

# **Whistleblowing Policy**

V2.0

## Introduction

This is version two of the Whistleblowing Policy and replaces all previous versions. This document is subject to regular revision and maintained electronically by its owner. Electronic copies are version controlled. Printed copies are not subject to this control.

Change history (V1.0)

Section	Change
All	Restructure under standard headings Additional information included

## Scope

This policy sets out our approach to receiving information from those who wish to make certain disclosures to us on matters relating to SFEDI Awards (recognised centres or learners or the public) that have the potential to adversely affect the development, delivery, or award of our qualifications.

This document sets out our whistleblowing arrangements which are aligned with Public Disclosure Information Act (PIDA).

## Definition

Whistleblowing is a term used when an individual raises a genuine concern relating to wrongdoing or suspected malpractice and/or covering up of a malpractice or wrongdoing occurring in an organisation. The alleged malpractice may be classified in many ways, for example, a violation of a law, rule, regulation and/or a direct threat to public interest such as fraud, health and safety violations and corruption. Often, this is referred to as “making a disclosure in the public interest”.

Whistleblowing is distinct from both complaints and employment disputes or grievances that an individual may have. A complaint can be defined as an expression of personal dissatisfaction with a product or service being received and/or encountered. Please refer to SFEDI Awards Complaints Policy for further information.

An individual may decide to make a disclosure to us to prevent harm or to hold an organisation to account, but if the breach is regarding their own employment contract then it will be precluded as the company grievance procedure should be utilised for this. SFEDI Awards cannot investigate any concerns to employment positions, contracts, or grievances of this nature.

## Examples

Individuals can raise a concern with us under the arrangements outlined in this policy if they have a reasonable belief that malpractice and/or a wrongdoing is occurring, or is likely to occur, relating to one or more of the following categories (as set out in PIDA):

- A criminal act (for example the unauthorised use of public funds, possible fraud, and corruption)
- A failure to comply with a legal obligation the individual/organisation may be subject to
- A miscarriage of justice
- Endangering an individual's health and safety
- Damage to the environment and
- Deliberate concealment of information about any of the above.

In addition, an individual raising an allegation under these whistleblowing arrangements should have a reasonable belief that the disclosure is in the public interest.

Key examples of whistleblowing disclosures could include (but are not limited to):

- A worker at a Centre making a disclosure about that organisation's malpractice or failure to comply with its approved centre status requirements
- A learner or parent/guardian making a disclosure about a Centre's malpractice or failure to comply with its approved centre status requirements
- An individual (internal or external) making a disclosure about possible malpractice being carried out by a member of SFEDI Awards staff
- Another Awarding Organisation making a disclosure about a Centre's malpractice or failure to comply with its approved centre status requirements
- A Regulator making a disclosure about a Centre's malpractice or failure to comply with its approved centre status requirements

## Centre Responsibilities

It is important that Centre staff and learners are fully aware of this policy and its contents as well as our Malpractice and Maladministration Policy.

We also encourage Centres to have a culture of openness where staff can freely raise concerns about activities and practices without the risk of adverse consequences to their future employment or career.

### **Reporting**

Individuals may want to raise their concern with their employer first, perhaps through their line manager. Where this is not deemed appropriate individuals could consider approaching senior management within your organisation.

If a concern raised internally has not been appropriately addressed or if it has not been appropriate to raise the concern internally, a disclosure can be made outside of your organisation to SFEDI Awards.

Members of the public may choose to directly contact the Centre where they have a concern. Where this is not deemed appropriate individuals should contact SFEDI Awards directly.

### ***Centre Staff***

Individuals working for a Centre, which is delivering SFEDI Awards programmes, including both regulated and non-regulated programmes, may wish to make a whistleblowing disclosure to someone outside of the Centre and should contact SFEDI Awards.

Individuals may also contact the Regulator, and, in these circumstances, should see the appropriate website of the Regulator for further information regarding how to make a disclosure. However, the Regulator will normally ask the relevant Awarding Organisation to investigate and report about disclosure in the first instance. SFEDI Awards staff will provide details of the relevant Regulator(s) to the individual where required.

## **Process**

Upon receipt of a whistleblowing disclosure to us, which includes contact details, we will send an initial acknowledgement that we have received the disclosure within two working days.

We will normally request as much of the evidence as possible, to support the disclosure, is sent to: [customerservices@sfediawards.com](mailto:customerservices@sfediawards.com).

Once a concern has been raised, we have a duty to pursue the matter. It will not be possible to prevent the matter being investigated by subsequently withdrawing concern as we are obliged by the Regulators to follow up and investigate allegations of malpractice or maladministration.

