



UNITED CENTRE
of
EXCELLENCE

End Point Assessment Policies

Whistleblowing Policy
GP22



Document History

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Whistleblowing Policy

Scope:

To ensure that risks are identified, mitigated, and managed in UCE.

Policy:

Overview and Signed Acceptance

During induction, all employees must be made aware of the Whistleblowing Policy and need to sign to confirm their understanding and acceptance of the requirements and process set out within it. See Induction Work Record, The Public Interest Disclosure Act (PIDA) 1998, and subsequently the Enterprise and Regularity Reform Act 2013, protects a member of staff against detriment or dismissal for raising concerns about matters in the public interest. The Act seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

1. INTRODUCTION

- 1.1. UCE is committed to operating in accordance with its values. The aim of this policy and procedure is to provide staff members with a means for raising genuine concerns of suspected bribery, breaches of the law and other serious wrongdoings.
- 1.2. UCE encourages staff members to raise genuine concerns about suspected wrongdoing at the earliest practicable stage. This policy and procedure is intended to provide safeguards to enable staff to raise concerns about malpractice in connection with UCE.
- 1.3. This policy and procedure also aims to encourage staff members to raise genuine concerns through internal procedures without fear of adverse repercussions being taken against them. The law allows staff members to raise such concerns externally and this policy informs staff members how they can do so. However, a failure to raise a concern under this procedure may result in a disclosure losing its protected status under the law.
- 1.4. This policy and procedure also seeks to balance the need to allow a culture of openness with the need to protect other staff members against vexatious allegations or allegations which are not well-founded.
- 1.5. The principles of openness and accountability which underpin legislation protecting whistle blowers are reflected in this policy and procedure. The Company is also committed to ensuring compliance with the Bribery Act 2010.



1.6. This policy and procedure is designed for the use of staff members. Students are also encouraged to raise genuine concerns about suspected wrongdoing using the Complaints, Compliments and Feedback Policy and Procedure.

2. WHAT IS WHISTLEBLOWING?

- 2.1. Whistleblowing is when a report is made about a suspected wrongdoing which is in the public interest. This is referred to as making a disclosure in the public interest. A whistle blower is someone who raises serious concern about wrongdoing or malpractice so that problems can be identified and resolved quickly.
- 2.2. Staff members are encouraged to report malpractice. The person making the disclosure must have a reasonable belief that it is in the public interest for protection to apply.

3. APPLICABILITY OF THIS POLICY AND PROCEDURE

- 3.1. This policy applies to all employees, including apprentices and any casual workers or home-based casual workers etc.
- 3.2. Staff might be unsure whether it is appropriate to raise their concern under this policy and procedure or whether it is a personal grievance, which is more appropriate to raise under the grievance procedure. Any staff member in this situation is encouraged to refer to Sections 4 and 5 and if still unsure to contact a director in confidence for advice. Alternatively, Section 12 contains details on how to obtain external confidential advice on whistleblowing issues.

4. PROTECTED DISCLOSURES

- 4.1. Under the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013 the disclosure of confidential information in the public interest is a lawful act and a member of staff cannot be dismissed, disciplined or unfavourably treated provided:
 - 4.1.1. The procedure has been followed
 - 4.1.2. The employee has acted in the public interest and not for personal gain or out of personal motives. Under no circumstances should staff members or members talk to the media or to any other person or body without first exhausting the proper procedure.



5. SPECIFIC SUBJECT MATTER

- 5.1. A staff member must use this policy and procedure if in the course of employment, they become aware of information which they reasonably believe tends to show one or more of the following:
- 5.1.1. A criminal offence has been committed, is being committed or is likely to be committed
 - 5.1.2. An individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
 - 5.1.3. A miscarriage of justice has occurred, is occurring, or is likely to occur
 - 5.1.4. The health or safety of any individual has been, is being, or is likely to be, endangered
 - 5.1.5. The environment, has been, is being, or is likely to be, damaged.
 - 5.1.6. Information tending to show any of the above, is being, or is likely to be, deliberately concealed.
- 5.2. Complaints about disputes/dissatisfaction in employment should be dealt with under the Grievance procedure. For instance complaints about breaches of an employee's own contract of employment should be raised as a grievance.

6. PROCEDURE FOR MAKING A DISCLOSURE

- 6.1. Information which a staff member reasonably believes to show one or more of the situations given in Section 5.1 should be disclosed promptly to a director or HR so that any appropriate action can be taken.
- 6.2. Staff are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, UCE will not be in a position to notify the individual making the disclosure of the outcome of action taken. Anonymity also means that UCE will have difficulty in undertaking an investigation. UCE reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:
- 6.2.1. The seriousness of the issues raised in the disclosure
 - 6.2.2. The credibility of the concern
 - 6.2.3. How likely it is that the concern can be confirmed from attributable sources.
- 6.3. For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, employees should speak in confidence to a director.



