# JCQ Interim Progress Report in response to the Independent Commission on Malpractice report

## Background

In September 2018, JCQ instigated an Independent Commission on Malpractice, chaired by Sir John Dunford launched its report on 9<sup>th</sup> September 2019.  The Commission gathered evidence over a year, seeking views from a wide range of stakeholders as well as students. The report can be found here: http://www.jcq.org.uk/examination-system/imc-home/report-of-the-independent-commission-on-examination-malpractice

The report included a significant number of recommendations for a wide range of stakeholders. Fifty-one recommendations were for JCQ to address directly, or to work collaboratively with other stakeholders, to find a harmonised solution.  Many of these recommendations overlap and some of the proposals addressed a number of inter-related areas.  Several recommendations require significant projects to work out the practicalities of implementation, avoiding unintended consequences and ensuring most, if not all, stakeholders support any proposed solutions.  The JCQ is committed to working pro-actively with other organisations to ensure the effective implementation of any changes.

The JCQ has also started working on a new 3 to 5-year strategy. The report of the Independent Commission provides some good guidance, along with the JCQ Communications review, that was in part, initiated because of the work of the Commission. The strategy will be launched in the first half of 2020.

Before reading this document, it is worth noting the very first sentence in Commission's report:

> "The examinations system in the UK works well and there is a very low level of malpractice."

However, the JCQ and its members are not complacent, because of the potential significant impact of malpractice. We also recognise that there are areas for review and improvement as identified by the Commission. This Interim report sets out the first in a series of updates on how JCQ and awarding organisations are taking these forward.

## Malpractice Commission Implementation Forum

In order to coordinate actions, JCQ has established a Malpractice Commission Implementation Forum, comprised of the key stakeholders who were members of, or identified in, the report. The purpose of the Forum is to share information and views on how proposed changes may be implemented and to share relevant information as progress is made.  Its objectives are:

1. To develop and agree JCQ's implementation of the recommendations of the Independent Commission on Malpractice.

2. To provide stakeholder views of the implementation of changes to the administration and culture of examinations and assessments.

3. To provide advice and guidance to ensure a successful implementation and support of the Commission's key recommendations to future proof the examination and assessment system in the UK.

The Forum held its first meeting on 26th November 2019 and will continue to meet every six months, providing the opportunity for JCQ to communicate with stakeholders as our plans progress.

## Key areas for action

In the report and recommendations there are a number of themes as well as specific individual actions. The recurring themes headline recommendations include:

- o general development and improvement in JCQ communications;
- o an impact analysis before reaching a decision on whether to ban all watches (due to the difficulty in differentiating between analogue and smart watches);
- o moving to a single definition of 'malpractice' and removing the use of 'maladministration';
- o access Arrangements: improving data collection and ensuring all students get a fair and level playing field; and
- o training.

### JCQ Communications

In June 2019, JCQ commissioned a 360 degree review covering all aspects of our communications, giving stakeholders and JCQ members the opportunity to give their views on our work. The feedback received will be used to:

- ➢ identify quick, simple ways to enhance JCQ communications to stakeholders; and
- ➢ deliver a roadmap for transforming our communications over the next few years from September 2019.

The communications review had four key phases:

- o Phase 1: A desk-based review
- o Phase 2: Qualitative interviews with a range of key stakeholders
- o Phase 3: Best practice review
- o Phase 4: An online survey (in September) open to all, the questions being informed by previous phases

The survey provided insight into stakeholder perceptions of the JCQ's communications. The survey received 4,715 responses, with 97% reporting they were from an Exam Centre.

The recommendations and conclusions from the survey analysis and final report can be split in to two types: longer-term strategic priorities and 'quick, simple changes'.

### Summary from survey analysis and recommendations in the report (by McCarthy Communications)

The survey analysis provides a good understanding of perception of the JCQ externally.

Most of the views collected in this survey are those of people working at Exam Centres, specifically in schools.

Overall satisfaction with communications from JCQ is moderately strong. Negative comments were centred around clarity and consistency of information (guidance) and responsiveness.

The website was by far the most accessed channel of communication. However, email was the most preferred mode of communication. There was a call for more direct notification of changes through JCQ as opposed to using partners and networks.

Guidance booklets were thought to be highly relevant but lacking in clarity. Clarity was the key theme in terms of what respondents felt Exam centres need from JCQ. Interactive, searchable documentation would be appreciated and engaged with.

