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Company Registration Number: 10745840 (England and Wales)

Ethos Academy Trust

# Whistleblowing Policy (Exams)

Date 2022/23

1	Summary	This policy requirement has been added within <b>General Regulations for Approved Centres</b> in response to the recommendations within the report of the <i>Independent Commission on Examination Malpractice</i> <sup>1</sup> . This policy sets out the whistleblowing procedures at Ethos College.			
2	Responsible person	Exam Officer			
3	Accountable ELT member	Rebecca Smith			
4	Applies to	Ethos College			
5	Trustees and/or individuals who have overseen development of this policy	N/A			
6	Headteachers/Service Heads who were consulted and have given approval (if applicable)	Rebecca Smith			
8	Ratifying committee(s) and date of final approval	Head Teacher			
9	Version Number	1.0			
10	Available on	Every	Y/N	Trust Website	Y/N
				Academy Website	Y/N
				Staff Portal	Y/N
11	Related documents (if applicable)				
12	Disseminated to	Ethos College			
13	Date of implementation (when shared)	November 2022			
14	Date of next formal review	November 2023			
15	Consulted with Recognised Trade Unions	N/A			

<sup>1</sup> Reference [www.jcq.org.uk/examination-system/imc-home/](http://www.jcq.org.uk/examination-system/imc-home/)

Date	Version	Action	Summary of changes
07/10/22	1.0	New Policy	

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## 1. Introduction

Whistleblowing at Ethos College 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. Ethos Academy Trust is committed to the highest possible standards of honesty and integrity and expects all staff to maintain these standards in accordance with the Ethos Academy Trust Code of Conduct. All organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential to prevent such situations occurring or to address them when they do occur.

The head of centre and governing board at Ethos College 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.

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*<sup>2</sup>.

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.

## 2. Roles and Responsibilities

This policy sets out the whistleblowing procedures at Ethos College. It has been signed off by Rebecca Smith who is the Head of Centre and responsible for handling any cases of whistleblowing. The Head of centre is fully aware of the contents of this policy and will escalate any instances of malpractice to the relevant awarding body/bodies.

In compliance with section 5.11 of the JCQ's **General Regulations for Approved Centres**<sup>3</sup>, Ethos College 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**<sup>4</sup> and provide such information and advice as the awarding body may reasonably require

## 3. 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

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<sup>2</sup> Reference [www.jcq.org.uk/examination-system/imc-home/](http://www.jcq.org.uk/examination-system/imc-home/)

<sup>3</sup> Reference [www.jcq.org.uk/exams-office/general-regulations/](http://www.jcq.org.uk/exams-office/general-regulations/)

<sup>4</sup> Reference [www.jcq.org.uk/exams-office/malpractice/](http://www.jcq.org.uk/exams-office/malpractice/)

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

## 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.

## 4.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 that malpractice has or will occur in an examination or assessment, concerns should normally be raised initially with Rebecca Smith (Head of Centre) or Mandeep Little (Deputy Head)

However, there may be times when it may be more appropriate to refer the issue direct 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

## 5.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<sup>5</sup> to a malpractice expert at the awarding body for the qualification where malpractice is suspected.

<sup>5</sup> Reference [www.jcq.org.uk/exams-office/malpractice/public-interest-disclosure-act/](http://www.jcq.org.uk/exams-office/malpractice/public-interest-disclosure-act/)

For members of centre staff, it is likely that the Public Interest Disclosure Act (PIDA)<sup>6</sup> 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<sup>7</sup>. 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
- 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<sup>8</sup>.

If a worker makes a disclosure and they have a reasonable belief that the concern is real, the worker will not suffer any detriment, even if after investigation it transpires that the concern is unfounded. The Trust will not tolerate the harassment or victimisation of any worker raising a genuine concern, this may include disciplinary action.

Alternatively, a worker could consider making a disclosure to Ofqual<sup>9</sup> 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'<sup>10</sup>. 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. If a worker requests that their identity is protected, the Academy Trust will not disclose it unless required to do so in law. If the situation arises where the Academy Trust is unable to resolve the concern without revealing the worker's identity (for instance because the worker's evidence is needed in court), the Academy Trust will discuss with the worker how the matter should proceed.

<sup>6</sup> Reference **Public Interest Disclosure Act 1998** [www.legislation.gov.uk/ukpga/1998/23/contents](http://www.legislation.gov.uk/ukpga/1998/23/contents)

<sup>7</sup> Reference <https://protect-advice.org.uk/pida/>

<sup>8</sup> Reference [www.ocr.org.uk/administration/general-qualifications/assessment/malpractice/whistleblowing/](http://www.ocr.org.uk/administration/general-qualifications/assessment/malpractice/whistleblowing/)

<sup>9</sup> Reference [www.gov.uk/guidance/ofquals-whistleblowing-policy](http://www.gov.uk/guidance/ofquals-whistleblowing-policy)

<sup>10</sup> Reference [www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies](http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies)

## **Students**

Students at Ethos College 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.