

## Introduction

Whistleblowing at The Ladies' 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 and assessments.

The head of centre and governing board at The Ladies' College aim to create and maintain an approach to examinations and assessments 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 and assessments.

In compliance with section 5.11 of the JCQ's **General Regulations for Approved Centres**<sup>1</sup>, The Ladies' 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 document **Suspected Malpractice: Policies and Procedures**<sup>2</sup> and provide such information and advice as the awarding body may reasonably require

This policy requirement was added within **General Regulations for Approved Centres** in response to the recommendations within the report of the *Independent Commission on Examination Malpractice*<sup>3</sup>.

This policy sets out the whistleblowing procedures at The Ladies' College. It has been produced (and reviewed) by Daniele Harford-Fox who is also a member of the senior leadership team and responsible for handling any cases of whistleblowing. She is fully aware of the contents of this policy and will escalate any instances of malpractice through the head of centre to the relevant awarding body/bodies.

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.

## 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 and assessments if The Ladies' College fails to comply with its obligation to report any alleged, suspected or actual incidents of malpractice or maladministration.

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<sup>1</sup> Reference [www.jcq.org.uk/exams-office/general-regulations/](http://www.jcq.org.uk/exams-office/general-regulations/)

<sup>2</sup> Reference [www.jcq.org.uk/exams-office/malpractice/](http://www.jcq.org.uk/exams-office/malpractice/)

<sup>3</sup> Reference [www.jcq.org.uk/examination-system/imc-home/](http://www.jcq.org.uk/examination-system/imc-home/)

## 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 and assessments (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 Howard Barnes, the member of the senior leadership team with oversight of examination and assessment administration.

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/ assessment
- 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<sup>4</sup> 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)<sup>5</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>6</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

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<sup>4</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/)

<sup>5</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>6</sup> Reference <https://protect-advice.org.uk/pida/>

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>7</sup>.

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

### Exams Officer Professional Standards

If an exams officer is completing the Exams Officer Professional Standards (see the National Association of Examinations Officers website for more information) as part of their annual professional development, they will be required to sign a Values and Attributes statement.

By signing this statement the exams officer, and their senior leadership team/line manager, are identifying a set of common values and attributes. These include support for an exams officer when they are faced with a situation where they may be compromised by, or put under pressure to accept, a centre decision which may not align with JCQ and awarding organisation regulations (for example, being asked not to report an instance of suspected/actual malpractice). In such circumstances, the exams officer must act in line with the procedures set out in this policy.

### 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>9</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 their 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 The Ladies’ 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.

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<sup>7</sup> Reference [www.ocr.org.uk/administration/general-qualifications/assessment/malpractice/whistleblowing/](http://www.ocr.org.uk/administration/general-qualifications/assessment/malpractice/whistleblowing/)

<sup>8</sup> Reference [www.gov.uk/guidance/ofquals-whistleblowing-policy](http://www.gov.uk/guidance/ofquals-whistleblowing-policy)

<sup>9</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)

### Public Interest Disclosure Act (Whistleblowing)

#### Guidance in relation to suspected malpractice in examinations and assessments

This guidance is principally for centre staff who may witness malpractice in examinations and assessments and are unsure about what action to take.

The security and integrity of examinations and assessments is essential if public confidence in qualifications is to be maintained. The approach taken by the awarding bodies to malpractice is set out in the *JCQ Suspected Malpractice* document.

#### What should you do if you see malpractice taking place in examinations or assessments?

If you are a candidate or a member of the public, you should report what you witness to the examination centre concerned.

If you work for an examination centre or are involved in examinations or assessments and you witness activity that you are concerned may be malpractice, you should act upon it.

Examination centres are required by the *JCQ Suspected Malpractice* document to refer malpractice to the appropriate awarding body.

You can also refer your concern to the awarding body (see below).

#### What if you are concerned about retaliation for reporting suspected malpractice?

If you work for an examination centre or are involved in examinations or assessments it is likely that the Public Interest Disclosure Act (PIDA) offers you legal protection from being dismissed or penalised for raising certain serious concerns (“blowing the whistle”). Given the importance of the integrity of the qualifications system, suspected malpractice is likely to be a serious concern.

It is probable that your organisation has a whistleblowing policy. If it does, you should follow that policy. If it does not, you should raise your concern with someone senior within the centre.

If you do not feel safe raising the matter within the centre, or you have done so and are concerned that no action has been taken, you could consider making your disclosure to a “prescribed person” – which includes Ofqual and Qualifications Wales (the regulators in England and Wales respectively). The full list of prescribed persons and bodies are detailed in this guidance:

GovUK: [Blowing the whistle a list of prescribed people and bodies](#)

#### Who do you talk to and what happens if you contact the awarding body?

Each awarding body has staff who deal with malpractice. You can talk to them in confidence and explain your concerns. However, as awarding bodies are not prescribed bodies as defined by the PIDA they cannot promise you the legal protections detailed in PIDA.

The awarding body will:

- Understand the difficult position that you are in;
- Have experience of similar situations; **and**
- Explain the importance of supporting evidence and the sort of evidence that might help in your particular case.

The awarding body will make every effort to protect your identity, if that is what you wish, unless legally obliged to release it (for example, in the course of a police investigation). Please be aware that it will not be possible for the awarding body to provide you with a report on the findings or outcome of any investigation that may ensue.

Which awarding body is contacted will depend on the qualification where malpractice is suspected. You can contact a malpractice expert within the specific awarding body as shown below:

AQA	<a href="mailto:Irregularities@aqa.org.uk">Irregularities@aqa.org.uk</a>	0161 958 3736
CCEA	<a href="mailto:malpractice@ccea.org.uk">malpractice@ccea.org.uk</a>	028 90 261200 ext 2203
City & Guilds	<a href="mailto:investigationandcompliance@cityandguilds.com">investigationandcompliance@cityandguilds.com</a>	020 7294 2775
Pearson	<a href="mailto:pqsmalpractice@pearson.com">pqsmalpractice@pearson.com</a>	020 7190445
OCR	<a href="mailto:malpractice@ocr.org.uk">malpractice@ocr.org.uk</a>	01223 553998
WJEC	<a href="mailto:malpractice@wjec.co.uk">malpractice@wjec.co.uk</a>	029 20265448
NCFE	<a href="mailto:CustomerCompliance@ncfe.org.uk">CustomerCompliance@ncfe.org.uk</a>	0191 2408835

You may find the following websites useful:

[JCO](#)

[Public Concern at Work](#)

[Ofqual](#)