

**Committee of Chairs of Academic Boards/Senates
of Universities in NSW and the ACT**

**REPORT ON AN INVESTIGATION AND SYSTEMS REVIEW OF CORRUPTION
RISKS ASSOCIATED WITH HSC TAKE-HOME ASSESSMENT TASKS
FEBRUARY 2007**

The report relates to the particular context of tutoring assistance to students completing at-home assessable tasks.

A key theme in the report is the need to have clear definitions of the terminology involved in any relevant policies as well as in communications with students. They particularly noted commonplace use of a range of terms such as “own work”, “essentially my own work”, “major assistance” and “without undue assistance”. The report comments that it would be useful to have “an agreed standard and a minimal number of well-defined terms” (p. 46).

There was also some leeway in various parties’ understanding of what constitutes valid help.

The report recommends a risk management approach to managing plagiarism, along the following lines:

1. Have “appropriate detection and enforcement mechanisms in place”.
2. “Establish a culture of integrity” and work to change the culture by way of ethics awareness training and codes of behaviour, in order to generate behaviour change.
3. Reduce opportunities for plagiarism “by identifying corruption risks, ensuring that there are clear policies, procedures and guidelines in place to manage those risks, and that these are effectively communicated.” (p. 58)

Executive summary

This is the report of the Independent Commission Against Corruption's investigation and systems review of corruption risks associated with Higher School Certificate take-home assessment tasks.

The context

The Board of Studies NSW (BOS) is a statutory body which serves government and non-government schools in the development of school education for Years K–12 and the awarding of secondary school credentials – the School Certificate and the Higher School Certificate (HSC).

The HSC is the highest educational award issued by BOS. Since the introduction of the HSC in 1967 assessment of students' performance in the HSC has moved from assessment based entirely on performance in external examinations to the current form of the HSC, whereby most HSC courses involve both school-based assessment tasks, assessed by the school in accordance with its own HSC School Assessment Program, and external examinations, assessed by BOS-appointed HSC markers.

The external examination component of HSC courses may include or be comprised of practical examinations and/or the submission of reports or projects.

The allegations which were reported to the Commission related to improper tutoring services being provided to NSW HSC students. In particular the allegations related to students undertaking one of the HSC English Extension courses, English Extension 2. These allegations were the focus of the Commission's investigation.

Unlike the majority of NSW HSC courses, for English Extension 2 the entire assessment is based solely on a Major Work, undertaken by individual students under the supervision of their school but largely completed outside the classroom and away from the direct supervision of the classroom teacher.

The investigation

This investigation arises from a report to the Commission from the BOS, received on 27 June 2005, which informed the Commission of allegations that some students attending a private tutoring business, Acclaim Education, had received improper assistance for work ultimately submitted as part of their Higher School Certificate assessment.

The Commission's investigation focused on the provision of tutoring services by Acclaim Education and – because the allegations implied that systemic weaknesses might exist so as to allow, encourage or cause the occurrence of corrupt conduct – on the review and analysis of the applicable regulatory and legislative frameworks and the relevant organisational policies, procedures and practices.

The Commission conducted interviews with individuals who had managed, provided or received tutoring in HSC subjects through Acclaim Education; undertook forensic analysis of computer hard-drives held by Acclaim Education (obtained through the execution of search warrants); and took evidence from seven individuals in compulsory examinations.

The Commission's findings

The Commission found that some students had been provided with varying degrees of assistance from various private tutors employed at Acclaim Education. This assistance involved changing words, rewriting paragraphs, providing drafts for consideration and

adjusting story lines. In one case a student had copied material from a source provided by a tutor without acknowledging that source.

Ultimately, there was insufficient evidence on which to base any finding of corrupt conduct.

One of the significant difficulties encountered in the course of the investigation was determining whether the type of assistance provided by certain Acclaim Education tutors complied with policies and guidelines published in BOS documents. Failure to meet BOS policies and guidelines on acceptable levels of assistance might be an indicator of corrupt conduct. However, these documents were inconsistent in their definition of behaviour that could be termed malpractice (the term used by the BOS) or cheating, and in defining what constitutes a student's "own work" in assessment tasks.

The lack of clear standards imposed insurmountable difficulties in determining whether individual conduct identified by the investigation contravened those standards. This in turn made it difficult to establish whether any conduct came within the definition of corrupt conduct in the ICAC Act.

Although no findings of corrupt conduct have been made, the evidence gathered by the Commission during its investigation identified areas of practice and procedure affecting the HSC that were conducive to corrupt conduct.

