

CONFIDENTIAL REPORTING/WHISTLEBLOWING POLICY

This policy will be reviewed by the Trust Board biennially or amended if there are any changes in legislation before that time.

Date of last review: Autumn 2021

Date of next review: Autumn 2023

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1. About this policy

- 1.1 We are committed to running our Trust with honesty and integrity, and we expect all staff to maintain high standards in accordance with our Code of Conduct. However, 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 in order to prevent such situations occurring and to address them when they do occur.
- 1.2 The aims of this policy are:
- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
 - To provide staff with guidance as to how to raise those concerns.
 - To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 1.3 This policy covers all employees, officers, consultants, contractors, volunteers, casual workers and agency workers.
- 1.4 This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work. It has been implemented following consultation with the NUT, NASUWT and UNISON unions.
- 1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. Personnel responsible for the policy

- 2.1 The board has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 2.2 The Whistleblowing Officer has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 2.3 The Whistleblowing Officer, in conjunction with the board and recognised trade unions should review this policy from a legal and operational perspective at least biennially.
- 2.4 All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Whistleblowing Officer.

3. What is whistleblowing?

- 3.1 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include but is not limited to:
 - (a) criminal activity;
 - (b) failure to comply with any legal or professional obligation or regulatory requirements;
 - (c) miscarriages of justice;
 - (d) danger to health and safety;
 - (e) damage to the environment;
 - (f) bribery;
 - (g) financial fraud or mismanagement;
 - (h) breach of our internal policies;
 - (i) conduct likely to damage our reputation or financial wellbeing;
 - (j) unauthorised disclosure of confidential information;
 - (k) negligence;
 - (l) the deliberate concealment of any of the above matters.
- 3.2 A **whistleblower** is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a **whistleblowing concern**) you should report it under this policy.
- 3.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Procedure or Anti-harassment and Bullying Policy as appropriate.
- 3.4 If you are uncertain whether something is within the scope of this policy you should seek advice from the Whistleblowing Officer, whose contact details are at the end of this policy.

4. Raising a whistleblowing concern

4.1 We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Whistleblowing Officer.

4.2 However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

- (a) The Whistleblowing Officer, Ben Smith
- (b) The Chief Executive Officer of the Trust

Contact details are set out at the end of this policy.

4.3 We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

4.4 We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

4.5 Under JCQ regulations, centres delivering secondary phase examinations require their own whistleblowing process to be written in to policy. Please find this at appendix 1.

5. Confidentiality

5.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

5.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Whistleblowing Officer or the Chief Executive Officer of the Trust and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect (formerly Public Concern at Work), the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

6. Investigation and outcome

6.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment.

- 6.2 As part of any investigation:
- a. You may be required to attend additional meetings in order to provide further information
 - b. We may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 6.3 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 6.4 If we conclude that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action.

7. If you are not satisfied

- 7.1 While we cannot always guarantee the outcome you are seeking, we will deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.
- 7.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 4. Alternatively you may contact the chair of the Trust board or our external auditors. Contact details are set out at the end of this policy.

8. External disclosures

- 8.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 8.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.
- 8.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a governor, supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in paragraph 4 for guidance.

9. Protection and support for whistleblowers

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 9.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Whistleblowing Officer immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.
- 9.3 A whistleblower must not be threatened or be the subject of retaliation in any way. Anyone involved in such conduct may be subject to disciplinary action. In some cases the whistleblower could have a right to sue anyone involved in such conduct personally for compensation in an employment tribunal.

10. Contacts

Whistleblowing Officer	Ben Smith 0115 9565008 Extension 266 Email: bsmith@clwacademy.co.uk
Acting Chief Executive Officer	Michael Davies 0115 9565008 Extension 250 Email: head@clwacademy.co.uk
Chair of the Trust board	Jon Garibaldi Telephone: 0115 951 4216 Email: jon.garibaldi@nottingham.ac.uk
Protect (formerly Public Concern at Work) (Independent whistleblowing charity)	Helpline: 020 3117 2520 Online reporting: https://protect-advice.org.uk/contact-protect-advice-line/ Website: https://protect-advice.org.uk/advice-line/

Appendix 1 – Whistleblowing Policy Exams (Secondary)

This appendix is reviewed annually to ensure compliance with current regulations

Date of last review: Autumn 2022

Date of next review: Autumn 2023

Key staff involved in the policy/procedure

Role	Name(s)
Head of centre	Mr R Bond-Taylor
Exams officer	Mr J Dean
Whistleblowing officer	Mr B Smith
Acting CEO	Mr M Davies

Introduction

Whistleblowing at Carlton le Willows Academy 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 Carlton le Willows 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's **General Regulations for Approved Centres**¹, Carlton le Willows Academy 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.

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/

This policy sets out the examination whistleblowing procedures at Carlton le Willows Academy. Mr Ben Smith is a member of the senior leadership team and is responsible for handling any cases of whistleblowing. He 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.

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 Carlton le Willows 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 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 the exams officer or, if not appropriate, the member of the senior leadership team with oversight of examination 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
- 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 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.

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 it⁷.

Alternatively, a worker could consider making a disclosure to Ofqual⁸ 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.

Students

Students at Carlton le Willows 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.

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