

11 October 2024

Dame Melanie Dawes

Chief Executive Officer

Ofcom

2a Southwark Bridge Road

London

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Dear Melanie

Re: Inclusion of Qualifications Fraud in the Online Safety Act

I am writing from the Joint Council for Qualifications (JCQ), a membership organisation representing eight leading providers of qualifications in the United Kingdom regarding guidance for the Online Safety Act. We believe the Act and associated guidance presents a crucial opportunity to address a significant challenge facing the education sector: the proliferation of fake examination certificates and online platforms claiming to offer prior access to confidential examination papers before learners have taken the papers.

The scale of this issue is significant:

- Social media platforms are inundated with accounts offering fake examination question papers for regulated qualifications. A simple search on TikTok reveals multiple accounts like @gcseleaksandtips openly advertising access to exam papers [1][2][3].
- These fraudulent activities are widespread. The BBC reports that students pay between £7.50 and £4,000 per fake exam paper [4].
- The fake certificate industry has grown into a \$22 billion global enterprise, with a 2,100% increase in counterfeit qualifications between 2015-2022 [5].
- Websites like ,original-degrees.com and Buy Degrees online are openly selling fake certificates for regulated qualifications, including university degree certificates [6].

The impact of this fraud is far-reaching:

- It undermines the integrity of our education system and devalues legitimate qualifications.
- It poses serious risks to public safety when individuals use fake qualifications to gain employment in various sectors (construction, electrical, plumbing, nursing, etc.). Research has uncovered numerous instances of social media accounts on platforms like TikTok, Facebook, and Instagram offering "no exam" CSCS cards and other qualifications [7].
- It exploits vulnerable students, preying on their anxieties about exam performance.

Current legal measures have proven inadequate:

- The Joint Council for Qualifications (JCQ) and member AOs have successfully shut down some websites [8], but this approach is ineffective against the rapid proliferation of new accounts.
- The time-sensitive nature of these breaches, typically occurring between April and June, makes traditional legal recourse impractical and ineffective. These have included: take-down notifications, Quia timet injunctions (with Spartacus Order), and Norwich Pharmacal Orders (disclosure orders).
- Many fraudulent operators hide behind VPNs, making identification and prosecution challenging.

We believe that the guidance for the Online Safety Act should explicitly address qualification fraud. Specifically, we propose that the guidance:

1. Clearly define the advertising and sale of confidential examination papers before they have been taken, and fake qualifications as "illegal content" under the Act.
2. Outline requirements for social media platforms to proactively identify and remove such content.
3. Establish protocols for a fast-track reporting mechanism for recognised awarding bodies to report fraudulent activities directly to platform enforcement teams.
4. Provide a platform for imposing significant penalties on platforms that fail to act swiftly on reports of qualification fraud.

We understand that you may consider the existing legislation provides a firm legal basis for this effort by requiring social media companies to exercise a duty of care in designing systems in which such content is shared, promoted, and monetised. If so, we urge you to consider how the 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 the measures taken before problematic or illegal content 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. JCQ awarding bodies with extensive experience in interacting with social media companies and protecting the interests of young learners could contribute to the development of such guidance, by identifying the relevant risks and the techniques, which might mitigate those risks. 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.

These measures would significantly enhance our ability to protect the integrity of qualifications and safeguard students from exploitation. We would welcome the opportunity to meet with you to discuss this matter further and provide additional insights into the challenges we face. Our members' experience and expertise in this area could prove invaluable in crafting effective guidance to combat this growing threat. Thank you for your attention to this critical issue. We look forward to your response.

A copy of this letter is being sent to: Daniel Gutteridge, Ofqual General Counsel; Michael Hanton, Ofqual Deputy Chief Regulator and the JCQ Board (AQA, CCEA, City and Guilds, NCFE, OCR, Pearson, SQA, WJEC).

Yours sincerely



Margaret Farragher
Chief Executive Officer
Joint Council for Qualifications (JCQ)

Citations

[1] <https://www.tiktok.com/@gcseleaksandtips>

[2] <https://vm.tiktok.com/ZGeEoX8dm/>

[3] <https://vm.tiktok.com/ZGeEork4n/>

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[4] BBC News. "Instagram seller quoted me £500 for a GCSE paper'."

- <https://www.bbc.co.uk/news/education-65768038>;
- BBC News. "GCSE pupils targeted by 'manipulative' exam scams."
<https://www.bbc.co.uk/news/articles/c72pk0xrdedo>;
- <https://www.independent.co.uk/news/education/students-paying-hundreds-fake-gcse-a-level-exam-b2351465.html>

[5] <https://www.advancedsecure.co.uk/fraud-prevention-best-practice/> [Fraud Prevention Best Practices For Certification \(advancedsecure.co.uk\)](#)

[6] <https://www.original-degrees.com>

- <https://www.diplomacompany.com/order-fake-gcse-certificates.html>
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- <https://budgetdiploma.com/services/>
- <https://www.fakediploma58.com/aqa-gcse-fake-certificate/>

[7] <https://feweek.co.uk/how-fake-skills-cards-have-opened-the-door-to-construction-site-bloggers/>

[8] <https://www.mills-reeve.com/insights/blogs/technology/september-2017/court-comes-down-hard-on-fake-certificate-sellers>