



SHIRELAND
COLLEGIATE ACADEMY TRUST

Shireland Collegiate Academy Trust Policy

Confidential Reporting Whistleblowing Examinations

Committee and Date Approved	Trust Board – October 2022
Category	Statutory - DfE
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Officer Responsible	HR Director of the Trust

The Trust, all Academies within the Trust and Shireland Learning Limited must comply with this policy.

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Introduction

Shireland Collegiate Academy Trust (the Trust) is dedicated to providing the utmost care for its pupils and staff. We aim to ensure that all members of the Trust community feel safe in the knowledge that they can voice any concerns in confidence and that they will be taken seriously and dealt with appropriately.

Staff who are concerned about the conduct of a colleague towards a pupil, for example, or misuse of Trust/school funds or resources, are undoubtedly placed in a very difficult position. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their or their colleague's career. This policy enables staff to raise concerns or allegations in confidence and for a sensitive enquiry to take place.

The Trust takes responsibility for ensuring that all staff are aware of whistleblowing policy and procedures and how concerns will be managed. The Trust will ensure that all concerns raised with them by whistleblowers will be treated properly and fairly.

Definition of 'whistleblowing'

Whistleblowing inside the workplace is defined as the reporting by workers or ex-workers of wrongdoing, such as fraud, malpractice, mismanagement, breach of health and safety law, safeguarding or any other illegal or unethical act either on the part of management, the governing body or fellow employees. This will usually be something you have seen at work, though not always. As well as employees, workers may include volunteers, contractors and outside agencies or others. Such a disclosure, made in the public interest, will be under the protection of the Public Interest Disclosure Act 1998.

Reporting concerns to the school/Trust

If you have a concern about another member of staff you should report it to your line manager, a member of the school leadership team, the designated person for safeguarding, or the Principal. Complaints about the Principal should be reported to the CEO of the Trust. Complaints about the CEO should be reported to the Chair of the Trust Board.

All concerns will be taken seriously by the Trust/school and investigated thoroughly. If you are in any doubt as to whether a concern is valid, you should report it, and the Trust/school can decide to what extent it needs to be investigated.

Wider disclosure

We encourage all our staff to follow the internal procedures outlined in this policy but understand that in some cases you may feel it is necessary to take your concerns to external agencies.

Under the terms of the Public Interest Disclosure Act 1998, you may take your concerns to an external agency where you reasonably believe that:

- you would be victimised by the Trust/school
- evidence that you submit in relation to the concern would be concealed or destroyed by the Trust/school

- you have previously made a disclosure of substantially the same nature.

We urge staff who take their concerns to external agencies to be careful not to disclose any confidential information. Information that is confidential and should therefore not be disclosed should be outlined in your contract of employment. **Note: it is against the law to publish any information which may lead to the identification of a worker who is subject to an allegation.**

The authorities that may be of help to you are:

- Children's Social Care Services
- Police
- NSPCC
- Health & Safety Executive
- Audit Commission
- Local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- Department for Education/ESFA
- Ofsted

Confidentiality

All concerns will be treated in confidence, and the Trust is committed to protecting the identity of whistleblowers as far as is possible. However, in some circumstances it may not be possible to do this, for example: if it will prevent a thorough investigation taking place; if there is reason to reveal the name by law; if the whistleblower has to give evidence at any hearings.

In cases where identities are revealed for whatever reason, the Trust will do its best to support all parties involved and protect them from discrimination and victimisation.

Confidentiality is a priority throughout any investigation, and continues to be once the investigation is over, and we urge staff to closely follow all guidelines relating to confidentiality. Any member of staff that has acted knowingly against this, or revealed confidential information unnecessarily or for vicious reasons, may face prosecution.

Anonymous allegations

We would encourage staff to put their name to concerns raised as it will aid a more thorough investigation. However, the Trust will investigate all anonymous allegations seriously; following the proceedings outlined in this policy as far as is possible.

False allegations

The Trust encourages all staff to voice their concerns and allegations safe in the knowledge that those who make allegations in good faith that do not prove to be true will not be reprimanded.

The Trust may take disciplinary action against staff who make claims that are found to be knowingly false, malicious, vexatious or for personal gain.

Responding to a concern

The Trust will investigate all allegations and concerns thoroughly, but the act of investigation does not indicate that the Trust has accepted the allegations as true.

Usually, the first course of action will be one of the following:

- an investigation by managers, internal audit, or through the disciplinary process
- an investigation under other procedures such as child/adult protection
- an investigation under procedures designed to deal with allegations made against professionals
- a referral to the police
- a referral to the external auditor or other external investigation
- an investigation under other forms of prosecution and inspection such as the protection of public health and safety
- a referral to an independent investigator.

Any concerns that fall under specific procedures will be followed up as described in their specific policy, e.g., child protection and safeguarding issues will be followed up as described in the school's child protection and safeguarding policy.