"Professional" and "expert" were the most commonly associated words for JCQ but respondents would welcome a more personal approach.

Suggestions for improved communication were largely divided into two overarching areas:

1. A more personal approach with more consultation with staff on the ground, provisions for input and feedback, and better explanation of why changes are made when they are.

2. In terms of functionality and practical implementation, respondents would like to see the introduction of a newsletter/monthly updates via e-mail.

## Action plan (immediate actions)

### JCQ strategy

The JCQ Board is currently undertaking a strategic review to re-focus JCQ's role and priorities. This is looking at all aspects of JCQ's role, stakeholder relationships and what it seeks to deliver over the next 3 to 5-years.

A new 3 to 5-year strategy and plan will be launched in the first half of 2020 and communicated to all stakeholders.

### JCQ Communications

JCQ has committed to the following communications actions, which it will start in 2020 and expects to have completed by the end of 2021.

**Regular communications through eNewsletters**

While the survey indicated that there was overall stakeholder satisfaction with JCQ communications, there were areas for improvement including a clear need for more regular communications to Exams Officers (EOs) and others in Exam Centres. This also fits in with recommendations from the Malpractice Commission.

**Actions:** JCQ will establish regular eNewsletters as follows:

- o Monthly (term-time) for EOs to:
  - ➢ Provide seasonal reminders of deadlines
  - ➢ Good practice in examinations
  - ➢ News and updates from JCQ
  - ➢ Consultations
- o Every term for Senior Leadership Team (SLT) and Heads of Centre (HoC) to:
  - ➢ Raise awareness of responsibilities
  - ➢ Support EOs with SLT
  - ➢ HoC/SLT relevant news and updates from JCQ
  - ➢ Consultations

In order to implement this work, JCQ will introduce a new CRM to manage emails and ensure compliance with privacy and GDPR legislation.

**JCQ Documentation**

JCQ has already made interactive searchable guidance documents available to Exams Officers via the Centre Admin Portal (CAP) (http://www.jcq.org.uk/exams-office/cap/guide-to-interactive-jcq-documentation-available-through-cap). However, more work needs to be undertaken to ensure clarity across all of JCQ's publications. The JCQ Communications Report included the following recommendation:

*Improve the approach to the guidance booklet updates for the next exam series. Alongside this evaluate the success of the interactive documentation and commission a "plain English' re-write of content where needed.*

JCQ already consults with key stakeholders in relation to the guidance it provides through a variety of fora. Further consultation will be required as documents are revised to ensure fitness for purpose.

**Actions:** To improve accessibility and clarity of documentation, JCQ will:

- o work with an editor and designer to ensure greater clarity and readability and consider seeking the crystal mark from the Plain English Campaign; and

- o develop a smartphone app for documentation and other JCQ activities.

**Website**

The JCQ website was highlighted as the main way in which Centres engage and interact with JCQ. However, the website requires updating and there are new opportunities to create a portal for JCQ members and also Exams Officers to tailor the offering from JCQ.

**Actions:** JCQ will:

- re-launch main website and establish new JCQ Members portal;

- develop 'myJCQ' site and integrate with emails.

**Support for candidates**

There is clearly a need for JCQ to enhance its communication with candidates and parents. This should be to:

- ➢ improve awareness of good exam practice;

- ➢ highlight implications of cheating; and

- ➢ support students through stressful time.

Many of these will require coordination with other stakeholders who already seek to engage with students.

The JCQ Communications review highlighted that we presently underutilise social media and channels that students use and there is a real opportunity to develop this area of our work.

**Actions:** JCQ will develop videos and social media to target candidates and:

- o raise awareness of:

  - ➢ good exam practice (do's);

  - ➢ examples of cheating and penalties (don'ts);

  - ➢ mental health and how to seek support.

*Recommendation to ban all watches*

The report by the Malpractice Commission highlighted the increasing difficulty in identifying smart watches compared to analogue for Exams Officers and Invigilators. The Malpractice Commission saw this as a significant future risk that should be addressed to future proof the system. While smart watches are already banned, there have been a handful of reports of students having taken them into exams.

The JCQ Malpractice Commission Implementation Forum made the following points:

- Implementing a ban mid-year would be unfair on students – any changes should be timed to ensure mock exams are the same as the actual exams and a comprehensive communications strategy should be developed to ensure compliance.

- Some students require a time piece to hand because a watch provides security for those with anxiety.

