

Whistle Blowing Policy

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Version	V2
Policy number	51
Linked: Policy number(s) Procedure number(s)	<ul style="list-style-type: none">• Numbers TBC: Anti-Bribery and Corruption Policy• Conflict of Interest Policy• Complaints Procedure• Maladministration and Malpractice Policy.

1. Policy/Strategy Statement

NCFE is committed to the highest standards of integrity and conduct. Our employment practices and stakeholder relationships foster environments that are free from wrongdoing, malpractice, or corruption.

We follow the Government's published legal position on who is protected in relation to whistleblowing. In line with the Public Interest Disclosure Act 1998 (The 'Act') 'workers' are protected if advising us of relevant disclosures relating to matters in the public interest, for example, in relation to serious wrongdoing by an individual that affects the public. Please see Section 4 for the definition of a 'worker'.

If you are not an employee or worker, for example if you are a customer, contractor or third party you can still raise a concern about wrongdoing with us. Please see our Maladministration and Malpractice Policy or our Complaints Procedure.

2. Purpose

The purpose of this policy is to allow our employees and workers to raise relevant disclosures without fear of victimisation or other adverse repercussions.

We respect the right of persons other than our staff to raise Whistleblowing disclosures and recognise the importance of doing so in the protection of the public interest. To support the protection of external workers employment rights, external parties should raise their concerns to a Prescribed Person or Body as outlined via the following link: -

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

NCFE respects the legal jurisdictions of all countries in which it operates. As such, this policy extends to all of NCFE's dealings and transactions in all countries in which it or its consultants, partners, stakeholders and associates operate.

3. Process

Who is the Policy for?

This policy applies to you if you are an NCFE_employee or worker e.g. you're:

- an employee of NCFE; including a trainee or apprentice.
- a contracted worker working for or on behalf of NCFE.

As NCFE is not a Prescribed Body, we cannot offer protection of employment rights to persons other than our staff. Accordingly, any disclosure made by an external party will be dealt with under our Maladministration and Malpractice Policy or our Complaints Procedure.

For more information on your rights, we encourage you to seek independent advice. Please see <https://www.gov.uk/whistleblowing>.

Protection and abuse under this Policy

The policy offers protection to employees and workers who disclose relevant information (as outlined below), if they reasonably believe that disclosure:

- is made in good faith
- demonstrates that corruption, bad practice or wrongdoing has happened; is highly likely to have happened or is likely to happen
- is disclosed to an appropriate person, as outlined further in this document.

Matters raised in good faith which are subsequently realised as unfounded will continue to be treated as made in good faith.

Any abuse of the policy, or disclosures made with demonstrable malicious or otherwise ill-intent will be treated seriously and may lead to consequential disciplinary action and the imposition of relevant sanctions.

What we consider to be 'whistleblowing'

Whistleblowing is a term used when someone discloses relevant information relating to wrongdoing, bad practice, corruption, malpractice, maladministration and/or the possible covering up of these actions. We consider examples of disclosures to comprise of, but not be limited to:

- a criminal offence (for example fraud or bribery)
- a failure to comply with legal obligations
- a failure to adhere to regulation and/or mandatory documentation
- misappropriation of funds
- where a person (including a member of our staff) has committed, is committing or is likely to commit malpractice or maladministration, including but not exclusive to financial malpractice
- any action intended to obfuscate or deceive, particularly but not exclusively relating to actions which has, or may have, resulted in personal and/or financial gain
- health, safety or environmental risks
- concealment of information relating to any of the above.

Anonymous disclosures

NCFE may consider anonymous disclosures at the discretion of a member of the Executive Team. The following will be taken into account when deciding whether NCFE will consider an anonymous disclosure:

- the seriousness of the concern raised
- the credibility of the concern raised
- the likelihood that we can confirm the allegation from attributable sources.

In all cases, we strongly advise that consideration be given to making the disclosure on a named, confidential basis, under the protection of this policy. Anonymous disclosures are more difficult to investigate and corroborate (as there is no named individual to gain further information from, if required) and anonymous allegations may appear less credible. If an anonymous disclosure is accepted by a member of the Executive Team, we will investigate, providing we have enough information. If not, we may log the allegation internally, and may use it for future reference/decision-making/actions, if appropriate.

Confidentiality

Where asked to do so, we will always endeavour to keep the identity of the individual raising a disclosure under this policy confidential. By law and regulation, we may need to release disclosures including but not limited to:

- the police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
- the courts (in connection with any court proceedings)
- another person to whom we're required by law to disclose your identity

- relevant regulator(s) (e.g. the regulator(s) who are responsible for the standards of our qualification(s) and products)

Whistleblowing Procedure

Making a whistleblowing disclosure

We would normally expect our staff to raise concerns in person with their Line Manager. Should the disclosure relate to the manager, then a disclosure should be made to the Head of Department, Director or Executive for their department. If the disclosure relates to a member of the Executive Team, disclosures may be made to the Chair of the Audit, Risk and Investment Committee (details available on our website). On request, our Chief Regulatory Officer can guide you further on a confidential basis in relation to potential disclosures to the Committee.

