

Whistleblowing Policy

A guide to how Qualifications Network will ensure to maintain the rights of Whistleblowers

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1. Introduction

Qualifications Network is a responsible awarding organisation offering Regulated qualifications. We are also a responsible employer and recognise the requirement to ensure that all persons have a right to raise a concern without fear of reprisal from their employer or other person who could cause them difficulties in employment or other areas of their daily lives.

The aim of this policy is to set out to enable staff, including those of contractors and approved Centres, to raise concerns they may have with procedures, management or other staff, whether directly within Qualifications Network or within a contractor used by Qualifications Network or an approved Centre of Qualifications Network, through the method of Whistleblowing.

This does not include complaints regarding service levels which will be handled under our Complaints Policy. Similarly, any issues raised by anonymous sources which cannot be verified as coming from a reliable source will also not be covered by this policy.

2. Document Review

All Qualifications Network policies are reviewed on a regular basis, usually at least biennially. This policy will also be reviewed as required due to feedback from stakeholders or in line with changes in legislation, regulation or industry best practice. A full review will also be undertaken should any issue arise, whether internal or external, that Qualifications Network considers could impact on the way in which reports from whistle-blowers are handled.

The next review date for this policy is shown on the cover page.

3. Document Audience

This policy is intended for use by Qualifications Network staff, including freelance staff, plus all Approved Centres and their staff, as well as any other third parties who may have legitimate reasons to want to make a report under the protection of Whistleblowing.

This policy may also be used by relevant Regulatory Authorities or other Government agencies with authority to do so under statutory legislation.

4. Scope of Document

This policy covers how individuals, whether employed by Qualifications Network, a contractor or an approved Centre, can raise concerns regarding the conduct of an organisation or an individual whilst ensuring that they can be free from the fear of reprisal. This applies to all genuine concerns raised, regardless of whether those concerns are found to be warranted or unfounded.

Reports that are found to be vexatious in nature will not, however, be afforded the protections under this policy.

This policy sets out the process that Qualifications Network will follow when in receipt of a whistleblowing report, including the timescales. This policy covers the protections that we can afford under the current Whistleblowing legislations to the following groups:

- Direct employees of Qualifications Network

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- Indirect employees of Qualifications Network (i.e. contractors, self-employed freelancers, etc.)
- Direct and indirect employees of approved Centres of Qualifications Network
- Direct and indirect employees of contractor organisations used by Qualifications Network

5. Document Availability

The Whistleblowing Policy is available to all Qualifications Network direct employees via shared folders held within a secure portal accessed via Microsoft Sharepoint.

Where necessary, a single copy of this document may be issued to individual whistleblowers, such as indirect employees, and employees of Centres, etc.. One may also be issued to other relevant third parties, such as a Regulator, on request.

This policy is also available to all Centres via the secure Centre Log-in area accessed via the Qualifications Network website at: <http://MyQNUK.co.uk>.

6. Risk Management

Risk management runs through all of our policies, procedures and processes. All whistleblowing reports provide us with an opportunity to identify potential errors, inconsistencies or potentials for misinterpretation or misunderstanding which may impact the development, delivery or award of our qualifications.

All whistleblowing reports will be dealt with by the appropriate member of staff or independent reviewer, as is suitable for the circumstances of the concern raised. Anonymised reports may be shared with the senior management team, if appropriate, so that any risks have been identified and managed. If it is not appropriate to share the report, the risk raised itself shall be included on the Risk Register in a way that does not disclose the source of the initial concern.

7. Resource Requirements

To ensure that all whistleblowing reports are managed fairly and within published timescales, the Compliance Manager will ensure that they have sufficient resources to respond to and investigate the concerns raised whilst respecting the whistleblower's rights under this policy. Should additional resources be requested, they will ensure that there are no potential conflicts of interest and that any other staff brought in to assist with the concern raised are aware of the requirement for confidentiality and any requests for anonymity.

8. What is Whistleblowing?

Whistleblowing is the term used when an individual discloses information relating to malpractice or wrongdoing and/or the covering up of malpractice or wrongdoing. The malpractice or wrongdoing is often committed by the individual's employer, although this is not necessarily the case.

The Nolan Second Report on Standards in Public Life recommended that a policy should be put in place which would enable staff (or other relevant individuals) to raise concerns in confidence, about fraud, malpractice, health and safety or unethical conduct within an organisation.

This policy is designed to allow all involved to act professionally and with propriety, to preserve the confidentiality of the person raising the concern and to ensure that management will properly investigate the concern(s) raised, before it enters into the public domain.

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The Whistleblowing Policy and associated procedures are not meant to be another mechanism for employees to raise private grievances about their personal employment situation. Qualifications Network's Grievance Procedure is already in place to deal with such matters.

This policy is also not to be used to raise complaints, which are defined as an expression of personal dissatisfaction. These are covered by our Complaints Policy, which includes details about how we would deal with any issues raised by anonymous sources.

