



Whistleblowing Policy (Exams)

Policy Details	
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1. Statement of Intent

USP College is committed to open and honest communication and ensuring the highest possible standards in integrity and will always treat whistleblowing as a serious matter. Individuals are encouraged to report concerns. This policy will work to ensure that, if an individual sees or suspects that something is wrong, they will raise this with the college. This is known as “Whistleblowing” – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up. This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

2. Introduction

Whistleblowing at USP 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 USP College aim to create and maintain an approach to examinations and assessments that reflects an ethical culture and encourage 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**¹, USP College will:

- a. take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after assessments have taken place
- b. 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
- c. 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**² and provide such information and advice as the awarding body may reasonably require

This policy requirement has been added to the **General Regulations for Approved Centres** in response to the recommendations within the report of the *Independent Commission on Examination Malpractice*³.

This policy sets out the whistleblowing procedures at USP College. The Vice Principal: Quality and Innovation is a member of the senior leadership team and responsible for handling any cases of whistleblowing. This individual is fully aware of the contents of this policy and will escalate any instances of malpractice 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.

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/

3. Purpose of the policy

This policy:

- a. encourages individuals to raise concerns, which will be fully investigated by appropriately trained and experienced individuals
- b. identifies how to report concerns
- c. explains how such concerns will be investigated and sets expectations regarding the reporting of outcomes
- d. provides details of relevant bodies to whom concerns about wrong-doing can be reported, including awarding organisations and regulators
- e. includes a commitment to do everything reasonable to protect the reporter's identity, if requested
- f. 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 USP College fails to comply with its obligation to report any alleged, suspected, or actual incidents of malpractice or maladministration.

4. The Whistleblower

A whistleblower is defined as a person who reports an actual or potential wrong-doing 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.

5. 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 the Vice Principal: Quality and Innovation.

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.

6. Examples of malpractice

This exams-specific policy includes reference to exams-related breaches including, but not limited to, the following:

- a. Failure to comply with exam regulations as set out by the Joint Council for Qualifications (JCQ) and its awarding bodies
- b. A security breach of the examination paper
- c. Conduct of centre staff which undermines the integrity of the examination/assessment
- d. 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')
- e. Possible fraud and corruption (e.g. accessing the exam paper prior to the exam to aid teaching and learning)
- f. Abuse of authority (e.g. the head of centre/members of the senior leadership team overriding JCQ and awarding body regulations)

- g. Other conduct which may be interpreted as malpractice/maladministration

7. 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 disclosure⁴ 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 rights⁶. This means that the worker does not need the same two years' service that is needed for other employment rights.

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

- a. The qualifications and subjects involved
- b. The centre involved
- c. The names of staff/candidates involved
- d. The regulations breached/specific nature of suspected malpractice
- e. When and where the suspected malpractice occurred
- f. Whether multiple examination series are affected
- g. If the issue has been reported to the centre and what the outcome was
- h. 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 it⁷.

Alternatively, a worker could consider making a disclosure to Ofqual⁸ as a prescribed body for whistleblowing to raise a concern about wrong-doing, risk or malpractice.

8. 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 their name but may also request confidentiality; the person receiving the information should make every effort to protect the identity of the whistleblower.

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/>

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

9. Students

Students at USP 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.

Equality and Diversity Statement & Impact Assessment

USP College is committed to equality of opportunity. The aim is to create an environment in which people treat each other with mutual respect, regardless of: age, disability, family responsibility, marital status, race, colour, ethnicity, nationality, religion or belief, gender, gender identity, transgender, sexual orientation, trade union activity or unrelated criminal convictions.

This form should be used by managers and policy owners within their area of responsibility to carry out Equality and Diversity Impact Assessments (EDIAs) in relation to protected characteristics including, but not limited to: Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion and belief, Sex, Sexual orientation. The word 'policy' is taken to include strategies, policies, procedures and guidance notes; both formal and informal, internal and external.

1. Name of Policy

Whistleblower Policy (Exams)

2. Which of the following groups could be affected by this policy?

(Tick all that apply)

Students	<input checked="" type="checkbox"/>
Staff	<input checked="" type="checkbox"/>
Wider Community	<input checked="" type="checkbox"/>

3. Complaints

Have complaints been received from anyone with one or more protected characteristic about the service provided? If yes then please give details.

NA

4. The Impact

Four possible impacts should be considered as part of the assessment:

- Positive Impact** - Where the policy might have a positive impact on a particular protected characteristic.
- None or Little Impact** – Where you think a policy does not disadvantage any of the protected characteristics
- Some Impact** – Where a policy might disadvantage any of the protected characteristics groups to some extent. This disadvantage may be also differential in the sense that where the negative impact on one particular group of individuals with protected characteristic is likely to be greater than on another.
- Substantial Impact** – Where you think that the policy could have a negative impact on any or all of the protected characteristics. This disadvantage may be also differential in the sense that the negative impact on one particular protected characteristic is likely to be greater than on another.

Thought-provoking questions, which might help come to a decision about the impact of a policy on individuals with protected characteristics:

- Does policy outcomes and service take up differ between people with different protected characteristics?

- f. What key information do we have? Does data or engagement with people with protected characteristics give insights into areas of disadvantage, which relate to the policy area?
- g. If the policy is likely to have a negative impact on individuals, sharing particular characteristics what steps can be taken to mitigate these effects?
- h. Will the policy deliver practical benefits for certain groups?
- i. Does the policy miss opportunities to advance equality of opportunity and foster good understanding/ relationships between groups?
- j. Do other policies need to change to make this policy more effective?
- k. Is there any elements of the policy that could be unlawful under the Equality Act 2010?

Use the guidance provided above and complete the following table: **(Please Tick ✓)**

Gender/Age	Positive Impact	No or Little Impact	Some Adverse Impact	Substantial Adverse Impact
Gender		✓		
Age		✓		
Disability	Positive Impact	No or Little Impact	Some Adverse Impact	Substantial Adverse Impact
Visually Impaired		✓		
Hearing impaired		✓		
Physical Disability		✓		
Specific Learning Difficulties		✓		
Global Learning Difficulties		✓		
Autistic Spectrum Disorder		✓		
Any other disability – Various		✓		
Other Factors	Positive Impact	No or Little Impact	Some Adverse Impact	Substantial Adverse Impact
Race		✓		
Culture		✓		
Religious Belief		✓		
Sexual Orientation		✓		
Gender Reassignment		✓		
Marriage/Civil Partnership		✓		
Pregnancy /Maternity /Paternity		✓		

Please comment on any areas where some or substantial impact is indicated. Any resulting actions must be added to the below action plan.

5. Is there anything that cannot be changed?

What cannot be changed?	Can this be justified?	If so, how?
Not applicable		
E.g., Disabled people can be treated more favorably under the Disability Discrimination Act 2005. If a policy appears to treat disabled people more favorably than other equality groups, the disadvantage may be justifiable		

Please list the main actions that you plan to take as a result of this assessment in your area of responsibility.
(Continue on separate sheets as necessary)

Action Plan: