



Lucy Powell MP
House of Commons
London
SW1A 0AA

5 August 2019

Dear Ms Powell,

PQ 278513: To ask the Secretary of State for Education, what his policy is on pupils using private tutors as scribes in (a) GCSE and (b) A level exams.

The Rt Hon Nick Gibb MP has asked Ofqual to respond to you directly regarding your recent Parliamentary Question. A copy of this response will be placed in the Libraries of both Houses.

As the regulator of qualifications, examinations and assessments in England, Ofqual regulates the exam boards that offer GCSE and A level qualifications. Our rules require awarding organisations to comply with the requirements of Equalities Law in relation to each of the qualifications they make available.¹

The Equality Act 2010 requires exam boards to make reasonable adjustments for disabled students if their disability makes it substantially harder for them to show what they know, understand and can do in that assessment. Some disabled students use a scribe in their exams as a reasonable adjustment. In such cases, students dictate their answers to the scribe. Other students who are not disabled may use a scribe as a form of special consideration, for example because they have broken their arm.

Exam boards administer the system of reasonable adjustments and special consideration through JCQ (the Joint Council for Qualifications²), their representative body. JCQ produces guidance for schools and colleges which outlines the process for applying for adjustments, the evidence

¹ <https://www.gov.uk/guidance/ofqual-handbook/section-d-general-requirements-for-regulated-qualifications>

² www.jcq.org.uk

required for such adjustments to be granted, and the restrictions on their use.³ JCQ also has requirements for the invigilation of examinations. JCQ's Centre Inspection Service inspects schools and colleges, including while exams are taking place, to make sure they are meeting these requirements.

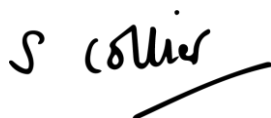
Ofqual is aware of the recent newspaper article in which a private tutor claimed to have acted as a scribe. We have raised this with exam boards and JCQ. The practice described in this article would breach numerous JCQ regulations and would therefore constitute malpractice. We take malpractice very seriously. It is unacceptable for anyone to seek to gain an advantage, for themselves, or their students, through irresponsible or dishonest actions.

We expect exam boards to have rules in place to prevent malpractice such as this. We require exam boards to reduce the risks of malpractice, to investigate allegations or suspicions of malpractice, manage any adverse effect and impose appropriate sanctions on those found to be responsible. Where serious malpractice is identified, sanctions for students involved may include disqualification from all qualifications taken in that series, and for centres in breach of regulations may include a loss of centre recognition. We will be considering with the exam boards whether current safeguards around the use of scribes are sufficiently robust.

It is worth noting JCQ's independent commission into malpractice, which is due to report in September. The type of practice detailed in the article would be in scope of the commission which aims to consider the nature, extent and drivers of malpractice in the examinations system. We look forward to seeing its recommendations and how we can support their implementation.

I do hope this information is useful.

Yours sincerely,

A handwritten signature in black ink that reads "S Collier". The signature is written in a cursive style with a long horizontal flourish underneath.

Sally Collier
Chief Regulator

³ <https://www.jcq.org.uk/exams-office/access-arrangements-and-special-consideration/regulations-and-guidance>