

Safeguarding of Children and Vulnerable Adults Policy

Overview

Whistleblowers are individuals who identify activities or information that they reasonably believe demonstrate malpractice, wrongdoing or other serious concerns within or relating to the organisation.

This policy and procedure applies to all whistleblowers, both internal (including employees, directors and senior managers) and external (including learners, centres, customers and other stakeholders).

This policy reflects applicable legislation and recognised good practice relating to whistleblowing. It is designed to encourage individuals to raise genuine concerns and to ensure that those who do so in good faith are not disadvantaged as a result.

Scope of the Policy

This policy is intended to assist any internal or external individual who believes they have identified malpractice, maladministration, wrongdoing or other serious concerns.

It is not intended as a means to reopen matters that have already been addressed through other policies and procedures, such as appeals, enquiries about results, malpractice, grievances or disciplinary procedures, or to question legitimate financial or business decisions taken by ISP.

This policy covers allegations of malpractice or wrongdoing where confirmation of the concern would be in the interests of ISP, its learners, centres, stakeholders or the wider public. Such allegations may include, but are not limited to:

- improper conduct, unethical and/or illegal behaviour, malpractice or maladministration relating to centres, qualifications, assessments, EPA, assessors or learners;
- failure by the organisation to comply with legal, regulatory or other applicable obligations;
- financial malpractice, impropriety or fraud;
- criminal activity;
- improper or unethical conduct;
- serious risks to health and safety;
- serious breaches of organisational policies or regulatory requirements; and
- attempts to conceal any of the above.

- Separate policies and procedures exist for matters including malpractice, appeals, enquiries about results, grievances and disciplinary matters.

Safeguards of the Policy

Protection

This policy provides protection to individuals who raise concerns in the interests of ISP, its stakeholders or the public, provided that the disclosure is made in good faith and the individual reasonably believes that the information indicates malpractice, maladministration or other wrongdoing.

Individuals will not be disadvantaged or subjected to detrimental treatment because they have raised a genuine concern under this policy.

Confidentiality

ISP will treat whistleblowing disclosures confidentially and sensitively. Individuals are encouraged to provide their name when making a disclosure, as this may assist with the investigation.

Identity

The identity of the individual making the disclosure will be kept confidential wherever possible and where doing so does not hinder or frustrate an investigation.

There may be circumstances where it is necessary to disclose the identity of the whistleblower, for example to conduct a fair investigation, comply with legal or regulatory requirements, or enable appropriate action to be taken. Where possible, the individual will be informed if their identity needs to be disclosed.

Untrue or Unsubstantiated Allegations

Where an individual makes an allegation in good faith and this is not subsequently substantiated, no action will be taken against that individual simply because the concern was not upheld.

However, where an individual deliberately makes a malicious or vexatious allegation, or knowingly provides false information, appropriate action may be taken.

Procedure for Making and Dealing with a Disclosure

In the first instance, a whistleblowing disclosure should normally be made to the **Head of Awarding**.

The Head of Awarding will consider the nature and seriousness of the concern and determine the appropriate course of action. Where appropriate, the Head of Awarding may discuss the matter with the Managing Director or another suitably independent person to determine the appropriate investigation and oversight arrangements.

The action taken will depend on the nature and seriousness of the concern and may include:

- informal resolution;
- changes to policy or procedure;
- an internal investigation;
- an independent investigation or inquiry;
- referral through an appropriate governance route;
- notification to the relevant regulator;
- referral to the police or another appropriate external authority; or
- no further action where the concern does not fall within the scope of this policy or there is insufficient evidence or basis for further action.

Where the disclosure concerns the **Head of Awarding**, or where it would otherwise be inappropriate for the concern to be raised with the Head of Awarding, the disclosure should be made directly to the **Managing Director**.

The Managing Director will determine the appropriate investigation and oversight arrangements, ensuring that any person implicated in the allegation is not responsible for investigating it.

Where a disclosure concerns the **Managing Director**, or where it would otherwise be inappropriate to raise the matter with the Managing Director, the individual should seek independent external advice and/or make the disclosure to an appropriate external authority or relevant regulator, as applicable.

A member of staff may also raise a concern through their recognised trade union, if they choose to do so.

The person responsible for dealing with the disclosure will keep the whistleblower appropriately informed of progress and, where possible, the outcome of the investigation, subject to confidentiality, legal and regulatory requirements.

Investigation

All internal and/or independent investigations will be conducted as sensitively and promptly as reasonably practicable.

Investigations will be carried out by a person who is appropriately independent, is not implicated in the allegation and does not have a conflict of interest.

Where an allegation involves potential misconduct by an employee, care will be taken to ensure that any investigation and subsequent action is conducted in accordance with the relevant disciplinary policy and procedure.

The person against whom an allegation has been made will normally be informed of the concerns raised and given a reasonable opportunity to respond, where appropriate. This may be subject to legal, regulatory or investigative requirements, particularly where disclosure could prejudice an investigation.

The investigator, or an appropriately constituted panel where required, will determine what action, if any, should be taken in light of the information available and the findings of the investigation.

Where a concern has potential regulatory significance, the Head of Awarding will ensure that appropriate consideration is given to ISP's regulatory obligations, including whether notification to the relevant regulator is required.

Records and Oversight

A secure record of whistleblowing disclosures, actions taken and outcomes will be maintained by the **Head of Awarding**, or an appropriately authorised person.

Records will be retained for at least five years, or longer where required by law, regulation or the circumstances of the case.

The **Head of Awarding** is responsible for ensuring that whistleblowing disclosures relating to awarding, assessment, centres, EPA and regulatory compliance are dealt with appropriately and that relevant governance and regulatory reporting requirements are considered.

Where a disclosure concerns the Head of Awarding, responsibility for the oversight of the matter will transfer to the Managing Director or an appropriately independent person.

Other Sources of Advice

If an individual is concerned about raising a whistleblowing issue internally, independent advice is available from **Protect**, the whistleblowing charity.

Protect provides free, confidential advice to people concerned about crime, danger or wrongdoing at work and promotes individual responsibility and organisational accountability in the public interest.

Protect can be contacted on **0203 117 2520** or through its website: <https://protect-advice.org.uk/>

Contact

Whistleblowing disclosures should normally be made to the **Head of Awarding**.

Head of Awarding: ega@the-ISP.com