



Whistleblowing Policy

Updated: 14 March 2018

SCOPE

PIABC is an awarding organisation recognised and regulated in:

- England - Office of Qualifications and Examinations Regulation (Ofqual)
- Northern Ireland - CCEA Regulation
- Scotland - SQA Accreditation

This statement is published to ensure that as far as possible our stakeholders (external verifiers, development and delivery partners, recognised centre staff, learners and any relevant third party) are also aware of their responsibility and eligibility to tell us about any wrongdoing related to our work, which they believe has occurred or is likely to occur.

PIABC recognise that some stakeholders may not always feel comfortable discussing their concerns, especially if they believe that the awarding organisation itself is responsible for the wrongdoing. This statement and related procedures therefore serve to ensure that all stakeholders are confident that they can raise any matter that concerns them, in the knowledge that it will be taken seriously, treated as confidential and that no action will be taken against them.

INTRODUCTION

This policy applies to individuals who:

- provide our qualifications in PIABC centres
- do not work for PIABC or an PIABC centre

Individuals may wish to make disclosures to PIABC regarding suspected malpractice or maladministration in the provision of examinations, assessment and the internal quality assurance of assessment for PIABC qualifications.

DEFINITIONS

Whistleblowing has been defined by Public Concern at Work Guidelines (1997) as:

- the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees.
- For the purposes of this policy, PIABC defines malpractice and maladministration in accordance General Conditions of Recognition (Ofqual and CCEA Regulation).
- 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.
- 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 1998

The Public Interest Disclosure Act 1998 (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 like malpractice or maladministration.

If a worker has made a disclosure which is protected under the PIDA:

- the worker has a right not to be subject to detriment by an employer because of that protected disclosure.
- the worker will not breach any employment contract in making that protected disclosure.

Workers include: full/part time staff employees, contractors and members of temporary agency staff. Protection under the legislation is a matter between the employee and the employer, PIABC have a formal role in this.

If a worker makes a disclosure to PIABC, it may be protected under the PIDA if:

- the disclosure is made in good faith;
- the worker reasonably believes that the information disclosed, and any allegations he or she makes, are substantially true; or
- the worker reasonably believes that the disclosure relates to a matter for which PIABC is responsible.

A disclosure will not be a protected disclosure if the worker making it:

- commits a criminal offence in making it; or
- has received the information in the course of providing legal advice (legally privileged information).

DISCLOSURE

An individual may decide to make a whistleblowing disclosure to PIABC for example: to prevent the provision of qualifications from being discredited and/or to hold an organisation to account. These are the actions individuals may take if they see or suspect malpractice or maladministration in examinations, assessments or the internal quality assurance of assessment in PIABC centres. Where an individual believes that the management team in the PIABC centre will take action to remedy the concern or situation then informing centre management may be the best course of action. However, where individuals believe that the management team of the PIABC centre 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 PIABC. Individuals who are workers will 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 qualifications regulator.

Examples of whistleblowing disclosures made to PIABC include:

- a worker for a centre making a disclosure about that centre's malpractice or maladministration.
- a learner or parent/guardian making a disclosure about a centre's malpractice or maladministration.

Making a disclosure to PIABC will be in confidence. Whistleblowers should raise concerns by providing as much detailed information as possible about the nature and situation of the concern. PIABC will respect whistleblower's rights under the PIDA where applicable, and understand that individuals making disclosures are in a difficult position. PIABC have experienced staff to deal with disclosures and have experience of malpractice and maladministration situations. PIABC 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. It is not normally possible for PIABC to provide whistleblowers with a report on the findings or outcome of any investigation that may ensue.

Whistleblowers can contact PIABC by either:

- Email: piabc@iom3.org.uk; or
- Telephone: 01476 513884

It may not always be possible for PIABC to investigate or substantiate anonymous disclosures. PIABC will consider each disclosure with care and sensitivity, and decide upon an appropriate response. PIABC may share with third parties information received in the disclosure where it is considered necessary to do so. PIABC will endeavour to keep individuals updated as to what action is being taken in response to a disclosure. The timing of this update will depend upon the complexity of the disclosure and investigation.

PIABC will always endeavour to keep a whistleblower's identity confidential where requested, although this is not guaranteed and PIABC may need to disclose identity to:

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

A whistleblower should also recognise that they may be identifiable by others due to the nature or circumstances of the disclosure.