We will investigate anonymous whistleblowing disclosures; however, it may not always be possible to investigate or substantiate anonymous disclosures. Where an individual chooses to remain anonymous, they must recognise that we may not be able to investigate their concerns as effectively.

We will consider each disclosure of information sensitively and carefully and decide upon an appropriate response. We may share with third parties, information received in the disclosure where we consider it necessary to do so.

There may also be occasions where it is not appropriate for us to investigate due to circumstances, such as the disclosure falling outside our remit. In this case we may recommend another course of action.

Depending upon the nature of the disclosure we will appoint someone to investigate who has the appropriate level of training and competence and who has not had any previous involvement or personal interest in the matter. The individual(s) appointed to investigate the matter, may contact/meet with the person who raised the concern (the whistle-blower) to ascertain the details of their concerns.

In most cases, we will provide updates as to what action is being taken in response to the disclosure. We will normally send updates within ten working days of receiving the disclosure, but this may take longer if the issue is particularly complex.

We reserve the right to cease corresponding with a whistle-blower where we believe, in our reasonable opinion, the disclosure may be vexatious.

Any update will not necessarily detail the intricate parts of any investigation activities or the identities of those involved within the investigation and the findings and actions to be taken. The result of any investigation activities will be at the determination of SFEDI Awards and our Regulators or at the requirement of law enforcement agencies and may not be shared publicly dependent on the requirements to meet our legal obligations.

### ***Outcomes of an investigation***

If the investigation results in a proven case of malpractice or maladministration we will act against the relevant parties in accordance with the arrangements in our Malpractice and Maladministration Policy.

If the allegation is not proven by the investigation, if the whistle-blower did not deliberately raise an allegation which they knew to be untrue, no action will be taken against them by SFEDI Awards.

If, however, the investigation concludes that the whistle-blower raised an allegation which they knew not to be true, disciplinary action may be taken against them by their employer.

If the allegation was made due to a genuine misunderstanding, the individual(s) (for example Centre or Centre staff member) who have been the subject of the investigation will be expected to bear no malice or ill feeling towards their accuser, nor should they or their colleagues mistreat a whistle-blower.

## **Confidentiality**

We will always endeavour to keep a whistle-blower's identity confidential where asked to do so, although we cannot guarantee this and we may need to disclose your 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 whistle-blower should also recognise that he or she may be identifiable by others due to the nature or circumstances of the disclosure.

## Regulation and Legislation

### ***Public Disclosure Information Act (PIDA)***

The PIDA gives protection to whistle-blowers for disclosures to several different people. Disclosures can be made to employers, to legal advisers, to Ministers of the Crown, to several prescribed regulators (for certain purposes) and to others in certain circumstances.

SFEDI Awards falls into the “other” category where we are responsible for maintaining the integrity and quality of both regulated and non-regulated programmes and qualifications awarded under our name.

If an individual makes a disclosure to us, that disclosure may be protected under PIDA if:

- The disclosure is made in good faith
- The individual reasonably believes that the information disclosed, and any allegations he or she makes, are substantially true
- The individual reasonably believes that the disclosure relates to a matter for which SFEDI Awards is responsible

But the disclosure will not be a protected disclosure if the individual making it:

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

### ***General Data Protection Regulations (GDPR)***

It is necessary for us to collect and hold personal information to investigate concern(s). We will hold the information provided to us securely and use it to help us handle and process the whistleblowing disclosure.

The information will be shared internally with limited SFEDI Awards staff in relevant departments in order that we can handle, investigate, and respond to the disclosure.

We may also share information with other organisations, such as our regulators, government departments, enforcement agencies and the police if we think it is necessary to do so. There may also be certain circumstances where we are required, by law, to share information.

We will only collect, process, and retain data in accordance with GDPR.

## Review Arrangements

We will review this policy as part of our annual self-evaluation arrangements and revise it as and when necessary in response to customer and learner feedback, changes in our practices, actions from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous allegations.

In addition, this policy may be updated considering operational feedback to ensure our arrangements for dealing with Whistleblowing remains effective.

If you would like to feedback any views, please contact us via the details provided at the end of this policy

## Other Related SFEDI Policies and Documents

- Complaints Policy
- Malpractice and Maladministration Policy

<b>Controlled by:</b> Quality Team	<b>Created/Updated:</b> February 2021	<b>Review Date:</b> February 2023	<b>Version No:</b> V2.0	<b>Regulatory Reference(s):</b> A8
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## Contact Us

If you have any queries about the content of this policy, please contact our customer service department.

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