Corruption risks and corruption prevention recommendations

The Commission reviewed and analysed applicable regulatory and legislative frameworks and the relevant policies, procedures and practices of organisations involved in the administration and management of the HSC.

As part of its examination of issues relating to the authentication of HSC take-home assessment tasks, the Commission also undertook a confidential schools survey, involving principals and some subject teachers in 42 government and non-government high schools in NSW.

The Commission's investigation made it apparent that there are several corruption risk areas which need to be addressed by the relevant public authorities, namely:

- risks associated with identifying and dealing with cheating and malpractice;
- risks specific to the English Extension 2 course, and
- risks associated with secondary employment and the tutoring industry.

The Commission has analysed these risk areas in detail in Chapters 5, 6 and 7 of this report and has made a total of 20 corruption prevention recommendations – 14 to the BOS, five to the NSW Department of Education and Training and one to the Minister for Education and Training.

As part of the performance of its statutory functions, the Commission will monitor the implementation of the recommendations made as a result of this investigation.

The recommendations will be communicated to the BOS and the DET, with a request that implementation plans for the recommendations be provided to the Commission within three months of the publication of this report. The Commission will also request progress reports on the implementation of recommendations at intervals of 12 and 24 months after the publication of this report. These reports will be posted on the Commission's website, www.icac.nsw.gov.au, for public viewing.

The corruption prevention recommendations made in this report are as follows:

RECOMMENDATION 1

That the Board of Studies NSW adopts one agreed standard and a minimal number of well-defined terms, consistent with that standard, to describe what is expected of students, and in particular the extent to which a student's work must be his or her own.

The standard and associated terms should be used consistently throughout BOS publications, including guidelines, policies and procedures and where relevant should be supported by examples and case studies showing what is both acceptable and unacceptable practice.

RECOMMENDATION 2

That the Board of Studies NSW conducts a comprehensive review to determine the types of third party assistance that are unacceptable for HSC students. To guide students, parents, teachers and tutors, BOS publications should set out examples and case studies of what is both acceptable and unacceptable third party assistance.

RECOMMENDATION 3

That all Board of Studies NSW guidelines should clearly state that plagiarism if detected will jeopardise the student's HSC exam results.

RECOMMENDATION 4

That the Board of Studies NSW requires students who undertake English Extension 2 to explicitly acknowledge all assistance they receive with the preparation of their Major Work, including any assistance they may receive from paid tutors. It is also recommended that the nature of the assistance given be specified.

RECOMMENDATION 5

That the Board of Studies NSW considers whether this requirement should be extended to other HSC courses that include significant take-home assessment tasks or submitted works.

RECOMMENDATION 6

That the Board of Studies NSW considers requiring the Major Work Journal for English Extension 2 to be submitted to the school and signed off by the school at certain nominated points in the development of the work to reinforce the message that the Major Work Journal should document the evolution of the Major Work across a course of time and to prevent the Journal from simply being "made up" at the end of the process.

RECOMMENDATION 7

That the Board of Studies NSW includes in advice to students, parents and teachers a statement that serious and deliberate acts of cheating in the Higher School Certificate would amount to corrupt conduct. The Board of Studies NSW should provide advice as to how it handles such allegations, the consequences to those involved if the allegations are sustained and that, where appropriate, the Board of Studies NSW will report matters to the Independent Commission Against Corruption.

RECOMMENDATION 8

That, with input from the secondary school sector, the Board of Studies NSW develops an appropriately resourced and independent expert advice and support

service to assist schools and teachers in the management of individual cases of malpractice in assessment tasks and submitted works.

RECOMMENDATION 9

That, with input from the secondary education sector, the Board of Studies NSW develops a system for centrally recording, assessing and analysing the number and type of misconduct incidents that occur in the Higher School Certificate assessment program and submitted works.

RECOMMENDATION 10

That, after the reporting system has been established, the Board of Studies NSW publicly reports numbers and types of malpractice incidents and investigation outcomes for all incidents of malpractice in take-home assessment tasks, including how cases were dealt with.

RECOMMENDATION 11

That, to raise awareness about the application of sanctions, the Board of Studies NSW considers developing and publishing a series of case studies in its information to students that provide examples of where malpractice has been identified, the sanctions applied and the effect of those sanctions on the student's Higher School Certificate results.

RECOMMENDATION 12

That the Board of Studies NSW considers introducing a standard requirement that, should a reasonable suspicion of malpractice or dispute concerning malpractice arise, students will be required to demonstrate that the work is entirely their own.

