

## **Consultation response from OCR: Online Safety Information Guidance**

The online trade in fake qualification certificates and fake and stolen exam papers to young students, particularly via social media platforms, is a serious and growing problem.

The Online Safety Act provides Ofcom with a chance to help exam boards, regulators, the Police and other authorities, as well as social media companies, to better fight against this criminal practice, which threatens the integrity of, and public confidence in, our exam system.

We would welcome the opportunity to engage with Ofcom on the issue of fake exam papers and certificates, and to help develop more detailed proposals for tackling the issue under the Online Safety Act.

The sale of fake certificates devalues the efforts of genuine students who work hard to achieve their qualifications. The holders of such certificates may use them to obtain access to higher qualifications and to jobs for which they do not have the appropriate skills and knowledge. This not only poses a real public safety risk but also undermines consumer confidence in the certificates and, as a consequence, in the qualifications themselves.

In the case of exam papers, students are left exposed to the dangers of purchasing material which could have a seriously damaging effect on their schooling and later their livelihoods. Any student who is found to have purchased fake exam papers (for example, a GCSE or A Level paper) runs the risk of not being awarded the relevant qualification and being banned from taking the relevant awarding body's qualifications.

Students are lured by promises of genuine exam papers becoming available for sale via social media accounts, usually in the run-up to exams. The papers usually turn out to be fake. Unfortunately, the students seeking to purchase exam papers in this way will often not appreciate that they might be fake.

Awarding bodies' efforts to stop the practice rely on the cooperation of social media companies. These companies will generally respond to an awarding body's request for a social media account to be shut down if it is offering to sell exam papers. It is essential that this is done promptly, given the nature of when and how exams are sat. However, some platforms, often do not respond with sufficient speed, or resist efforts to remove such content, or disclose information on those behind them.

In this context, it becomes easy for the bad actors behind these accounts simply to carry on such activity by opening new accounts – it becomes a game of 'whack-a-mole'.

Social media companies have been unwilling to take on greater responsibility in this area, despite formally having policies on false information and illegal content.

This mish mash of options open to awarding bodies seeking to protect young learners from false online information and materials is inadequate and unable to cope with the scale of illegal and false online information; some social media platforms largely ignore the problem.

Ofcom could compel social media companies to prevent or limit the risk of fake exam papers and fake certificates being offered for sale in the first place.

The Online Safety Act provides a firm legal basis for this effort in requiring social media companies to exercise a duty of care in designing systems in which such content is shared, promoted and monetised.

This systems-based approach makes platforms responsible for the decisions they make rather than the decisions users make. A key feature of such an approach is that the measures taken to address problematic or illegal content are taken before the relevant material is shared. Establishing *ex ante* measures is vital in effectively tackling risks to children.

We believe that Ofcom should provide clear guidance on what is required, reducing costs for businesses and ensuring clarity. As an awarding body with extensive experience of interacting with social media companies and protecting the interests of young learners, we believe that we can make a contribution to the development of such guidance, in particular by identifying the relevant risks and the techniques which might mitigate those risks. We would welcome the opportunity to engage further with Ofcom in this regard.

We further believe that more can be done within the guidance to raise awareness of the risks associated with the kind of fraudulent practices referred to in this paper.

Finally, holding social media platforms to account for failing to implement primary preventative measures will be crucial to ensuring the Act's effectiveness. Guidance on how Ofcom will assess compliance with the obligation to take such preventative measures would therefore be welcome.

As indicated above, we believe that the Online Safety Act can be used to limit the harm which such fraudulent practices are doing to young people, and we look forward to working with Ofcom in order to achieve this.