

GUIDANCE

Ofqual's whistleblowing policy

How you can raise concerns about your employer's role in delivering a qualification regulated by Ofqual

ofqual

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Whistleblowing to Ofqual

Whistleblowing to Ofqual is one way in which a worker can raise a concern about wrongdoing, risk or malpractice. This may relate to:

- exams, such as GCSEs and A levels
- key stage tests (SATs)
- assessment of vocational or technical qualifications listed on the [Register of Regulated Qualifications](#)
- activities of exam boards or awarding bodies (also called awarding organisations) which we regulate

We encourage you to contact Ofqual if you wish to raise a concern (called 'making a disclosure') about the activities of awarding organisations and the qualifications they offer. If you want to 'blow the whistle' to us, we encourage you to:

1. Read the [GOV.UK page on whistleblowing](#).
2. Report the concerns to your employer first, if you feel that you are able to.
3. Seek independent legal advice to satisfy yourself that you are protected by law, if you wish to report to Ofqual.
4. Make sure what you are reporting actually counts as whistleblowing.

If you do not qualify as a whistleblower, but wish to raise a concern about wrongdoing, risk or malpractice, you can report your concerns via our [malpractice reporting procedure](#).

Report to Ofqual

Report wrongdoing or malpractice using our digital complaints portal to tell us about your concerns and send us information about this securely online:

[Blow the Whistle](#)

Telephone
0300 303 3346

Please see our website for opening times.

Detail to provide in a whistleblowing disclosure

Examples of concerns you can raise with us, include:

- an awarding organisation worker making a disclosure about wrongdoing, such as malpractice, within the organisation or failure to comply with our regulations
- a worker in a centre making a disclosure about wrongdoing, such as exam malpractice or the incorrect assessment conduct at a centre

The more detail you can give us, the more it will help us assess your concern. It would be useful if you could provide information such as:

- details of the people and organisations involved, including where it has happened
- full details of your concerns, including the qualifications/subjects involved
- key dates
- any supporting documents and evidence

We do not encourage you to gather any further information from any source, whatever the circumstances. This might infringe privacy rights or other legal requirements. However, we may ask you to clarify the information you provide to us.

What to expect

We take all whistleblowing reports seriously, and anyone who reports to us as a whistleblower will be told whether we are able to investigate their concerns or not.

Part of our role includes keeping under review all aspects of national assessments (also known as SATs). Workers can raise a concern in relation to SATs with Ofqual, however as the Standards and Testing Agency (STA) has a statutory duty to investigate matters which relate to the accuracy or correctness of results or outcomes of national curriculum assessments, we will pass any concerns we receive to the STA to investigate. Nevertheless, intelligence received as part of such disclosures may inform the work we do as part of our review function.

We will

- confirm receipt of your report within 3 working days, if you provided contact details
- aim to contact you within another 10 working days to let you know if we can investigate your report or not

If we can look into your concern, we will usually

- investigate your report if it relates to an awarding organisation that we regulate
- ask the awarding organisation to investigate your report if it is about a centre which delivers their qualification
- keep you informed if possible, in general terms, of any investigation outcome. However we may not be able to do this if there are legal or confidentiality issues

We may

- contact you for further information if needed, but recommend you don't seek to gather further evidence as this may affect any legal protection you have
- share your details with the awarding organisation investigating the report
- share your information with other organisations, such as government departments, enforcement agencies and the police if we think it is necessary
- suggest another course of action if we consider your report isn't a whistleblowing disclosure

We cannot

- tell you whether you are protected as a whistleblower
- provide any legal advice

Should you make a disclosure to Ofqual?

[Ofqual is a prescribed body](#) for whistleblowing. This means that you can make a disclosure to Ofqual rather than your employer, as long as you meet the [definition of a worker](#) in relation to the organisation you are whistleblowing about.

A 'worker' is a defined legal term and includes, for example, employees and agency staff. Although not exhaustive, examples of a worker for the purposes of this policy could include someone who works for:

- an awarding organisation we regulate
- a school, college or other centre which uses an awarding organisation we regulate

It does not include volunteers or members of the public.

Any worker, whether a permanent or temporary employee, may report wrongdoing in their workplace to us about concerns relating to our work.

Where a worker raises a concern about wrongdoing in their workplace, the whistleblowing provisions of employment rights laws provide the worker with rights if they consider they have been victimised at work, or if they have lost their job because they have 'blown the whistle'.

You can make a disclosure to Ofqual if you reasonably believe that:

- the matter falls within Ofqual's remit, for example, that it relates to an exam or assessment or about an awarding organisation we regulate
- the information shows one or more of the [six specified types of wrongdoing](#) has taken place, is taking place or is likely to take place
- the information is substantially true
- the disclosure is in the public interest, in that the disclosure directly affects a wider group of people than just the individual making the disclosure.

Anonymity and confidentiality

If you are worried about being identified as a whistleblower, you can make a disclosure to Ofqual anonymously. We treat anonymous disclosures just as seriously as those made openly. But if you make a disclosure anonymously, we may not be able to investigate your concerns as effectively.

We encourage you to give us information in writing, even if you initially contact us by telephone. If you are worried about doing this, we would prefer you to provide an anonymous disclosure to us, rather than not raise a concern about serious wrongdoing at all.

We can't guarantee your confidentiality. We may need to disclose your identity where we are required to do so, for example, by law. But we take the issue of maintaining the confidentiality of whistleblowers seriously and we will protect your identity as far as possible. You should also recognise that you might be identifiable by others due to the nature or circumstances of your concern.

Privacy statement

Ofqual's whistleblowing policy enables you to raise concerns about your employer's role in delivering a qualification that is regulated by Ofqual. This might be a concern about wrongdoing or risk relating to exams, key stage tests (SATs), assessment of regulated qualifications or the activities of awarding organisations we regulate.

It is necessary for us to collect and hold personal information about you in order to investigate your concern(s). We will hold the information you provide to us securely and use it to help us handle and process your whistleblowing disclosure. For more information please access our [Whistleblowing privacy notice](#) (PDF, 590KB, 4 pages).



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