for teachers
February 2013**

1. To what extent do you agree that the draft new Condition F4, about information that awarding organisations should provide to teachers, is appropriate?

Agree

2. If you disagree, what are your reasons? Please be clear in your answer with which particular points or clauses you agree and disagree.

We agree with the broad principle but have difficulty with the details, especially as we find some of the wording in the draft new condition to be unclear.

3. To what extent do you agree that the proposed wording of the draft new Condition F4 is clear?

Strongly disagree

4. If you disagree, what are your reasons? How could the wording be clearer?

There needs to be a definition of what is meant by "connected to" an awarding organisation. Further, there are cases where other organisations are "connected to" an awarding organisation, and it needs to be explicit as to whether the definition of "connected to" extends recursively to persons who are connected to such other organisations and, if so, how far this chain extends and how it is to be managed. As an example, OCR operates an effective Mathematics Consultative Forum on which virtually all learned societies, professional bodies, teacher associations and other organisations within the mathematics community are represented. Are these to be regarded as "connected to" OCR? The only sensible answer is "no", but great care needs to be taken in framing these regulations to avoid unintended consequences.

F4.1 would make more sense if it ended "...the preparation for or delivery of assessments in respect of that qualification.", which we believe is what it is intended to mean.

F4.2 It is unclear how awarding organisations can have any control over persons who have been "previously connected" to them or what "reasonable steps" the organisation can take regarding information provided by such people. For instance, as worded this regulation extends to examiners who retired from their work many years ago, and it is not sensible to impose obligations on awarding organisations to try to manage the very large number of such people.

5. To what extent do you agree that the draft new parts of Condition G4, about confidentiality in awarding organisation training events, are appropriate?

Strongly disagree

6. If you disagree, what are your reasons? Please be clear in your answer with which particular points or clauses you agree and disagree.

G4.2(b) It is unclear what is meant by “connected to” an awarding organisation. We have commented about this in general terms in our answer to qu 4. We now need to be more specific in regard of examining personnel. “Connected to” could be taken as meaning anyone at all who has signed an agreement with an awarding organisation, including setters and markers of examination materials and people who have worked with the awarding organisation to develop new specifications. Some of these will have no access at all to confidential materials. Those who do have access to confidential materials only have access to them for either one qualification or a small number of qualifications. “in relation to a qualification” could be interpreted as meaning that people “connected to” awarding organisations are not allowed to provide face to face training which relates to *any* regulated qualification (even if such training is generic rather than relating to a particular specification). This would severely restrict either the number of people able to deliver CPD to teachers or the number of people willing to work with awarding bodies; these outcomes are detrimental for education. Moreover, it is unclear in what way “face-to-face” training poses a greater risk than live online training.

G4.3 The exemption for new specifications is welcome. However, it is unclear what the position is regarding new units within existing specifications. The development of innovative units will require training for teachers. In the interests of curriculum coherence, as well as practicality, this would be best delivered by people who have worked on the development of such units. Furthermore, teachers will continue to need training after teaching of a qualification has started; while such training could be provided by people who have never been “connected to” any awarding organisation, it is not clear who such people are and, consequently, whether they exist in sufficient numbers to meet the need.

G4.4 The mix of “and” and “or” at the end of the parts of the G4.4 makes this complicated and unclear. The whole of G4.4 needs to be re-written with greater clarity, which could probably be best achieved by splitting it into several separate conditions rather than trying to combine them into a single complicated conditional construct.

G4.4 (a) It is unclear whether “that qualification” refers to a generic type of qualification e.g. GCE A level or a particular subject e.g. GCE A level Mathematics or a particular specification, or even an individual unit within a specification. This needs to be clarified. This is important for G.5 also which refers to “a qualification”.

G4.5 Training relating to marking internal assessments might include material which is confidential and should not be made available to learners. For example, exemplification of exactly what responses are awarded particular marks is necessary for teachers assessing internal assessments but should not be made available to students. Such material can be made available to centres through secure areas of awarding organisation websites but it would not be possible to make it directly available to all teachers while keeping it secure from all learners because the definition of “Teacher” includes parents home schooling their own children and private tutors. Candidates for regulated general qualifications will need to be entered through approved centres who will be responsible for the marking of internal assessment; it would be more appropriate if the communication from awarding organisations was with centres rather than teachers.