7. PROCEDURE FOR INVESTIGATION OF A DISCLOSURE

- 7.1. When a staff member makes a disclosure, the recipient will acknowledge its receipt, in writing, normally within 5 working days.
- 7.2. The recipient will then determine whether or not they believe that the disclosure is wholly without substance or merit. If the recipient considers that the disclosure does not have sufficient merit to warrant further action, the staff member will be notified in writing of the reasons for that decision and advised that no further action will be taken under this policy and procedure. Considerations to be taken into account when making this determination may include (but is not limited to) the following:
 - 7.2.1. If the recipient is satisfied that a staff member does not have a reasonable belief that suspected malpractice is occurring
 - 7.2.2. If the matter is already the subject of legal proceedings or appropriate action by an external body
 - 7.2.3. If the matter is already subject to another, appropriate UCE procedure.
- 7.3. When a staff member makes a disclosure which has sufficient substance or merit warranting further action, the recipient will take action it deems appropriate (including action under any other applicable UCE policy or procedure). Possible actions could include internal investigation, referral to UCE's auditors, referral to relevant external bodies such as the police, Ofsted, Ofqual, Health and Safety Executive or the Information Commissioner's Office.
- 7.4. If appropriate, any internal investigation would be conducted by a UCE director without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by UCE, as appropriate.
- 7.5. Any recommendations for further action resulting from the investigation, will be addressed to the CEO or other director as appropriate in the circumstances. They will take all steps within their power to ensure the recommendations are implemented unless there are good reasons for not doing so.
- 7.6. The staff member making the disclosure will be notified of the outcome of any action taken by UCE under this policy and procedure within a reasonable period of time. If the staff member is not satisfied that their concern has been appropriately addressed, they can appeal against the outcome by raising the issue with a director or HR within 7 working days. The CEO (or nominated director) will make a final decision on action to be taken and notify the staff member making the disclosure.



Guidance note: The procedure should encourage the expeditious investigation of disclosures and can specify timelines for different stages of the procedure. However, timescales should be flexible as different types of concerns will require varying time for investigation. All communications with the staff member making the disclosure should be in writing and sent to the staff member's home address rather than through internal mail. If investigations into the concern are prolonged, UCE should keep the staff member concerned updated as to the progress of the investigation and an estimated timeframe for its conclusion.

8. SAFEGUARDS FOR EMPLOYEES MAKING A DISCLOSURE

- 8.1. A staff member making a disclosure under this procedure can expect their matter to be treated confidentially by UCE and, where applicable, their name will not be disclosed to anyone implicated in the suspected wrongdoing, without their prior approval.
- 8.2. Guidance note: For confidentiality purposes, if the staff member requests to raise their concern verbally, it would be appropriate for UCE to allow the staff member to do so.
- 8.3. UCE will take all reasonable steps to ensure that any report of recommendations, or other relevant documentation, produced does not identify the staff member making the disclosure without their written consent, or unless UCE is legally obliged to do so, or for the purposes of seeking legal advice.
- 8.4. No formal disciplinary action will be taken against a staff member on the grounds of making a disclosure made under this policy or procedure. This does not prevent UCE from bringing disciplinary action against a staff member where UCE has grounds to believe that a disclosure was made maliciously or where a disclosure is made outside UCE without reasonable grounds.
- 8.5. A staff member will not suffer dismissal or any detrimental action or omission of any type (including informal pressure or any form of victimisation) by UCE for making a disclosure in accordance with this policy and procedure. Equally, where a staff member is threatened, bullied, pressured or victimised by a colleague for making a disclosure, disciplinary action will be taken by UCE against the colleague in question.
- 8.6. UCE will not tolerate any harassment or victimisation of staff members who make disclosures. If, at any stage of this procedure a staff member feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter, in writing, to a director or HR.



9. DISCLOSURE TO EXTERNAL BODIES

- 9.1. This policy and procedure has been implemented to allow staff members to raise disclosures internally within UCE. A staff member has the right to make a disclosure outside UCE where there are reasonable grounds to do so and in accordance with the law.
- 9.2. Staff members may make a disclosure to an appropriate external body prescribed by the law. This list of prescribed organisations and bodies can be found in information on the GOV.UK website: [https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies-- 2/whistleblowing-list-of-prescribed-people-and-bodies](https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies)
- 9.3. Staff members can also make disclosures on a confidential basis to a practising solicitor or barrister.
- 9.4. If a staff member seeks advice outside UCE, they must be careful not to breach any confidentiality obligations or damage UCE's reputation in so doing.

10. ACCOUNTABILITY AND RECORD KEEPING

- 10.1. UCE will keep a record of all concerns raised under this policy and procedure (including cases where UCE deems that there is no case to answer and therefore that no action should be taken). See Whistleblowing Record

11. GETTING FREE, CONFIDENTIAL ADVICE TO PEOPLE CONCERNED ABOUT CRIME, DANGER OR WRONGDOING AT WORK

- 11.1. Staff members can contact Public Concern at Work. Public Concern at Work for confidential advice on whistleblowing issues. Contact details are as follows:

3rd Floor, Bank Chambers 6 - 10
Borough High Street
London
SE1 9QQ

Whistleblowing Advice Line: 020 7404 6609
[HTTP://WWW.PCAAW.ORG.UK/](http://www.pcaaw.org.uk/)