RECOMMENDATION 13

That the Board of Studies NSW adopts a risk management approach in relation to the corruption risks associated with its HSC Assessment Program and that regular reviews are undertaken to ensure that existing and emerging risks are recognised and managed in a timely fashion. The Commission recommends that there is coordination between the Board of Studies NSW, the NSW Department of Education and Training and the non-government school sector in this regard.

RECOMMENDATION 14

That the NSW Department of Education and Training ensures that the new level of oversight provided by additional school education directors is used effectively to ensure compliance with the Board of Studies' Higher School Certificate policies and procedures.

RECOMMENDATION 15

That the Board of Studies NSW reviews the format, requirements, assessment procedures and associated corruption risks in the English Extension 2 course of study to determine if this course of study, as it currently stands, can be conducted in such a way as to better manage the corruption and malpractice risks. The Board of Studies NSW should then take the appropriate steps to deal with the identified risks.

RECOMMENDATION 16

That the NSW Department of Education and Training undertakes a corruption risk assessment of the increasing involvement of its staff in the private tutoring industry.

RECOMMENDATION 17

That the NSW Department of Education and Training provide additional guidance to teachers who seek to undertake private employment in the tutoring industry, including managing properly identified conflict of interest issues and corruption risks.

RECOMMENDATION 18

That the NSW Department of Education and Training ensures the effective implementation of its 2004 Private and Secondary Employment Policy and associated procedures through on going awareness raising, and audit and compliance activities, and that the policy is reviewed in light of these activities early in 2008.

RECOMMENDATION 19

That the NSW Department of Education and Training Code of Conduct makes clear that a conflict of interest exists when a reasonably minded and informed person would form that view.

RECOMMENDATION 20

That the NSW Minister for Education and Training, using a risk management approach, determines whether a form of tutoring industry regulation may be effective in minimising opportunities for malpractice and/or corrupt conduct within the NSW education and training sector.

Investigation and systems review of corruption risks associated with HSC take-home assessment tasks

ICAC FINDINGS

- The ICAC has made no findings of corruption in this matter.
- However, the evidence gathered by the Commission during its investigation identified areas of practice and procedure affecting the HSC that are potentially conducive to corrupt conduct.
- The Commission found that some students had been provided with varying degrees of assistance from staff employed at Acclaim Education.
- There were “insurmountable difficulties” in determining whether the assistance provided was in breach of Board of Studies (NSW) policies and guidelines, because there were inconsistencies in the Board’s definitions of malpractice and what constitutes a student’s “own work”. This in turn made it difficult to determine whether any conduct came within the definition of corrupt conduct in the ICAC Act.

The ICAC acknowledges that the Board of Studies has implemented some improvements to the policies and procedures for HSC take-home assessments. The Commission has put forward 20 corruption prevention recommendations, including:

- That the Board of Studies NSW adopts one agreed standard and a minimal number of well-defined terms, consistent with that standard, to describe what is expected of students and in particular the extent to which students’ work must be their own.
- That the Board of Studies conducts a comprehensive review to determine the types of third party assistance that are unacceptable for HSC students; Board publications should set out examples and case studies of what is both acceptable and unacceptable third party assistance to guide students, parents, teachers and tutors
- That the Board of Studies includes in advice to students, parents and teachers a statement that serious and deliberate acts of cheating in the HSC would amount to corrupt conduct; this should include advice on how the Board handles such allegations, the consequences for those involved if the allegations are sustained and that, where appropriate, the Board will report matters to the ICAC
- That the NSW Department of Education and Training undertakes a corruption risk assessment of the increasing involvement of its staff in the private tutoring industry
- That the NSW Minister for Education and Training use a risk management approach to determine whether a form of tutoring industry regulation may be effective in minimising opportunities for malpractice and/or corrupt conduct within the NSW education and training sector.

BACKGROUND

- The ICAC investigation commenced as a result of a referral of possible corrupt conduct allegations from the Board of Studies.
- The Commission’s investigation focussed on the provision of tutoring services by Acclaim Education and involved interviewing individuals who had managed, provided or received tutoring in HSC subjects through Acclaim Education.
- As the allegations implied that systemic weaknesses might exist which could allow, encourage or cause corrupt conduct to occur, the ICAC also reviewed and analysed the applicable regulatory and legislative frameworks, and organisational policies, procedures and practices.
- The Commission held a number of compulsory (private) examinations and undertook forensic analysis of computer hard-drives held by Acclaim Education. Seven individuals gave evidence to the Commission and their evidence is the subject of suppression orders made under section 112 of the ICAC Act.

The ICAC’s primary functions under the Independent Commission Against Corruption Act 1988, are to investigate and prevent corruption in the NSW public sector, which includes government departments, statutory authorities, local councils and public officials; including politicians and the judiciary.