

Certa

National Awarding
Organisation & Access
Validating Agency

Whistleblowing Policy

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1. Introduction

The Public Interest Disclosure Act 1998 came into force in 1999; it applies to all organisations. It protects workers from victimisation when they blow the whistle inside and, where there is a good reason, outside an organisation. It encourages people to raise concerns about malpractice in the workplace. It helps ensure that organisations are able to focus on the message rather than the messenger, so that serious malpractice or wrongdoing is not covered up.

Certa encourages its staff to be open and participatory. It has key organisational values of integrity and good communication, together with clear structures for feeding back issues, such as the staff forum, and support and supervision sessions. The CEO holds regular open door days when members of staff are encouraged to express concerns.

1.1. Definitions

Whistleblowing is when an individual discloses information relating to malpractice or wrongdoing and/or the covering up of malpractice or wrongdoing.

The malpractice or wrongdoing is often committed by the individual's employer, although this is not necessarily the case. An individual may decide to make a disclosure to prevent harm or to hold an organisation to account.

Whistleblowing is distinct from both complaints and employment disputes. Complaints are expressions of personal dissatisfaction; these should be addressed using the Certa Complaints Policy and procedures. Employment Disputes are disputes about an individual's own employment position or contract; these should be addressed using the appropriate HR procedures.

Malpractice is any deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process and/or the validity of certificates. For more information, please refer to Certa's published Malpractice and Maladministration Policy.

1.2. Scope

This policy applies to all Certa employees, Certa Centres and third parties such as suppliers and those providing services to the organisation. This policy should be used to raise serious concerns. These include, but are not limited to:

- serious breach of Certa policies and procedures, and/or those of relevant regulators such as Ofqual and QAA, and/or bodies such as the Charities Commission
- conduct which fails, or is likely to fail, to comply with a legal obligation
- actions which endanger the health or safety of any individual, including risks to the public as well as other workers
- theft or misuse of Certa property or assets
- possible fraud or corruption or the unauthorised use of public funds.

It is important that all staff raise any concerns as soon as possible rather than wait until they become more serious.

2. Communicating concerns internally in a safe environment.

Where there are serious concerns expressed about wrong doing, these will be dealt with seriously and the whistleblower protected from harassment, detrimental treatment or dismissal.

Certa does not tolerate harassment or victimisation in any form and will take action to prevent it, even if the disclosure turns out to be unfounded. Whistle blowers will be treated as witnesses not complainants.

Victimising people who raise genuine concerns will be treated as a disciplinary offence. It is also a disciplinary offence to make allegations that are untrue or malicious.

3. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the whistle blower. However, in order to investigate the matter properly, the investigating officer may need to ask for files or question other employees, so it is impossible to guarantee complete confidentiality.

The whistleblower's identity may have to be revealed if:

- it is required by law or by the police
- it is revealed in confidence to a qualified lawyer in order to obtain legal advice
- s/he has to provide evidence at a disciplinary hearing or other proceedings
- there are grounds to believe that s/he has acted maliciously.

Anonymous allegations are not as powerful as those put forward by a named individual. However, anonymous allegations will be investigated as far as possible.

4. How to raise concerns

External whistleblowers should address their concerns to the Quality, Standards and Compliance Manager in the following ways:

By post: For the attention of the Quality, Standards and Compliance Manager
 Certa House
 Lower Warrengate

Wakefield WF1 1SA

By email: j.stephenson@certa.org.uk

By phone: 01924 434205

Certa employees should raise their concerns with her/his line manager, a more senior manager or the CEO. S/he can do this in writing, or by arranging a meeting.

If the individual feels unable to discuss the matter with her/his line manager or the CEO, s/he can take it directly to the Chair of Trustees; justification will be required.

If the individual believes that s/he might be victimised, or that there might be a cover up, or that concerns are being ignored, s/he may feel unable to raise the issue with Certa. In these cases, s/he should contact the appropriate external body.

5. Wider disclosure

Although it is preferable not to take concerns to someone outside the organisation without first going through these internal procedures, there may be a good reason for doing so. For example, a member of staff may not be happy with the response of the manager. Other reasons could be that senior managers are involved, or there are serious health and safety issues or possible discrimination.

