



Whistleblowing Policy (Exams)

Policy agreed by Staff on:	Spring 2024
Ratified by Local Advisory Board on:	Spring 2024
Review Date:	Spring 2025
Agreed Frequency of Review:	Annually
Allocated Group / Person to Review:	LAB can delegate to staff members or Headteacher.
Signed by Chair:	
Signed by Headteacher:	



Exceed
Academies Trust
*Together we **Exceed***

Introduction

Whistleblowing at Bradford AP Academy is encouraged and not penalised, and staff are made aware that they have a duty to report any concerns they may have about the conduct of examinations.

The Head of Centre and Governing Board at Bradford AP Academy 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 *General Regulations for Approved Centres*, Bradford AP Academy will:

- Take all reasonable steps to prevent the occurrence of any malpractice, including 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 member of staff, by completing the appropriate documentation.
- As required by an awarding body, gather evidence of any alleged or suspected incidences of malpractice, including maladministration, in accordance with the JCQ publication *Suspected Malpractice: Policies and Procedures*, and provide such information and advice as the awarding body may reasonably require.

This policy requirement was added within the *General Regulations for Approved Centres* in response to recommendations made in the report of the *Independent Commission on Examination Malpractice*.

This policy sets out the whistleblowing procedures at Bradford AP Academy. It has been produced and reviewed by Nicola Frear, Exams Officer, who is also a member of the Senior Leadership Team and responsible for handling whistleblowing cases. She is fully aware of the contents of this policy and will escalate any instances of malpractice to the relevant awarding body or bodies.

This policy also sets out the principles which enable members of centre staff and students to feel confident in reporting instances of actual, alleged or suspected malpractice to relevant members of the Senior Leadership Team.

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 conduct of examinations if Bradford AP Academy 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.

Reporting

If a member of centre staff involved in the management, administration and/or conduct of examinations (such as the Exams Officer, Exams Assistant or an invigilator), a student, or a member of the public (such as a parent or carer) has a concern or reason to believe that malpractice has occurred or may occur in an examination or assessment, concerns should normally be raised initially with Deborah Hudson, Head of Centre, the member of the Senior Leadership Team with oversight of examination administration.

However, there may be occasions where it is more appropriate to refer the issue directly to the Governing Board, most often where the allegation relates to the Head of Centre.

Examples of Malpractice

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

- Failure to comply with examination regulations as set out by the Joint Council for Qualifications (JCQ) and its awarding bodies.
- A security breach involving examination papers.
- Conduct by centre staff that undermines the integrity of examinations.
- Unfair treatment of candidates, either by giving an advantage to a candidate or group of candidates (for example, permitting an access arrangement not supported by appropriate evidence), or disadvantaging candidates by not providing appropriate examination conditions to ensure a level playing field.
- Possible fraud or corruption, for example accessing examination papers prior to an examination to aid teaching and learning.
- Abuse of authority, for example where the Head of Centre or members of the Senior Leadership Team override JCQ or awarding body regulations.
- Other conduct that may be interpreted as malpractice or 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 disclosure¹ 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)² offers you legal protection from being dismissed or penalised for raising certain serious concerns ('blowing the whistle'). Whistleblowing rights under PIDA are day one rights³. This means that the worker does not need the same two years' service that is needed for other employment rights.

¹ Reference www.jcq.org.uk/exams-office/malpractice/public-interest-disclosure-act/

² Reference **Public Interest Disclosure Act 1998** www.legislation.gov.uk/ukpga/1998/23/contents

³ Reference <https://protect-advice.org.uk/pida/>

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 or candidates involved.
- The regulations breached, or the specific nature of the suspected malpractice.
- When and where the suspected malpractice occurred.
- Whether multiple examination series are affected.
- Whether 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 it⁴.

Alternatively, a worker could consider making a disclosure to Ofqual⁵ 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, which is identified as a 'prescribed body'⁶.

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.

Students

Students at Bradford AP Academy 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.

Additional policies

Further information regarding whistleblowing, can be found in Exceed Academies Trust Whistleblowing Policy.

⁴ Reference www.ocr.org.uk/administration/general-qualifications/assessment/malpractice/whistleblowing/

⁵ Reference www.gov.uk/guidance/ofqual-whistleblowing-policy

⁶ Reference www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies