



## **Public Interest Disclosure Act (Whistleblowing)**

Produced on behalf of AQA, CCEA, City & Guilds, NCFE, OCR, Pearson and WJEC

### **The Public Interest Disclosure Act (PIDA)**

The Public Interest Disclosure Act (PIDA) (1998) seeks to protect workers from being mistreated by their employer if they report (“blow the whistle”) wrongdoing in the public interest.

The government gives the following examples of those who are protected by the Act: an employee, a trainee, an agency worker, and a member of a Limited Liability Partnership (LLP).<sup>1</sup>

Most centres should have a ‘whistleblowing’ policy (though it may be called something else) which sets out its approach to dealing with reports of wrongdoing.

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

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

The security and integrity of exams 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 – Policies and Procedures* document.

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

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

If you work for a centre or are involved in exams or assessments and you witness activity that you are concerned may be malpractice, you must act upon it.

Centres delivering exams and assessments are required by the JCQ *Suspected Malpractice – Policies and Procedures* document to report malpractice to the appropriate awarding body.

You can also report your concerns directly to the awarding body (see below).

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

If you are a student or a member of the public, you should be able to report your concerns to the centre without fear of retaliation. However, if you are worried about retaliation, you can contact the relevant awarding body directly to report your concerns.

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<sup>1</sup> [Whistleblowing for employees: What is a whistleblower](#)

If you work for a centre or are involved in exams or assessments it is possible that the Public Interest Disclosure Act (PIDA) offers you legal protection from being dismissed or penalised for raising certain serious concerns, including concerns involving criminal offences and non-compliance with legal obligations (“blowing the whistle”). For a complete list of the type of concerns which fall within the scope of PIDA please see the guidance referenced at the end of this document. If the suspected malpractice does not fall within this list, you will likely have other avenues open to you.

For example, 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:

[Whistleblowing: 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). Those reporting concerns should be aware that, if an investigation is taken forward, details of these concerns and any supporting evidence may be shared with the centre and staff involved.

Please be aware that, due to the confidential nature of our investigations, it will not be possible for the awarding body to provide you with details, updates, a report on the findings or outcome of any investigation that may ensue. Awarding bodies are also not able to provide legal advice.

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, [irregularities@qa.org.uk](mailto:irregularities@qa.org.uk), 0161 958 3736
- CCEA, [malpractice@ccea.org.uk](mailto:malpractice@ccea.org.uk), 028 90 261200 ext 2203
- City & Guilds, [investigationandcompliance@cityandguilds.com](mailto:investigationandcompliance@cityandguilds.com), 020 7294 2775
- NCFE, [providerassurance@ncfe.org.uk](mailto:providerassurance@ncfe.org.uk), 0191 239 8000
- OCR, [malpractice@ocr.org.uk](mailto:malpractice@ocr.org.uk), 01223 553 998
- Pearson, [pqsmalpractice@pearson.com](mailto:pqsmalpractice@pearson.com), 020 7190 4949
- WJEC, [malpractice@wjec.co.uk](mailto:malpractice@wjec.co.uk), 029 20265 351

You may find the following websites useful:

- [Public Interest Disclosure Act 1998](#) – the legislation
- [The Public Interest Disclosure Act](#) – government advice about the act
- [Whistleblowing for employees: What is a whistleblower](#) - government advice about whistleblowing
- [JCQ](#) – for more information about malpractice and how awarding bodies investigate it
- [Ofqual](#) – a prescribed body under PIDA to whom disclosures can be made
- [Protect](#) – A helpline for those considering whistleblowing.