

Whistleblowing Policy and Procedure

Overview

Whistle blowers are individuals who discover activities or information that they believe shows malpractice or wrongdoing by the organisation. This policy and procedure is for all whistle-blowers, both internal (employees, directors, senior managers) and external (learners, centres, customers, stakeholders). This policy abides by current law and codes of practice, in relation to whistle-blowers. This policy is designed to encourage and protect whistle-blowers and ensure they are not disadvantaged in any way, shape or form, in their support of good corporate practices.

Scope of the Policy

This policy is designed to assist any internal or external individual who believes they have discovered malpractice or impropriety. It is not intended as a means to re-open matters that have already been addressed under other policies e.g. appeals, EARs, malpractice, grievance or disciplinary procedures, or to question legitimate financial or business decisions taken by ISP

This policy covers allegations of malpractice or wrongdoing, confirmation of which would be in the interests of ISP and its stakeholders. Such allegations might include, for example (this list is not exhaustive):

- Improper conduct, unethical and/or illegal behaviour, malpractice or maladministration of centres, assessments, EPA, assessors or learners
- failure to comply with legal obligations by the organisation
- financial malpractice, impropriety or fraud by the organisation
- criminal activity of the organisation
- improper conduct or unethical behaviour by the organisation
- dangers to health and safety by the organisation
- attempts to conceal any of the above by the organisation.

Separate policies and procedures exist for malpractice, appeals, EARs, grievances, disciplinary, etc.

Safeguards of the Policy

Protection - this policy offers protection to individuals who make disclosures in the interests of ISP, its stakeholders and the public, provided that these are made in good faith, and in the reasonable belief that the conduct indicates malpractice or maladministration

Confidentiality – ISP will treat all such disclosures in a confidential and sensitive manner. Individuals are, however, encouraged to put their name to any disclosures they make rather than seek anonymity.

Identity - the identity of the individual making the allegation will be kept confidential as long as it does not hinder or frustrate any investigation. However, the investigation process may need to reveal the source of the information to ensure conclusion of the investigation and the individual making the disclosure may need to provide a statement as part of the evidence required.

Untrue allegations - where an individual makes an allegation in good faith, but this is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, an internal or external individual makes malicious or vexatious allegations, and particularly if he or she persists in making them, legal and/or disciplinary action may be taken against the person concerned.

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 of the concern and, where appropriate, discuss the matter with the Managing Director to determine the most appropriate course of action.

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 to the appropriate senior governance route, or referral to the police or another relevant external authority. Where appropriate, the concern may be dismissed if it is determined that it does not fall within the scope of this policy or there is insufficient 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, it should be made directly to the Managing Director. The Managing Director will determine the appropriate investigation and oversight arrangements, ensuring that any person who is 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, if they choose, make an allegation through their recognised trade union.

The person who receives the initial disclosure will keep the whistleblower appropriately informed of the progress and outcome of the investigation, subject to the need to maintain confidentiality and any legal or regulatory restrictions.

Investigation

All internal and/or independent investigations will be conducted as sensitively and promptly as possible. Investigations will be carried out by someone who is not involved in the allegation and is not implicated by the concerns raised.

Where the allegation involves potential misconduct, care must be taken to carry out the investigation in accordance with the relevant disciplinary policy and procedure.

The person(s) against whom the allegation is made will be told the claims made against them and any evidence supporting this, where appropriate and subject to any legal, regulatory or investigative requirements. They will be given a reasonable opportunity to respond before any further action is taken.

The person who investigates the allegation, or an appropriately constituted panel where required, will decide what action, if any, should be taken in light of the information available and the findings of the investigation.

Records and Oversight

A brief record of all whistleblowing disclosures, actions taken and outcomes will be maintained securely by the Managing Director 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 Managing Director is responsible for ensuring that whistleblowing disclosures are dealt with appropriately and that relevant governance or regulatory reporting requirements are met.

Other sources of advice

If you feel concerned about raising an issue, there is other support available. PROTECT is the whistleblowing charity (<https://protect-advice.org.uk/>), they can be contacted on 0203 117 2520 or by webform via their website.

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

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The ISP Head of Education may be contacted on ega@the-ISP.com