- Although there is already a requirement for a clearly visible clock in the exam room, a large desk clock or wristwatch may be required for those with a visual impairment.

As a result, any full watch ban must be subject to, and dependent upon, further consultation. An impact analysis will be carried out, including the timing and additional resources required to allow for centre devolved Access Arrangements. The JCQ guidance will be updated as required and circulated through a timely communication plan.

**Actions:**

- March 2020: JCQ Special Considerations Group to review Access Arrangements guidance

- Jan-June 2020: Consultation with stakeholders and impact analysis


## *Consistent definition of 'malpractice'*

The Malpractice Commission recommended that:

*JCQ, its member organisations and the regulatory authorities should consider whether the term malpractice should be used to include both what is currently termed malpractice and what is currently termed maladministration, with the difference in degree of offence reflected in the level of sanction applied. (3:1)*

The definition of 'malpractice' and 'maladministration' are as follows:

- **Malpractice**: "careless, wrong or illegal behaviour while in a professional job"

- **Maladministration**: "inefficient or dishonest administration; mismanagement"

Both definitions cover a wide range of offences, from careless/inefficient to illegal/dishonest. However, they do not refer to innocent errors (in practice). The Malpractice Commission called for a single definition whereby all errors should be considered malpractice because 'intent was hard to prove'.

JCQ will also need to consult with the regulators across the UK on the language and terminology of malpractice.

**Actions:**

- JCQ will:
  - Consult with stakeholders on the definition of malpractice and revise as needed
  - Review relevant malpractice policies and procedures for 2020/21
  - List those who sign-up to new agreed definition
- Timelines:
  - Consultation during March 2020 with publication of proposed definition in June 2020 in preparation for a communications campaign for the summer 2020/21 exam series.

The JCQ will introduce an Annual Report of Malpractice with the objective of:

- o Identifying key trends in malpractice to inform JCQ activities (e.g. for improving and targeting communications).
- o Highlighting new and emerging forms of malpractice.
- o Sharing best practice regarding how cases are dealt with to ensure consistency and fairness.

The work will be led by the JCQ's Malpractice Committee, which already shares information anonymously during exams seasons.

It should be remembered that regulators across the UK already publish such reports and the JCQ report should not duplicate these. We will discuss the JCQ report with CCEA, Ofqual and Qualifications Wales.

**Actions:**

- March 2020: Proposal prepared
- June 2020: Consultation with stakeholders
- Nov 2020: First report published

## *Access Arrangements*

The report of the Independent Commission on Malpractice focused a significant amount of work on access arrangements. There were several areas of concern:

- o a perception that there are a large number of Access Arrangements;
- o that there is a significant difference between types of schools; and
- o data collection is insufficient and inconsistent.

In light of this, JCQ is proposing a major project with the following objectives:

1. To assess whether the scale of Access Arrangements reflects the general population, consulting the Equalities and Human Rights Commission and key disability groups (JCQ forum).
2. To carry out a review to scope and identify how we can collect data more effectively.
3. To develop the annual summary of Access Arrangements data, consulting with stakeholders, to highlight key trends.

**Actions:**

JCQ will initiate a project to be led by the Head of Data and Technical Standards and the Head of Exam Services with the following timelines and deliverables:

- March 2020: Consult on scale of AA requests and population need
- September 2020: review AA Online and data collected and how this can be enhanced without increasing administrative burden:
  - o Seek input from EOs and SENCos
  - o Implement new data collection in 2020/21 and see what data could be collated following the 2020 summer cycle

- Publish new anonymised annual summary with trends compared to national population requirements following 2021 summer exams

*Training*

The Report of the Independent Commission on Malpractice made proposals in relation to training for staff involved in administering examinations. There are currently a range of organisations who provide training and work in partnership with JCQ and its member awarding organisations. The most significant of these is The Exams Office. It is also worth noting that JCQ member AOs already provide training for Exams Officers, Invigilators and Assessors.

The question is whether JCQ needs to develop its own training considering what exists already, or accredit training that complies with JCQ guidance and regulations. The decision on how JCQ can best contribute to examination staff training will be informed by a further consultation with stakeholders and members.

**Actions:**

- JCQ will carry out a full review of training needs and existing provision,
  - consulting with all stakeholders to identify needs;
  - considering training provision versus accreditation for third parties; and
  - focusing on how to encourage a culture of CPD.
- Timelines:
  - Initiate a project to report back by end of 2020 that will agree a way forward and outline how this will be delivered.