



Whistleblowing Policy

Including Exams



Author	Solihull Metropolitan Borough Council/ JCQ
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Date	March 2023
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Ratified by Trustees	March 2023
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This policy has been agreed with the relevant recognised trade unions through the Solihull Consultation and Negotiation Framework in which Alderbrook School participates.



SOLIHULL METROPOLITAN BOROUGH COUNCIL

Whistleblowing Policy

by SMBC Governance Committee:

Introduction

All of us at one time or another has a concern about what is happening at work. Usually these concerns are easily resolved. However, when the concern feels serious because it is about a possible fraud, danger or malpractice that might affect you, others or the Council itself, it can be difficult to know what to do.

You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the Council. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

We are committed to running the Council in the best way possible and to do so we need your help. We have this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter as soon as you have a concern.

This policy applies to all those who work for us; whether full-time or part-time, employed through an agency or as a volunteer. It also applies to our partners, contractors and our service users (including their family and friends). If you have a whistleblowing concern, please let us know.

If, however, you wish to make a complaint about your employment or how you have been treated, please use the Council's Resolution Policy. If you are an employee of a partner or contractor you should follow their whistleblowing policy unless for some reason you do not feel able to do so – in which case use this policy.

If you are a service user (or their family and friends) and have a concern regarding an individual's treatment or the quality of care someone is receiving, you should report this as a safeguarding concern. The Council's safeguarding guidance and online reporting links are:

Adult Safeguarding: <http://www.solihull.gov.uk/adultabuse>

Safeguarding Children and Young People:
<http://www.solihull.gov.uk/Resident/socialservicesandhealth/childrenfamilies/safeguardingchildren/safeguardingchildrenyoungpeople>

This Whistleblowing Policy is primarily for concerns where the public interest is at risk, which includes a risk to the wider public, customers, service users, contractors, staff or the Council itself.

Remember: If in doubt - raise it!

Our assurances to you

Your safety

Solihull Council is committed to this policy. If you believe you are raising a genuine concern, it does not matter if you are mistaken. Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue.

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a genuine concern and we consider it a disciplinary matter to victimise anyone who has raised a genuine concern.

Your confidence

With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone confidentially first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Please remember that if you do not tell us who you are (and therefore you are raising a concern anonymously) it will be much more difficult for us to look into the matter. We will also not be able to protect your position or to give you feedback.

If you are unsure about raising a concern you can get independent advice from Protect (see below). You can also speak to your Union representative for advice.

How to raise a concern internally

Please remember that you do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Step One

If you have a concern about malpractice, we hope you will feel able to raise it first with your manager or team leader. This may be done verbally or in writing. If you are raising a concern in person, you can bring someone with you to support you, if you wish.

Step Two

If you feel unable to raise the matter with your manager, for whatever reason, you can raise the matter with the Head of Audit Services or another member of the Audit team on 0121 704 6067, via our hotline on 0800 028 8535 or email whistleblowing@solihull.gov.uk.

Alternatively, you can write to the Head of Audit Services, Solihull Council, Council House, Manor Square, Solihull, West Midlands, B91 3QB.

Our Audit Services Team have been given special responsibility and training in dealing with whistleblowing concerns. If you want to raise the matter confidentially, please say so at the outset so that appropriate arrangements can be made. If you are raising a concern in person, you can bring someone with you to support you, if you wish.

Step Three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact the independent charity Protect on 020 3117 2520 or by email at whistle@protectadvice.org.uk. Their advisers can talk you through your options and help you raise a concern about malpractice at work.

You can also contact your Union representative or professional body (where applicable) for advice.

How we will handle the matter

We will acknowledge receipt of your concern within two working days. We will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you. If you ask, we will write to you summarising your concern and setting out how we propose to handle it and provide a timetable for feedback. If we have misunderstood the concern or there is any information missing please let us know.

When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within our Resolution Policy, or other relevant procedure, we will let you know.

Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person.

While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy, you will help us to achieve this.

If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern please contact the Head of Audit Services, for further advice.

External contacts

We hope this policy gives you the reassurance you need to raise your concern internally with us. However, we do recognise that there may be circumstances where you report a concern to an outside body. In fact, we would rather you raised a matter with the appropriate regulator – such the Health and Safety Executive, the Care Quality Commission, the Police – than not at all. Protect (or, if applicable, your Union representative) will be able to advise you on such an option if you wish.

If matters are taken outside SMBC, you should ensure that this does not result in the disclosure of confidential information. If you need help, please seek advice, in confidence, from SMBC's Corporate Information Governance Manager, by calling 0121 704 6251, or emailing ashipway@solihull.gov.uk

Monitoring / oversight

The Audit Services Team is responsible for this policy and will review it every three years. The Audit Services team will also monitor the daily operation of the policy. The Head of Audit Services will maintain a register of all concerns that have been raised under this policy. All Council officers receiving an allegation under this policy must ensure that the Head of Audit Services is notified within two working days, to ensure appropriate action and oversight.

The Council's Audit Committee provides independent oversight of the operation of this policy and holds the Head of Audit Services to account for its delivery.

If you have any comments or questions, please do contact the Audit Services Team on 0121 704 6067 or email whistleblowing@solihull.gov.uk

Data protection

We will keep a confidential record of your concern in our secure, encrypted and password protected database. This will be held in accordance with relevant data protection legislation.

Exams Appendix

Whistleblowing at Alderbrook School 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 Alderbrook School 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, Alderbrook School 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.

This policy sets out the whistleblowing procedures at Alderbrook School. It has been produced by Tom Beveridge who is also a member of the senior leadership team and 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 Alderbrook School fails to comply with its obligation to report any alleged, suspected or actual incidents of malpractice or maladministration.

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/

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 Heather Tombs Examinations Officer.

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.

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/>

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 Alderbrook School 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.

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