

Whistleblowing Policy

1. Introduction to GA

GA ('GA') is an Awarding Organisation recognised by Ofqual to offer regulated qualifications in range of academic and vocational subject areas.

2. Scope and Purpose of this Policy

This policy applies to all staff directly employed by GA, as well as any GA Centres, representatives and partners.

The aim of this policy is to enable all staff, including the staff of Centres approved by GA, to raise concerns they may have with procedures, management or other staff, whether directly within GA or within a Centre, representative or partner organisation approved by GA, through the method of whistleblowing.

This does not include complaints regarding service levels, which will be handled under the GA *Comments, Compliments and Complaints Policy*. Similarly, any issues raised by anonymous sources which cannot be verified as coming from a member of staff of either GA or one of its Approved Centres, representatives or partners will also not be covered by this policy.

3. What is Whistleblowing?

Whistleblowing is the term used 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.

The Nolan Second Report on Standards in Public Life recommended that a policy should be put in place which would enable staff (or other relevant individuals) to raise concerns in confidence about fraud, malpractice, health and safety or unethical conduct within an organisation.

This policy is designed to allow all involved to act professionally and with propriety, to preserve the confidentiality of the person raising the concern and to ensure that management will properly investigate the concern(s) raised before it enters into the public domain.

The Whistleblowing Policy and associated procedures are not meant to be another mechanism for employees to raise private grievances about their personal employment situation. GA follows a grievance procedure to deal with such matters.

This policy is also not to be used to raise complaints, which are defined as an expression of personal dissatisfaction. These are covered by the *Comments, Compliments and Complaints Policy*, which includes details about how GA would deal with any issues raised by anonymous sources.

4. The Public Interest Disclosure Act (PIDA)

4.1 Protection under PIDA

If an individual has made a disclosure which is protected under PIDA:

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

'Individuals' in this scenario include employees, contractors and members of temporary agency staff working for GA or for one of their directly approved Centres, representatives or partners.

Protection under the legislation is a matter between the individual and their employer; therefore, unless GA is the direct employer of that individual, we do not have a formal role in enforcing such protection.

4.2 Content of the Disclosure

Protected disclosures can only be made where the information being disclosed tends to show 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

4.3 Conditions for Protection under PIDA

A disclosure by an individual 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 which directly affects GA or their Conditions of Recognition under Ofqual

Matters which directly affect GA include (but are not limited to):

- Matters relating to the security of assessment materials issued by GA
- Matters relating to identity fraud in relation to candidates taking GA qualifications
- Matters relating to malpractice at approved Centres during the delivery of GA assessments
- Matters relating to GA qualifications being offered by centres or individuals who are not approved by GA
- Matters relating to qualifications being offered by approved Centres which are not accredited by GA, but which the Centre is using the GA name on related marketing or certificates

A disclosure may not be protected under PIDA if the individual making it:

- Commits a criminal offence in making it, or
- Has received the information in the course of providing legal advice (legally privileged information)

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

5. False or Malicious Disclosures

Should an individual raise a concern under this procedure that is subsequently found to be a deliberately false and malicious accusation, this will be viewed as a serious disciplinary matter and dealt with under GA' Disciplinary Policy and Procedure (if the individual is an employee of GA).

Similarly management and staff, **both within GA and in its approved Centres**, representatives and partners should be aware that victimising employees or deterring them from raising a concern about malpractice is also viewed as a serious disciplinary (or malpractice if a Centre) offence and will be dealt with in the same manner.

6. Respecting Confidentiality

GA will always endeavour to keep a whistleblower's identity confidential where asked to do so, although in certain circumstances the whistle-blower's identity might need to be disclosed 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)
- The Regulator, such as Ofqual (in relation to any disclosures which indicate an adverse effect to GA' regulated qualifications, reputation or candidates)
- Another person to whom we are required by law to make such disclosure

A whistleblower should also recognise that he or she may be identifiable to others due to the nature or circumstances of the disclosure.

7. Raising a concern of Malpractice or Wrongdoing within GA or at a Centre

An individual may raise a concern of alleged malpractice orally or in writing with their line manager, a member of the Senior Management Team or a Director within GA. If the individual is at a Centre, they can raise it internally with their relevant manager or Head of Centre or directly with the Director at GA.

The person receiving the concern is **not** required to adjudicate the matter in any way whatsoever. They are required to act in a professional manner and:

- remember there are two sides to every concern
- listen carefully to the concern, taking full notes as appropriate
- request and heed legitimate concerns about the employee's own safety or career
- advise the employee that the matter will be treated seriously, that it will be forwarded for investigation and that the outcome will be reported back to them as soon as possible after the investigation has been completed.

NOTE: No format for written concerns has been given to avoid unintentionally directing the style and content of such submissions. It is for the individual to decide the format and content of his/her submission. The individual may use the services of their trade union representative to assist them through the process (if applicable).

The person receiving the concern must forward it to the designated investigating officer as soon as possible, preferably within 24 hours, and is responsible for ensuring strict confidentiality is maintained on the subject. Any breaches of confidentiality will be treated as a serious disciplinary matter if the person formulating the concern is found to have been responsible for such a breach.

8. Getting Advice on How Best to Proceed

If an individual would like further advice on the best way to proceed, they should consider doing the following:

- Contact Public Concern at Work on 0207 404 6609 or by email at helpline@pcaw.co.uk. Further information is available at Public Concern at Work's website (www.pcaw.co.uk).
- Approach the union or professional body
- Get independent legal advice

9. Investigation of a Concern of Malpractice or Wrongdoing

GA has designated the Director to initially deal with concerns of alleged malpractice. If the Director is the subject of the concern, they are obligated to immediately appoint another member of management staff to conduct the investigation.

Upon receipt of a concern the relevant Manager is required to:

- ascertain whether the matter is something that can be dealt with internally and/or
- whether it is a criminal matter that should be investigated by the police
- inform the Governing Body of the report and convene a meeting of these personnel to form an investigating committee on behalf of GA, to agree an action plan to properly investigate the matter, including any possible suspension of person(s) whilst the investigation is taking place
- ensure all meetings concerning the allegations are minuted and statements from personnel assisting with the investigation are correctly documented, signed and dated
- ensure that, at the conclusion of the investigation, the evidence is reviewed by the investigating committee to consider whether the allegation was substantiated or otherwise. The outcome of the investigation should be notified to the person(s) under investigation and the individual who raised the concern before the outcome is brought into the public domain.

10. Timescale

An individual raising a concern will receive a formal acknowledgement in writing as soon as possible, usually within 5 working days. Thereafter the investigating officer is required to keep the individual informed of the investigation's progress in writing at regular basis.

It is a part of the investigating officer's responsibilities to be expeditious in the investigation of a concern without detriment to any persons against whom the allegation has been made. The length of time an investigation takes will depend upon the complexity of the concern being investigated.

11. Access to External Bodies

If GA finds the allegation unsubstantiated, the individual has the right to access an appropriate official external body.

An appropriate outside body to consult may be:

- Ofqual
- Public Concern at Work
- An MP or local councillor
- A trade union or professional association

Individuals are reminded that they have no right of access to external bodies until the internal procedures have been fully exhausted.

12. Contact Information

If any individual wish to raise an issue under this policy they should put this in writing and address it in strictest confidence to:

The Director
Unit G5, Woodhead House
Woodhead Road
Birstall
WF17 9TD
United Kingdom

info@gatehouseawards.org

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Other relevant documents:	Malpractice and Maladministration Policy & Procedure Comments, Compliments and Complaints Policy & Procedure Centre Handbook