

# Whistleblowing Policy

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## 1. Policy Principles

Aligned to our strategy to ensure we set and maintain the highest standards of compliance and risk management, this policy outlines NCFE's approach to Whistleblowing.

NCFE is committed to prioritising the safety and wellbeing of our colleagues whilst maintaining high standards of integrity and conduct. Our employment practices and stakeholder relationships enable us to foster an environment that is collaborative and free of malpractice or corruption.

NCFE also aim to support its customers, contractors and third parties in raising concerns about the organisation or its colleagues. If you're not an NCFE colleague, you can still raise a disclosure to us. Please see [JCO's Suspected Malpractice Policies and Procedures](#) and our Complaints Policy for more guidance on making a disclosure in these instances.

## 2. Introduction

This policy outlines NCFE's approach to handling and responding to whistleblowing disclosures, including guidance on how to raise a disclosure to NCFE and a summary of the protections provided to whistleblowers.

We follow the Government's published legal position on who is protected in relation to whistleblowing. In line with the [Public Interest Disclosure Act 1998](#), workers are protected when making a disclosure relating to matters in the public interest.

NCFE is not a Prescribed Body, and we cannot offer protection of employment rights to persons other than NCFE colleagues. As such, any disclosure made by an external party will be handled as outlined in [JCO's Suspected Malpractice Policies and Procedures](#) or our Complaints Policy.

We encourage individuals to seek independent advice in relation to their rights when whistleblowing. Please see relevant [gov.uk guidance](#) for more information.

### 2.1. Purpose

The purpose of this policy is to enable our colleagues and workers to raise relevant disclosures without fear of victimisation or unfair treatment.

We respect the right of persons other than NCFE colleagues to raise whistleblowing disclosures and recognise the importance of doing so in the protection of the public interest. To support the protection of external workers' employment rights, external parties should raise their concerns to a Prescribed Person or Body. Please see the [gov.uk list of prescribed people and bodies](#) for further guidance.

NCFE respects the legal jurisdictions of all countries in which it operates. As such, this policy extends to all of NCFE's dealings and transactions in all countries in which it or its consultants, partners, stakeholders, and associates operate.

## 2.2. Scope

This Policy applies to all instances where an NCFE colleague, contractor or other third party seek to make a whistleblowing declaration in relation to the organisation, its colleagues, or its subsidiaries.

## 2.3. Responsibilities/Duties

All NCFE colleagues, including apprentices, trainees, and contracted workers, must follow this policy when making a whistleblowing declaration.

Where a declaration is escalated, the responsible manager will handle and respond to the declaration.

## 2.4. Definitions

Word/Acronym	Definition
ARIC	Audit, Risk and Investment Committee
Colleague	Any individual employed by NCFE
CRO	Chief Regulatory Officer
GDPR	General Data Protection Regulation
JCQ	Joint Council for Qualifications
PIDA	Public Interest Disclosure Act 1998

## 2.5. Location

This Policy is available to all NCFE colleagues via SharePoint QMS. This Policy is also available externally at [ncfe.org.uk](http://ncfe.org.uk).

## 3. Process

### 3.1. What we consider to be “Whistleblowing”

Whistleblowing is a term used when someone reports information related to bad practice, corruption, malpractice, or maladministration. Examples of whistleblowing disclosure include, but are not limited to:

- a criminal offence.
- a failure to comply with legal obligations.
- a failure to adhere to regulation and/or mandatory documentation.
- misappropriation of funds, including financial malpractice.
- any instance where an individual (including an employee of NCFE) has committed malpractice or maladministration.

- any action intended to confuse or deceive, particularly but not exclusively relating to actions which has, or may have, resulted in personal and/or financial gain.
- health, safety, or environmental risks.
- concealment of information relating to any of the above.

### **3.2. Making a whistleblowing disclosure**

We would expect NCFE Colleagues to raise concerns with their Line Manager in the first instance. Should the disclosure relate to the manager, then a disclosure should be made to the Head of Department, Director, or Executive for their department.

If the disclosure relates to a member of NCFE Executive Team, disclosures may be made to the Chair of the Audit, Risk and Investment Committee (details available on our website). On request, our Chief Regulatory Officer can provide further information on a confidential basis in relation to potential disclosures to the ARIC.

#### **3.2.2. Disclosures that relate to our external stakeholders, including those relating to centres, customers, and contractors.**

If an allegation relates to an external party for example, not employed by NCFE, then the matter will be handled through our Provider Assurance Team in accordance with [JCQ's Suspected Malpractice Policies and Procedures](#).