G4.5 (c) the “or any person connected to it” wording could be taken to imply that examiners who conduct generic subject-related training at a particular level (e.g. GCSE) *for their*

employers (not awarding organisations) must make their materials available to the awarding body they examine for. This would put examiners in an impossible position.

The draft guidance for conditions G4.2 to 4.7 is not clear. For example, the following pair of guidelines give different advice:

“(g) prevents current and former staff and contractors who have had access to confidential information from providing Teacher training events not delivered by the awarding organisation

“(h) requires all current and former contractors and staff who have had access to confidential assessment material to apply in writing for permission to provide any Teacher training about its qualifications not run by itself”

It is unclear in what way “confidential information” in (g) differs from “confidential assessment material” in (h) and difficult to imagine what it could contain that is so secret that those in possession of it may never train a teacher in any way (whereas those in possession of “confidential assessment material” only need to apply for permission for training events relating to the qualifications of the awarding organisation). There is no time limit on this guidance, nor any starting point, so it could imply that awarding organisations must prevent anyone who has ever signed a non-disclosure agreement from delivering any teacher training at any point in the future. This is clearly unachievable and draconian. It is, at best, unethical, and possibly illegal to require former contract holders to comply with new conditions.

7. To what extent do you agree that the proposed wording of the draft new parts of Condition G4 is clear?

Strongly disagree

If you disagree, what are your reasons? How could the wording be clearer?

See response to 6 (above).

“connected to” and “a qualification” need to be defined.

It is unclear what is meant by “connected to” an awarding organisation. We have commented on this in earlier answers.

8. To what extent do you agree that this new Condition F4 and these draft new parts of Condition G4 should apply to all regulated awarding organisations and qualifications?

Don't know/no opinion

9. If you think any specific qualifications or types of awarding organisations should not be covered by the Conditions please explain your reasons.

10. To what extent do you agree that the proposed definition of 'Teacher' is clear and appropriate?

Disagree

11. Do you have any comments or suggestions about this definition?

See comments in 6 (above) relating to awarding organisations making information about the marking of internal assessments available to teachers.

See also earlier comments about the definition of "Teacher".

12. If you are responding from an awarding organisation, how might these new Conditions change the way that your awarding organisation provides information and training to schools or colleges?

13. Are there any consequences of these draft Conditions that we should consider before introducing them? Please specify any actions we, awarding organisations or others could take to mitigate any negative consequences.

As stated earlier in the response to 6, these conditions will undoubtedly result in a very serious shortage of experienced examiners and/or CPD providers. This is particularly undesirable at a time of change in national general qualifications. Schools are increasingly becoming providers of CPD; it would be undesirable if teachers at the most successful schools were discouraged from examining work.

14. Are there any specific positive or negative impacts on people who share particular characteristics that we should consider in relation to these draft Conditions? If so, what are they and how could any negative impacts be addressed?

15. Do you have any other comments you would like to make about any aspect of these proposals?

Providers of well-respected unregulated qualifications, such as the International Baccalaureate Organisation will be able to continue to provide face-to-face training; this could result in regulated qualifications with a lower degree of curriculum coherence than good unregulated qualifications. It would be undesirable if regulation resulted in a reduction in quality of educational provision.

There is nothing in these proposals which will improve learning; we suggest that the benefits of the proposals are outweighed by the disadvantages. Using summative assessment formatively is good practice and should be encouraged.

There is value in face-to-face meetings and training events; there is no walk of life which has moved to virtual communication exclusively. The opportunity to discuss with other teachers and raise specific questions can improve teacher expertise considerably. The lack of

availability of such events will impact most on sole teachers and departments which have had a rapid turnover of staff, losing the expertise that was previously available in the school.

Examiners should be able to use their expertise to improve teaching and learning, providing good CPD based on their experience with past papers. Trust in the professionalism of examiners is essential for the running of an examination system.

The proposed regulations are using a sledgehammer to crack a nut. Assessment materials cease to be confidential once students have sat them. Prior to that, they should be confidential, with no exceptions. There is no need to restrict who is able to provide CPD for teachers.