9. The Public Interest Disclosure Act (PIDA)

9.1. Protection under PIDA

If an individual has made a disclosure which is protected under PIDA:

- That individual has a right not to be subject to detriment by his or her employer because of that protected disclosure
- The individual will not breach his or her employment contract in making that protected disclosure.

'Individuals' in this scenario include employees, contractors and members of temporary agency staff working for Qualifications Network.

Protection under the legislation is a matter between the individual and their employer, therefore, unless we are the direct employer of that individual, we do not have a formal role in enforcing such protection. We will, however, ensure that all steps are taken to ensure the anonymity of any whistleblower who is employed by, or otherwise has a relationship with, an approved centre of Qualifications Network and afford them as much protection as possible under this policy.

9.2. Content of Disclosure

Protected disclosures can only be made where the information being disclosed tends to show that:

- A criminal offence has been, is being or is likely to be committed
- A person has failed, is failing or is likely to fail to comply with a legal obligation
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health and safety of an individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged, or
- Information relating to any of the above has been or is likely to be deliberately concealed

Disclosures relating to Qualifications Network and/or any of its Contractors or approved Centres could fall under a number of the disclosures above. Should someone believe that Qualifications Network or any of its contractors or Centres are over-stepping their regulatory boundaries, for instance providing financial advice for which they are not regulated by the Financial Conduct Authority to be allowed to give. Someone may also feel that the practices undertaken by one of Qualifications Network's Centres is against legislation, such as the Data Protection Act, the Equalities Act, the Health and Safety at Work Act or the statutory regulation regarding the qualifications offered under their approval with Qualifications Network. In some instances, these can be brought to the attention of Qualifications Network, but in others these may need to be raised with the relevant regulatory authority, such as the Health & Safety Executive or the Information Commissioner's Office, etc. The Whistleblower should also see that regulatory bodies' own website for details on how they deal with Whistleblowing.

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9.3. Conditions for Protection under PIDA

A disclosure by an individual may be protected under PIDA if:

- The disclosure is made in good faith
- The individual reasonably believes that the information disclosed, and any allegations he or she makes, are substantially true
- The individual reasonably believes that the disclosure relates to a matter which directly affects Qualifications Network

Matters which directly affect Qualifications Network include (but are not limited to):

- Matters relating to the security of sensitive staff or client data held by Qualifications Network
- Matters relating to the provision of advice or guidance which is outside any regulatory recognition that Qualifications Network may have
- Matters relating to third parties who are not part of Qualifications Network claiming that they are and damaging the reputation of Qualifications Network
- Matters relating to the delivery of qualifications under the approval of Qualifications Network that are not being delivered in line with the statutory requirements of those qualifications, particularly where they offer a form of 'licence to practice' (e.g. First Aid at Work qualifications, Security and close protection qualifications, etc.)

A disclosure may not be protected under PIDA if the individual making it:

- Commits a criminal offence in making it, or
- Has received the information in the course of providing legal advice (legally privileged information)
- The disclosure is not in good faith and the individual making the allegation knows the information to be incorrect or untrue

More detailed information on PIDA can be found on the Public Concern at Work website (www.pcaw.co.uk/law/uklegislation/htm).

10. False or Malicious Disclosures

Should an individual raise a concern under this procedure that is subsequently found to be a deliberately false and malicious accusation, this will be viewed as a serious disciplinary matter and dealt with under Qualifications Network's Disciplinary Procedure (if the individual is an employee of Qualifications Network).

Similarly management and staff, **both within Qualifications Network, its Contractors and approved Centres**, should be aware that victimising employees or deterring them from raising a concern is also viewed as a serious disciplinary offence/malpractice and will be dealt with in the same manner.

11. Respecting Confidentiality

Qualifications Network will always endeavour to keep a Whistleblower's identity confidential where asked to do so, although we cannot guarantee this and we may need to disclose your identity to:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)

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- The courts (in connection with court proceedings)
- A Government body or Regulator, such as the Information Commissioner's Office or Health and Safety Executive
- Another person to whom we are required by law to disclose your identity

A Whistleblower should also recognise that he or she may be identifiable to others due to the nature or circumstances of the disclosure.

12. Raising a Concern of Wrongdoing within Qualifications Network or at a Centre

An individual may raise a concern of alleged wrongdoing orally or in writing with a Director or Compliance Manager of Qualifications Network. If the individual is at a Contractors, they can raise it internally with their relevant manager or directly with the Director or Senior Manager at Qualifications Network.

The person receiving the concern is **not** required to adjudicate the matter in any way whatsoever. They are required to act in a professional manner and:

- remember there are two sides to every concern
- listen carefully to the concern, taking full notes as appropriate to record an oral concern or to amplify any specific points of a written one
- request and heed legitimate concerns about the employee's own safety or career
- advise the employee that the matter will be treated seriously, that it will be forwarded for investigation and that the outcome will be reported back to them as soon as possible after the investigation has been completed.

NOTE: No format for written concerns has been given to avoid unintentionally directing the style and content of such submissions. It is for the individual to decide the format and content of his/her submission. The individual may use the services of their trade union representative to assist them through the process (if applicable).

