Examinations Whistleblowing Policy

Policy Owner:	HoC, Vikki Alden
Local accountable officer:	Senior Lead for Exams, Ben Clark
Queries to:	Senior Lead for Exams, Ben Clark & Exams Officer, Katie Parrott
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Purpose of the policy

This policy:

- encourages individuals to raise concerns, which will be fully investigated by appropriately trained and experienced individuals
- identifies how to report concerns
- explains how such concerns will be investigated and sets expectations regarding the reporting of outcomes
- provides details of relevant bodies to whom concerns about wrongdoing can be reported, including awarding organisations and regulators
- includes a commitment to do everything reasonable to protect the reporter's identity, if requested
- sets out how those raising concerns will be supported.

This policy also details the steps that could be taken by an individual involved in the management, administration and/or conducting of examinations if Brunel School fails to

comply with its obligation to report any alleged, suspected or actual incidents of malpractice or maladministration.

Introduction

Whistleblowing at Brunel School is encouraged, not penalised, and staff are made aware that they have a duty to report any concerns they have about the conduct of examinations. The head of centre and governing board at Brunel School aim to create and maintain an approach to examinations that reflects an ethical culture, and encourages staff and students to be aware of and report practices that could compromise the integrity and security of examinations.
In compliance with section 5.11 of the JCQ's **General Regulations for Approved Centres**[1],

Brunel School will:

- take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after assessments have taken place
- inform the awarding body **immediately** of any alleged, suspected or actual incidents of malpractice or maladministration, involving a candidate or a member of staff, by completing the appropriate documentation
- as required by an awarding body, gather evidence of any instances of alleged or suspected malpractice (which includes maladministration) in accordance with the JCQ publication **Suspected Malpractice: Policies and Procedures**[2] and provide such information and advice as the awarding body may reasonably require

This policy requirement has been added within **General Regulations for Approved Centres** in response to the recommendations within the report of the *Independent Commission on Examination Malpractice*[3].
This policy also sets out the principles which allow members of centre staff and students to feel confident in reporting instances of actual, alleged or suspected malpractice to relevant members of senior leadership.

The Whistleblower

A whistleblower is defined as a person who reports an actual or potential wrongdoing and is protected by the Public Interest Disclosure Act 1998, providing they are acting in the public interest.
If the person raising the issue is a worker, this will be considered as whistleblowing. This includes agency staff and contractors.

Reporting

If a member of centre staff involved in the management, administration and/or conducting of examinations (such as exams officer, exams assistant or invigilator), a student or a member of the public (such as a parent/carer) has a concern or reason to believe

[1] Reference www.jcq.org.uk/exams-office/general-regulations/
[2] Reference www.jcq.org.uk/exams-office/malpractice/
[3] Reference www.jcq.org.uk/examination-system/imc-home/

that malpractice has or will occur in an examination or assessment, concerns should normally be raised initially with the Exams Officer
However, there may be times when it may be more appropriate to refer the issue directly to the governing board, most often when the allegation is against the head of centre.

Examples of malpractice

In addition to the centre wide Whistleblowing Policy, this exams-specific policy, includes reference to exams-related breaches including, but not limited to, the following:

- Failure to comply with exam regulations as set out by the Joint Council for Qualifications (JCQ) and its awarding bodies
- A security breach of the examination paper
- Conduct of centre staff which undermines the integrity of the examination
- Unfair treatment of candidates by either giving an advantage to a candidate/group of candidates (e.g. by permitting a candidate an access arrangement which is not supported by appropriate evidence), or disadvantaging candidates by not providing access to the appropriate conditions (providing a 'level playing field')
- Possible fraud and corruption (e.g. accessing the exam paper prior to the exam to aid teaching and learning)
- Abuse of authority (e.g. the head of centre/members of the senior leadership team overriding JCQ and awarding body regulations)
- Other conduct which may be interpreted as malpractice/maladministration

Whistleblowing procedure

If the individual does not feel safe raising the issue/reporting malpractice within the centre, or they have done so and are concerned that no action has been taken, that individual could consider making their disclosure[4] to a malpractice expert at the awarding body for the qualification where malpractice is suspected.

For members of centre staff, it is likely that the Public Interest Disclosure Act (PIDA)[5] offers you legal protection from being dismissed or penalised for raising certain serious concerns ('blowing the whistle'). Whistleblowing rights under PIDA are day one rights[6]. This means that the worker does not need the same two years' service that is needed for other employment rights.

In order to investigate concerns effectively, the awarding body should be provided with as much information as possible/is relevant, which may include:

- The qualifications and subjects involved
- The centre involved
- The names of staff/candidates involved
- The regulations breached/specific nature of suspected malpractice
- When and where the suspected malpractice occurred
- Whether multiple examination series are affected

[4] Reference www.jcq.org.uk/exams-office/malpractice/public-interest-disclosure-act/

[5] Reference **Public Interest Disclosure Act 1998** www.legislation.gov.uk/ukpga/1998/23/contents

[6] Reference https://protect-advice.org.uk/pida/

- If the issue has been reported to the centre and what the outcome was
- How the issue became apparent

Members of the public are not protected by PIDA, but the awarding body will make every effort to protect their identity if that is what they wish, unless the awarding body is legally obliged to release it[7].

Alternatively, a worker could consider making a disclosure to Ofqual[8] as a prescribed body for whistleblowing to raise a concern about wrongdoing, risk or malpractice.

Anonymity

In some circumstances, the whistleblower might find it difficult to raise concerns with the nominated member of the senior leadership team. If a concern is raised anonymously, the issue may not be able to be taken further if insufficient information has been provided. In such instances, and if appropriate, the allegation may be disclosed to a union representative, who could then be required to report the concern without disclosing its source. Alternatively, whistleblowers or others with concerns about potential malpractice can report the matter direct to Ofqual, who is identified as a 'prescribed body'[9]. Awarding organisations are not prescribed bodies under whistleblowing legislation; however, awarding organisation investigation teams do give those reporting concerns the opportunity for anonymity.

A whistleblower can give his/her name, but may also request confidentiality; the person receiving the information should make every effort to protect the identity of the whistleblower.

Pupils

Pupils at Brunel School are made to feel comfortable discussing/reporting malpractice issues of which they are aware. The regulations surrounding their assessments, and wider academic integrity, will be reiterated to students who are undertaking, or who are about to undertake, their courses of study.

[7] Reference www.ocr.org.uk/administration/general-qualifications/assessment/malpractice/whistleblowing/

[8] Reference www.gov.uk/guidance/ofquals-whistleblowing-policy

[9] Reference www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies