

### Disclosure of potential malpractice and maladministration (Whistleblowing)

This guidance is produced in line with the requirements of the Public Interest Disclosure Act (Whistleblowing). It is guidance for FDQ centres regarding suspected malpractice or maladministration in provision of examinations, assessment and the internal quality assurance of assessment for FDQ qualifications including end-point assessments. This guidance is for individual centre staff members who may witness malpractice or maladministration in relation to examinations and assessments but may be unsure about what action to take.

#### Definitions

For the purposes of this guidance, FDQ defines Malpractice and Maladministration in accordance with regulatory General Conditions of Recognition:

- a) Malpractice is defined as any activity or practice which deliberately contravenes regulations and compromises the integrity of the assessment process and/or the validity of certificates – it also covers misconduct
- b) Maladministration is any activity or practice which results in non-compliance with regulations, including cases of persistent mistakes or poor administration within a centre

#### Public Interest Disclosure Act

The Public Interest Disclosure Act (PIDA) gives legal protection to employees from being dismissed or penalised by their employers as a result of publicly disclosing (“blowing the whistle on”) certain serious concerns. FDQ requires that centres have a whistleblowing policy. If a centre does not, individuals will still be protected under the PIDA. This allows individuals the opportunity to raise concerns with a centre’s management team regarding potential corruption, fraud or non-conformance with legal obligations and suspected malpractice or maladministration.

## Disclosure

These are the actions individuals should take if they see or suspect malpractice or maladministration:

- in examinations
- assessments
- internal quality assurance of assessment in FDQ centres.

Where an individual believes that the centre's management team will take action to remedy the concern or situation then informing line management may be the best course of action. However, where individuals believe that the centre's management team is involved or implicated in the concern, or individuals believe that they may be victimised by raising the concerns with them, then individuals may wish to contact FDQ. Individuals will still be protected by the PIDA if:

- they reasonably believe that by making the disclosure to management they will be victimised; or
- they reasonably believe that by making the disclosure to management there is likely to be a cover-up; or
- the matter has previously been raised internally or with the qualification's regulator.

## Contacting FDQ

Making a disclosure to FDQ will be in confidence. Individuals should raise concerns by providing as much detailed information as possible about the nature and situation of the concern. FDQ will respect individual's rights under the PIDA and understand that individuals making disclosures are in a difficult position. FDQ have experienced staff to deal with disclosures and have experience of malpractice and maladministration situations. FDQ will respond to any disclosure or allegation within two working days and explain the importance of supporting evidence and the sort of evidence that might help in an individual's case.

FDQ will make every effort to protect an individual's identity where an individual wishes this. However FDQ will release an individual's identity where legally obliged to release it. This may be in the course of a police investigation or when co-operating with regulatory requirements.



It is not normally possible for FDQ to provide individuals with a report on the findings or outcome of any investigation that may ensue.

Individuals can contact FDQ by:

- email [fdq@fdq.org.uk](mailto:fdq@fdq.org.uk)
- telephone 0113 3970 395

If the individual believes FDQ staff or management team are implicated in the concern the following may be contacted.

Public Concern at Work:

<http://www.pcaw.org.uk/>

Ofqual

<https://www.gov.uk/government/organisations/ofqual/about/complaints-procedure>