The external sources which could be used include:

- Chair of the Certa Board Trustees
- Ofqual (see Appendix for further information)
- QAA (for issues relating to Access to HE)
- Charities Commission
- Company's external auditors
- Health & Safety Executive

Whistleblowers disclosing to an external body are usually in one or more of the following situations:

- reasonably believe that they will be victimised if they raise the matter internally
- reasonably believe a cover up is likely
- have already raised the matter internally and the issues have not been addressed.

Whistleblowers should not disclose any matters that could be considered confidential, unless it is in the public interest to do so, or unless the organisation has failed to deal with the issue properly.

6. How Certa will respond

For whistleblowing disclosures received from external sources, Certa's Quality department will evaluate your concern and may ask you for more evidence or information. The Quality, Standards and Compliance Manager will decide whether and how to pursue the issue which you have raised.

If Certa proceeds to investigate possible malpractice or maladministration based on your disclosure, the Quality, Standards and Compliance Manager may inform the relevant UK regulators of the issue raised and the course of action to be taken. The regulator would then be updated regularly throughout all stages of any investigation.

The regulator would be provided with full details of the conclusion of any investigation and where any serious issues are proven, other awarding organisations offering the same or similar qualifications will also be informed.

Whistleblowers may choose to inform the regulator of the allegation themselves, though in most cases the regulator will request that Certa, as the awarding body, investigates the matter initially. Whistleblowers also have the option to raise their concerns with the regulator if they do not feel that they have been appropriately addressed by Certa.

7. Important Notes

Once a concern has been raised, whistleblowers are asked not to regularly contact Certa to seek updates. Certa has a responsibility to all concerned with respect to confidentiality, and may not be able to divulge any additional information.

All parties will be informed of the outcome of any investigation if it is possible to do so without breaching any party's right to confidentiality. However, it is often not possible to inform a whistleblower about the outcomes of an investigation and any sanctions imposed or other actions taken as a result.

At all stages of the matter being investigated, Certa will take all possible steps to protect the identity of the whistleblower

Certa will consider each disclosure of information sensitively and carefully, and decide upon an appropriate response. Information received in a disclosure may be shared with third parties where considered necessary.

8. Independent advice

The independent whistleblowing charity Public Concern at Work (PCaW) provide advice about whether and how to raise concerns. They can be contacted by telephone on 0207 404 6609, or by email at whistle@pcaw.co.uk.

Appendix: Whistleblowing to Ofqual

A whistleblowing disclosure made to Ofqual is protected under the Public Interest Disclosure Act (PIDA). Anyone making a protected disclosure:

- has a right not to be subject to detriment by his or her employer because of that protected disclosure
- will not breach his or her employment contract in making that protected disclosure.

Workers include employees, contractors and members of temporary agency staff.

Protected disclosures can be made to employers, to legal advisers, to Ministers of the Crown, to prescribed regulators such as Ofqual or QAA (for certain purposes) and to other bodies in certain circumstances.

Protected disclosures are those where the information being disclosed shows that:

- a criminal offence has been, is being or is likely to be committed
- a person has failed, is failing or is likely to fail to comply with a legal obligation
- a miscarriage of justice has occurred, is occurring or is likely to occur
- the health and safety of an individual has been, is being or is likely to be endangered
- the environment has been, is being or is likely to be damaged, or
- information relating to any of the above has been, or is likely to be, deliberately concealed.

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).

PIDA gives protection to whistleblowers for disclosures to Ofqual that:

- relate to duties under the Apprenticeships, Skills, Children and Learning Act 2009
- are made in good faith
- are believed to be substantially true
- relate to a matter for which Ofqual is a prescribed regulator.

Key examples of whistleblowing disclosures made to Ofqual include:

- a worker for an awarding organisation making a disclosure about that organisation's malpractice or failure to comply with its conditions of recognition
- a worker for a Centre making a disclosure about that Centre's malpractice
- a worker for a Centre making a disclosure that the Awarding Organisation that approved the Centre is involved in malpractice or failed to comply with the General Conditions of Recognition
- a learner or parent/guardian making a disclosure about a Centre's malpractice.

More detailed information on PIDA can be found on the Public Concern at Work website (www.pcaw.co.uk/law/uklegislation.html).