Please note, we may, but are not obliged to accept a disclosure about a third party where we believe it is reasonable for the disclosure to be made directly to that party by the individual themselves.

### **3.3. Information we will need regarding disclosures in all cases.**

We require as much information as possible in relation to disclosures, for example the details of the alleged incident, including dates and times and the names of the individual(s) involved.

We will need to understand whether other persons (e.g., other staff, learners, centres and/or Organisations) may have been affected by the incident, as we may be required to inform relevant external parties, such as the police, funding, and regulatory agencies and/or our regulator(s).

### **3.4. Protection and misuse under this Policy**

The policy offers protection to our colleagues and any workers who disclose relevant information, if they believe that disclosure:

- is made in good faith,
- demonstrates that corruption, bad practice, or wrongdoing has happened; is highly likely to have happened or is likely to happen,
- is disclosed to an appropriate person.

Misuse of this policy, including disclosures that are demonstrably malicious or otherwise ill-intended, will be treated seriously and may lead to disciplinary action and imposition of sanctions where relevant.

Matters raised in good faith which are subsequently realised to be untrue or unfounded will continue to be treated as made in good faith.

### **3.5. Anonymous disclosures**

NCFE may consider anonymous disclosures at the discretion of a member of the Executive Team. The following will be considered when deciding whether NCFE will consider an anonymous disclosure:

- That you made a qualifying disclosure
- The disclosure was made in the correct way to be protected by the law
- That there is a causal link between making the disclosure and the treatment received there after whether it be detriment or dismissal.

**Note:** Further information can be found in the (The Public Interest Disclosure Act 1998) <https://www.legislation.gov.uk/ukpga/1998/23/section/1>

In all instances, we strongly advise that consideration is given to making the disclosure on a named and confidential basis under the protection of this policy. Where a whistleblower requests confidentiality, NCFE will make every effort to protect their identity.

Anonymous disclosures are more difficult to investigate and corroborate (as there is no named individual to gain further information from where required) and anonymous allegations may appear less credible.

If an anonymous disclosure is accepted by a member of the Executive Team, we will investigate, providing we have enough information. If there is not sufficient information to investigate, we may log the allegation internally, and may use it for future reference where appropriate.

### **3.6. Disclosures which are not protected**

If you have been involved in the wrongdoing, making a disclosure will not protect you from any repercussions.

If you make a disclosure in an unreasonable manner, for example, aggressively or you disclose to the wrong party such as a competitor, your employer may fairly dismiss you for acting unreasonably. If in doubt, contact People Services to seek further advice.

### **3.7. Confidentiality**

Where asked to do so, we will always endeavour to keep the identity of the individual raising a disclosure under this policy confidential. We may need to access confidential information when we consider a disclosure. We will ensure that such information is kept secure and only used for the purposes of an investigation and in line with relevant legislation.

By law and regulation, we may need to release disclosures including but not limited to:

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



- relevant regulator(s) (e.g., the regulator(s) who are responsible for the standards of our qualification(s) and products).

### 3.8. Responding to a whistleblowing disclosure

**What we will do when we receive a whistleblowing disclosure** The receiving Manager will:

- Acknowledge receipt of the notification. If your disclosure is made by phone or in person, acknowledgement will be at the time of the call or discussion. If you made your disclosure in writing, we would acknowledge in writing (which may include by email), normally **within five working days** of receipt of the disclosure.
- Conduct an initial review of the disclosure and any additional evidence and confirm the name of staff member who will be handling the disclosure.
- The Manager will inform the People Services Team on a confidential basis if the disclosure relates to another member of staff.

The initial review will include all reasonable actions required to investigate the claims made in the disclosure. This initial review period will usually be complete within **ten working days** of receipt of the notification.

Following the initial review, a determination will be made by the reviewing Manager as to whether the disclosure will be accepted or rejected. If the disclosure is to be rejected this will be escalated to a Head of Department, Director or Executive to confirm this decision. Prior to making this determination, you may be asked for more evidence or information. In this case, you will be informed of any potential impact on timescales. In the main (i.e., unless the case is complex or, for example, requires significant external contact), the timescale to fully review a disclosure and decide should not normally be longer than **20 working days**.