Disclosures that relate to our external stakeholders, including those relating to centres, customers and contractors

If an allegation relates to an external party i.e., not employed by NCFE, then the matter will be handled through Customer Compliance and Investigation Team.

Please note, we may, but are not obliged to accept a disclosure about a third party where we believe it is reasonable for the disclosure to be made directly to that party by the individual themselves.

Information we will need regarding disclosures in all cases

We require as much information as possible in relation to disclosures, for example the details of the alleged incident, including dates and times and the names of the individual(s) involved.

We will need to understand whether other persons (e.g., other staff, learners, centres and/or Organisations) may have been affected by the incident, as we may be required to inform relevant external parties, such as the police, funding and regulatory agencies and/or our regulator(s).

Accessing confidential information regarding disclosures

We may need to access confidential information when we consider a disclosure. We will ensure that such information is kept secure and only used for the purposes of an investigation and in line with relevant legislation. We will not normally disclose the information to third parties unless required to do so (e.g. required onward disclosure to our regulators; the police and/or other relevant statutory bodies).

Responding to a whistleblowing disclosure

What we will do when we receive a whistleblowing disclosure

The receiving Manager will:

- Acknowledge receipt of the notification. If your disclosure is made by phone or in person, acknowledgement will be at the time of the call or discussion. If you made your disclosure in writing, we will acknowledge in writing (which may include by email), normally **within five working days** of receipt of the disclosure.
- Conduct an initial review of the disclosure and any additional evidence or confirm that another relevant staff member is doing so.
- The Manager will inform the People Services Team on a confidential basis if the disclosure relates to another member of staff.

The initial review will include all reasonable actions required to investigate the claims made in the disclosure. This initial review period will usually be complete **within ten working days** of receipt of the notification.

Following the initial review, a determination will be made by the reviewing Manager as to whether the disclosure will be accepted or rejected. If the disclosure is to be rejected this will be escalated to a Head of Department, Director or Executive to confirm this decision. Prior to making this determination, you may be asked for more evidence or information. In this case, you will be informed of any potential impact on timescales

If the disclosure about a staff member is accepted, the receiving Manager will investigate the situation. At the appropriate time they will also inform the implicated staff member of their right to representation and how to access this right. Acceptance of a disclosure made against a staff member may also invoke other relevant internal policies (such as disciplinary procedures). People Services will advise in this regard.

If the disclosure is accepted, you will be informed of how we will fully review the issues raised in the disclosure and of our anticipated timescales. In the main (i.e. unless the case is complex or, for example, requires significant external contact), the timescale to fully review a disclosure and make a determination should not normally be longer than **20 working days**. In cases which require escalation to the Executive Team (such as those raising significant, validated concerns about NCFE and/or our stakeholders), the investigating Manager will provide a written overall summary with a proposed outcome and any recommendations to an appropriate member of the Executive Team and/or Board member for a decision. This may extend the 20-working day period. We will inform you by email or phone of our revised timescales if this is the case.

Where relevant, we will communicate with staff and/or independent external parties in our full review. This review may involve us contacting the parties referenced by you.

We will endeavour to maintain confidentiality during the process; however, this may not be possible. We may inform relevant parties if applicable; update them as necessary, at key stages of the review and may inform them of the outcome, including any relevant actions or interventions.

In all cases, the investigating Manager will provide you with the decision of the review and an overview summary, usually via email, **within 5 working days** of the conclusion of the full review.

The summary:

- will not provide the granular elements of the review, including the details of any investigation or outcome(s)
- will provide sufficient information relating to our actions and decisions
- will only be given subject to the need to protect confidentiality.

The review decision is final and there is no right of appeal against the decision. However, if the decision is based on factual inaccuracy or omission, you may then have the right to raise these concerns by raising them with the investigating manager.

How to contact us

Please contact your line Manager in the first instance.

If the concern relates to a third party such as a centre, please contact our Customer Compliance and Investigations

[Team: customercompliance@ncfe.org.uk](mailto:customercompliance@ncfe.org.uk).

If our concern relates to your manager then please contact your Head of Department, Director or Executive. If the concern is related to a member of the Executive Team, then please contact the Chief Regulatory Officer or Chair of the Audit, Risk and Assurance Committee.

4. Governance and Control

Classification level: NCFE Sensitive

Approval status: Board/Exec

4.1. Different parties and responsibilities

Date version approved: 06 December 2021		
Approved by:	Board	Register of Decision ref: D106
Next review date:	6 December 2022	Frequency: annually
Responsible Manager: Head of Audit, Risk and Assurance		
Executive Owner: Chief Regulatory Officer		
Author: Head of Audit, Risk and Assurance		

4.2. Change History

Date	Version	Created by	Description of change
August 2018	V1	Head of QIRC	Initial set up
October 2021	V1.1	Head of ARA	Rebrand
November 2021	V2	Head of ARA	Technical review