The person receiving the concern must forward it to the designated investigating officer as soon as possible, preferably within 1 working day, and is responsible for ensuring strict confidentiality is maintained on the subject. Any breaches of confidentiality will be treated as a serious disciplinary matter if the person formulating the concern is found to have been responsible for such a breach.

13. Getting Advice on How Best to Proceed

If an individual would like further advice on the best way to proceed, they should consider doing the following:

- Contact Public Concern at Work on 0207 404 6609 or by email at helpline@pcaw.co.uk. Further information is available at Public Concern at Work's website (www.pcaw.co.uk).
- Approach your union or professional body
- Get independent legal advice

14. Investigation of a Concern of Wrongdoing

Any allegation of wrongdoing will be investigated by a Director or the Compliance Manager of Qualifications Network.

Upon receipt of a concern the Compliance Manager or Director is required to:

- ascertain whether the matter is something that can be dealt with internally and/or

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- whether it is a criminal matter that should be investigated by the police
- call a formal Board or Senior Management Meeting to discuss the issue (**unless** the issue raised is an allegation against a member of the Board or Senior Management Meeting)
- ensure all meetings concerning the allegations are minuted and statements from personnel assisting with the investigation are correctly documented, signed and dated
- ensure that, at the conclusion of the investigation, the evidence is reviewed, potentially by the Governance Committee or a specially convened investigating sub-committee, to consider whether the allegation was substantiated or otherwise. The outcome of the investigation should be notified to the person(s) under investigation and the individual who raised the concern before the outcome is brought into the public domain

15. Timescale

An individual raising a concern will receive a formal acknowledgement in writing as soon as possible, preferably within 1 business day, from the designated person with whom the concern is raised. Thereafter the investigating officer is required to keep the individual informed of the investigation's progress in writing at fortnightly intervals. If the investigation becomes prolonged then in agreement with the individual, the reporting period can be extended. However, an estimated completion date of the investigation should be given to support the request to extend the reporting period.

It is a part of the investigating officer's responsibilities to be expeditious in the investigation of a concern without detriment to any persons against whom the allegation has been made. The length of time an investigation takes will depend upon the complexity of the concern being investigated.

16. Access to External Bodies

If Qualifications Network finds the allegation unsubstantiated, the individual has the right of access to an appropriate official external body. However, the individual must explain in writing to the investigating officer the reasons why they are unable to accept Qualifications Network's findings. Qualifications Network shall make a written response to the individual within 10 working days of the individual's submission. Should Qualifications Network's written response still not satisfy the individual, then the individual may exercise their right of external access.

An appropriate outside body to consult may be:

- Public Concern at Work
- An MP or local councillor
- A trade union or professional association
- A relevant Qualifications Regulator, e.g. The Office of Qualifications and Examinations (Ofqual); Qualifications Wales, the Council for the Curriculum, Examinations and Assessment (CCEA) or the Scottish Qualifications Authority (SQA)
- The relevant Regulatory Body (e.g. The Information Commissioners Office, Health & Safety Executive, Security Industry Authority, etc.)

Individuals are reminded that they have no right of access to external bodies until the internal procedures have been fully exhausted.

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17. Informing our approach

Qualifications Network actively seek ways to improve our products and services by use of the most efficient and effective working practices designed to reduce the burden on staff and resources both for ourselves and our centres. During the investigation into a concern raised by a whistleblower, areas for improvement may come to light which will be recorded by the staff member who has identified the potential failing or area for improvement. This failing will then be raised at the weekly team meetings where the decision whether or not to take this forward will be made by those present. If it is decided that actions will be taken, responsibility will be allocated and an action plan agreed. No details shall be shared at this meeting which could compromise the confidentiality of the individual raising the concerns.

All actions will be monitored by senior management to ensure they are carried out in accordance with the relevant processes and that all policies and procedures are updated as necessary.

18. Notifications to the Regulator(s) and Other Third Parties

It is possible that a potential adverse effect may be identified by a whistleblowing report, for example:

- an assessment decision is found to have been made inaccurately meaning that the results issued to learners is invalid or unreliable
- a centre has been found to have committed malpractice, leading to an adverse effect to the validity of the qualifications or to the learners
- an issue raised affects other regulated qualifications or awarding organisations

The above list is for illustrative purposes and is not exhaustive.

Where such an issue is found, Qualifications Network will immediately notify the Regulator(s) and/or relevant third party with the details, providing the required information and a timeline for an update on the situation and/or proposed resolution, in accordance with the conditions or principles of the Regulator(s) and/or relevant third party.

Relevant third parties who may be informed, as required by the qualifications' regulations, include, but are not limited to:

- The Information Commissioner's Office (ICO)
- The Health and Safety Executive (HSE)
- The Police
- Other Recognised Awarding Organisations offering the same qualifications, or who also approve the Centre involved in the concerns raised
- HM Revenue & Customs
- A solicitor in possession of a notarised Court Order requiring information to be disclosed
- The Security Industry Authority (SIA)