### 3.9. When a Disclosure is accepted

- If the disclosure about a staff member is accepted, the reviewing Manager will: - Subject to restrictions on the information that can be shared, the employer should, as soon as possible, inform the member of staff of the allegations raised.
- The accused member of staff should be treated fairly and honestly and supported with concerns raised against them by their line manager or a people services representative.
- Be kept informed of the progress of and outcomes of the investigation.
- If suspended be kept up to date about events.

Acceptance of a disclosure made against a staff member may also invoke other relevant internal policies (such as disciplinary procedures). People Services will advise in this regard.

### 3.10. Escalation of cases

In cases which require escalation to the Executive Team (such as those raising significant, validated concerns about NCFE and/or our stakeholders), the investigating Manager will provide a written overall summary with a proposed outcome and any recommendations to an appropriate member of the Executive Team and/or Board member for a decision. This may extend the **20-working day period**. We will inform you by email or phone of our revised timescales if this is the case.

We will endeavour to maintain confidentiality during the process; however, this may not be possible. We may inform relevant parties if applicable; update them as necessary, at key stages of the review and may inform them of the outcome, including any relevant actions or interventions.

In all cases, the investigating Manager will provide you with the decision of the review and an overview summary, usually via email, **within 5 working days** of the conclusion of the full review.

The summary:

- will not provide the granular elements of the review, but will provide details of any investigation or outcome(s)
- will provide sufficient information relating to our actions and decisions.
- The review decision is final and there is no right of appeal against the decision. (For further confidential advice the following link is provided: - <https://protectadvice.org.uk/>)

However, if the decision is based on factual inaccuracy or omission, you may then have the right to raise these concerns by raising them with the investigating manager.

### 3.11. Malicious disclosures

If a disclosure has been raised maliciously or you know to be untrue your behaviour may be addressed through the appropriate NCFE Policies.

### **3.12. Non-whistleblowing concerns**

Non whistleblowing concerns such as bullying and harassment, disciplinary procedures, complaints, and any grievances should in the first instance be raised with your manager. If unable to raise with your manager, please contact People Services.

### **3.13. Making a disclosure to the Press**

Avoid making a disclosure to the press or publishing on social media as this may result in non-anonymity or legal protection for the whistleblower.

### **3.14. How to contact us**

Please contact your line Manager in the first instance.

If the concern relates to a third party such as a centre, please contact our Provider Assurance Team [ProviderAssurance@ncfe.org.uk](mailto:ProviderAssurance@ncfe.org.uk)

If your concern relates to your manager then please contact your Head of Department, Director or Executive. If the concern is related to a member of the Executive Team, then please contact the Chief Regulatory Officer or Chair of the Audit, Risk and Assurance Committee (details can be gained from the Head of Governance or Executives).

## **4. Initial Equality Impact Assessment**

An Initial Equality Impact Assessment has been completed for this policy, and no concerns were raised.

## **5. Training**

There are no specific training needs in relation to this policy.

## **6. References to Associated Documents**

Anti-Bribery and Corruption Policy: [Anti-Bribery and Corruption Policy V2.2.pdf](#)

Conflict of Interest Policy: [Conflict of Interest Policy V2.2.pdf](#) Maladministration and Malpractice Policy (online)

<https://www.ncfe.org.uk/qualifications/mandatory-policies-fees/>

## **7. Implementation and Dissemination**

The policy will be implemented immediately upon approval. The policy will be placed on SharePoint and Camms.Policy and colleagues will be informed of updates via the QWMG SharePoint

## **8. Monitoring Arrangements**

Should an allegation be received by NCFE that relates to an external party i.e., not employed by NCFE, then the matter will be handled through the Provider Assurance Team. A case is created on CRM to allow the monitoring of all communications and the case is allocated to an Investigating Officer. The Investigating Officer will make contact the informant to gather information about the concerns raised and to gain confirmation if they wish to remain anonymous. All communications will be tracked to the CRM case for monitoring purposes.

## **9. Data Retention**

Data must be stored for the shortest time possible. Or as set out in article 5(1) (d) GDPR, personal data shall be kept no longer than is necessary for the purposes for which the personal data are processed.

Personal data processed by a whistle blowing disclosure should be deleted, promptly and usually within two months of completion of the investigation of the facts alleged in the report. Non cases can be closed immediately, while serious misconduct investigations can take years. Sometimes there will be exceptions such as HR related obligations that require you to keep certain data longer, for example disciplinary records for cases such as these please contact Peoples Services for further information.

For further information please see [Data Retention Policy V1.2.pdf](#)

## **10. Appendices**

None