



End Point Assessment Service

Whistleblowing Policy

Version 3

Updated 11 November 2020

CONTENTS

1.	Scope	3
2.	Introduction.....	3
3.	Definitions.....	3
4.	Public Interest Disclosure Act 1998.....	3
5.	Disclosure.....	4
6.	Contact Details	5

1. SCOPE

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 Limited recognises 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.

2. INTRODUCTION

Individuals may wish to make disclosures to PIABC Limited regarding suspected malpractice or maladministration in the provision of end point assessment (EPA).

3. 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 workplace, be it of the employee or his/her fellow employees.

For the purposes of this End Point Assessment Service policy, PIABC Limited 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.

4. 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 because 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

If a worker makes a disclosure to PIABC Limited, 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
- the worker reasonably believes that the disclosure relates to a matter for which PIABC Limited is responsible

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

- commits a criminal offence in making it
- has received the information while providing legal advice (legally privileged information)

5. DISCLOSURE

An individual may decide to make a whistleblowing disclosure to PIABC Limited for example: to prevent the provision of apprenticeships 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 the apprenticeship EPA process.

Where an individual believes that the management team in the employer or training provider 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 employer or training provider 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 Limited. 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
- they reasonably believe that by making the disclosure to management there is likely to be a cover-up
- the matter has previously been raised internally or with the regulator

Examples of whistleblowing disclosures made to PIABC Limited include:

- a worker for an employer or training provider making a disclosure about malpractice or maladministration
- an apprentice or parent/guardian making a disclosure about an employer or training provider's malpractice or maladministration.

Making a disclosure to PIABC Limited will be in confidence. Whistle-blowers should raise concerns by providing as much detailed information as possible about the nature and situation of the concern. PIABC Limited will respect whistle-blower's rights under the PIDA where applicable, and understand that individuals making disclosures are in a difficult position. PIABC Limited have experienced staff to deal with disclosures and have experience of malpractice and maladministration situations. PIABC Limited 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 Limited to provide whistle-blowers with a report on the findings or outcome of any investigation that may ensue.

Whistle-blowers can contact the EPA team at PIABC Limited.

It may not always be possible for PIABC Limited to investigate or substantiate anonymous disclosures. PIABC Limited will consider each disclosure with care and sensitivity and decide upon

an appropriate response. PIABC Limited may share with third parties information received in the disclosure where it is considered necessary to do so. PIABC Limited 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 Limited will always endeavour to keep a whistle-blower's identity confidential where requested, although this is not guaranteed and PIABC Limited 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.

6. CONTACT DETAILS

If you have any queries about the contents of the policy, please contact the EPA team at:

Email: piabc@iom3.org

Telephone: +44 (0)1476 513884

Post:
PIABC Limited
The Boilerhouse
Caunt Road
Grantham
NG31 7FZ

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