Whistleblowing procedures

The role of the whistleblower

Concerns will usually be dealt with in this way:

1. Staff will raise their concern with their manager or member of leadership team, either in person or, preferably, in writing. If their manager is the subject of the concern, they should go straight to the Principal. Staff will be dealt with in confidence and invited to an interview to discuss the allegation. Staff can go straight to the CEO or Chair of the Trust Board with their concern, but they will be asked to explain why they did not feel comfortable taking it to a member of their leadership team or Principal.
2. The manager or member of the leadership team that has heard the concern will decide upon the next course of action. If the concern has been raised verbally, they may ask for it to be put in writing. If they decide that it is a genuine concern, and that it is appropriate to follow the whistleblowing procedure, they may take the matter to the Principal, the CEO or the Chair of the Trust Board.
3. If there is any reason that the member of staff making the complaint or raising the concern feels that they are unable to speak any member of the school or Trust Board, they should contact the relevant authority.

Role of the leadership team

Hold an interview

Once an allegation has been brought to their attention, the senior staff member, Principal, CEO or Chair of the Trust Board will hold an interview with the person making the allegation, in confidence. This will take place immediately if there is concern that a child is at risk of harm, or within 10 working days if this is not the case. During this interview they will:

- get as much information about the basis of the allegation as they can, and will record what is discussed
- discuss the next action points and steps that will be taken with the staff member who has raised the allegation, and ensure that they fully understand what is going to happen; if the standard whistleblowing procedure is not going to be followed, this should be explained and an alternative procedure outlined
- provide support to the whistleblower; they may be worried about their position, getting someone else into trouble, or what they suspect may be happening.

Staff may want to seek the support of their trade union when going through whistleblowing procedures. Staff are allowed to take a representative from their trade union to their interview and subsequent meetings.

Decide on a course of action

If there is cause for concern once the interview has been carried out, the leading member of staff will take the information that they have recorded to the Principal (or CEO if the Principal is of concern or Chair of Board if the CEO is of concern).

If it is decided that no further action will be taken this will be explained to the whistleblower within 10 working days. This may be because:

- the leading member of staff, Principal, CEO or Chair of the Trust Board does not feel that there is enough evidence to warrant a continued investigation and that it is unlikely that any malpractice has occurred or will occur
- there is a belief that the whistleblower is not acting in good faith
- the matter has already been raised and is being investigated.

The Principal, if not already involved, will be informed of the concern even if no further action is to be taken.

Role of the Principal, CEO and Chair of the Trust Board

The person who receives the report – whether it is the Principal, CEO or Chair of the Trust Board must act on the concern fully. If there is a good reason not to, this will be explained at the next Trust Board meeting and reported back to the whistleblower.

The Principal, CEO or Chair of the Trust Board will decide whether any external authorities need to be reported to on the matter, or whether it is a case for internal investigation.

The decision and progress of the case will be reported back to the leadership member involved, and this will be reported by them to the whistleblower.

The outcomes of any investigations will be reported to the whistleblower in writing to their home address within 10 working days. If they do not receive any information and this time has passed, they may appeal for information through their manager or relevant external authorities.

Recording, monitoring and evaluation

All staff concerned and involved with any allegation or investigation should keep good records of meetings they attend, discussions that are held, and any outcomes or action points that have been decided.

The Trust Board will review and evaluate all allegations, how they have been dealt with, and their outcomes, to prevent similar future cases, and ensure that procedures are being used correctly and are effective.

This policy will be reviewed annually and any relevant cases that have come up during the past year will be taken into account when it is being reviewed.

Outcomes

If the whistleblower is dissatisfied and feels that an allegation that they have made has not been dealt with seriously or properly, they can take the matter up with the relevant authority. All school leaders will try their best to deal with allegations fairly and effectively.

Independent advice

This policy is designed to help staff with any whistleblowing concerns and procedures, but the Trust understands that some staff may wish to get advice from independent external agencies.

Contact details

Chair of the Trust Board – Mr Ashely Savell-Boss

Telephone: 0121 565 8809 – Mrs Joanne Cook

CEO - Sir Mark Grundy

Email ShirelandCAT.org.uk

Telephone: 0121 565 8809 – Mrs Joanne Cook

External Contacts

Acas

Telephone: 0300 123 1100

Public concern at Work

Whistleblowing Advice Line: 020 7404 6609

General enquiries: 020 3117 2520

National Audit Office

Whistleblowing enquiries: 020 7798 7999

General Fraud and Corruption enquiries: 020 7798 7264



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Key Staff involved in the policy/procedure

Role	Name(s)
Head of Centre	
Senior Leader(s)	
Examinations Officer	

Introduction

Whistleblowing at [Centre name] 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 Trust Board at [Centre name] 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, [Centre name] 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** 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.

This policy sets out the whistleblowing procedures at [Centre name]. It has been produced by Shireland Collegiate Academy Trust in conjunction with the Centre Heads who are also members of the senior leadership team and responsible for handling any cases of whistleblowing. Centre Heads are 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 [Centre name] 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 [(job role/title) 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 Chief Executive Officer or Trust 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 disclosure 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) 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. 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.

Alternatively, a worker could consider making a disclosure to Ofqual 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'². 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 [Centre name] 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.