



# Whistle Blowing Policy

# Whistle Blowing Policy

<b>Version</b>	V1.1
<b>Policy number</b>	51
<b>Linked: Policy number(s) Procedure number(s)</b>	<ul style="list-style-type: none"><li>• Numbers TBC: Anti-Bribery and Corruption Policy</li><li>• Conflict of Interest Policy</li><li>• Complaints Procedure</li><li>• Maladministration and Malpractice Policy.</li></ul>

## 1. Policy/Strategy Statement

NCFE is committed to the highest standards of integrity, openness and probity. 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 a worker, 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 NCFE workers who disclose relevant information (as outlined below), provided that the worker reasonably believes 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 a worker 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
- 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 worker raising a disclosure under this policy confidential. By law and regulation, we may need to release disclosures 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**

Our staff would normally be expected to raise concerns in person with their Line Manager or by contacting a member of our HRD Team. Should the disclosure relate 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 EDPS 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, such as one of our centres, the disclosure should be made in the first instance to the relevant person at the organisation concerned. For example, whistleblowing disclosures relating to a centre would normally be raised with the centres most appropriate Tutor or Assessor. If you feel it's not possible to raise a disclosure in this manner, or you feel that the disclosure hasn't adequately been addressed by the organisation, you should contact a Prescribed Body or Person as outlined in the introduction to this document.

You may also highlight the information to us using our Maladministration and Malpractice Policy or our Complaints Procedure. You will need to outline why you feel unable to progress the matter through the external

party's own processes, and / or provide evidence (not merely opinion) as to why your concerns have not been addressed. On request, our Quality Assurance team will guide you further in this aspect, on a confidential basis. Contact details for the Quality Assurance team may be found at the end of this document.

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 to that party; that you have not fully exhausted the party's processes, or we are satisfied that the party has reasonably dealt with your concerns.

### **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 Awarding 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 (e.g. data protection). 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 / HRD team member will:

- Acknowledge receipt of the notification. If your disclosure is made by phone or in person, this 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 the disclosure and any additional evidence (or confirm internally by email that another relevant staff member is doing so; such as a HRD or QA team member).
- The Manager will inform the HRD Team on a confidential basis if the disclosure mentions one of our staff and HRD have not been informed directly.

The initial review will include all reasonable actions required to establish the truth and accuracy of 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 staff member as to whether the disclosure will be accepted or rejected. Prior to making this determination, you may be asked for more evidence/information using the contact details you provided to us (if applicable). In this case, you will be informed of any potential impact on timescales. If the disclosure about a staff member is accepted, the receiving HRD team member will inform the 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). HRD will advise in this regard.

Once made, the determination will be conveyed to you by email by the reviewing manager / HRD team member. If the disclosure is rejected, you will be informed whether you have any alternative rights, such as the right to raise a complaint under our Complaints Procedure or Grievance Policy.

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 team member will provide a written overall summary with a judgment 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 use staff and/or independent external parties who are independent of the matter concerned in our full review. This review may involve us contacting the parties referenced by you.

We will endeavour to maintain confidentiality during the review. We may inform external relevant parties if applicable; update them as necessary, at key stages of the review and may inform them of the final outcome, including any relevant actions or interventions.

In all cases, the investigating team member 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 a complaint. Please see section 4 below.

### **Inaccuracies and Complaints**

Should you feel that the final review decision in relation to the whistleblowing disclosure is factually incorrect, you can raise a complaint through our Complaints Procedure, or our Grievance Policy, whichever is appropriate. In doing so, you must provide evidence in relation to the stated inaccuracy. Please note, the decision is not factually incorrect merely if you disagree with the outcome; have a differing opinion on the outcome, or desire a different outcome.



**Governance and Control**

Classification level: Public/General

Approval status: Board

**3.1. Different parties and responsibilities**

Date version approved: August 2018		
Approved by:	Board	Register of Decision ref:
Next review date:	October 2021	Frequency: annually
Responsible Manager: Head of Audit, Risk and Assurance		
Executive Owner: CRO		
Author: Head of Audit, Risk and Assurance		

**3.2. Change History**

Date	Version	Created by	Description of change
Aug 2018	01	Head of QIRC	Launched
Oct 2021	1.1	Head of ARA	Rebrand