

Whistleblowing Policy

Purpose

This policy applies to individuals who do not work for OAL, and who wish to make certain disclosures to OAL relating to:

- the development, delivery and award of OAL qualifications
- assessment arrangements on OAL qualifications
- other matters likely to be of relevance or interest to OAL in our role as an Awarding Organisation

Introduction

This policy details OAL's commitment to the provision of duty of care to OAL Learners and OAL Centres. OAL have a positive commitment and open approach to whistleblowing.

Where you make a disclosure relating to certain types of potential malpractice or wrongdoing, the 'whistleblowing' provisions of employment-rights legislation may protect you against being dismissed or penalised by your employer. We are unable to tell you whether any disclosure you make will offer you protection under the law. You must satisfy yourself that the protection will cover you. You may wish to get independent legal advice.

If you are concerned about issues that you see or hear regarding OAL qualifications or end-point assessment, usually these concerns are easily resolved by following OAL or Centre policies and procedures. However, those procedures may not appear to be appropriate where:

- there is no relevant procedure; or
- you have genuine concerns about using a particular procedure at either the outset or the end of the process; and
- your concern is about conduct likely to harm the reputation of OAL.

It can be difficult to know what to do in this situation. You may be worried about raising such issues or you may want to keep the concerns to yourself, perhaps feeling it is not any of your business or that it is only a suspicion. However, OAL have introduced this policy to enable you to raise genuine concerns about such matters at an early stage and in the right way.

OAL would rather you raised the matter when it is of first concern, rather than wait for proof. Please also see the OAL Malpractice and Maladministration Policy.

We would encourage you to first raise a concern internally within your organisation. If you remain concerned by the response, or if you don't feel able to raise a concern, you should follow the procedure outlined in this policy.

While the protections offered by whistleblowing legislation are aimed at workers, we will also look into concerns raised by members of the public about potential malpractice and/or wrongdoing by a centre. In such cases, we will follow the processes outlined in this policy.

What is whistleblowing?

Whistleblowing is a term used when an individual raises a genuine concern about suspected malpractice or wrongdoing and/or the covering up of malpractice or wrongdoing that they become aware of through their work. The malpractice or wrongdoing often affects others, for example customers or members of the public.

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. Examples of complaints that we will normally investigate can be found in our Complaints Policy for conducting enquiries into complaints about awarding organisations and qualifications.

If a worker is unhappy with his or her own employment position or contract, they should take this up with their employer or another responsible body. We cannot look into grievances of this nature.

The law relating to whistleblowing

The Public Interest Disclosure Act 1998 amended the Employments Rights Act 1996 and created a right to redress, enforceable by tribunal, in the event of a worker being subjected to a detriment or dismissed by an employer as a result of whistleblowing.

This policy outlines the protection available if a worker makes a whistleblowing disclosure. It gives only general information and does not aim to offer definitive legal advice or details of how the whistleblowing provisions work in practice.

Workers who 'blow the whistle' on wrongdoing at work have a right not to be dismissed or suffer any detriment at work as a result of making a "protected disclosure".

To be protected by law, a worker must be making a disclosure of information which they reasonably believe is made in the public interest and which they reasonably believe tends to show one or more of the following had occurred or is likely to occur:

- A criminal offence
- Breach of any legal obligation
- A miscarriage of justice

- Danger to the health and safety of an individual
- Damage to the environment
- The deliberate concealment of the above.

Our policy additionally covers any conduct not included above which appears likely to, or may cause harm to, the reputation of OAL.

What should you do if you have a concern about malpractice or wrongdoing?

Whistleblowing disclosures can be made through our Quality Team by email to quality@oawards.co.uk or telephone 01235 432 032 between the hours of 9am and 5pm Monday to Friday or by post to:

Occupational Awards Limited
The Catalyst, Baird Lane, Heslington, York, YO10 5GA

What happens after the disclosure is made?

1. If you choose to make a whistleblowing disclosure to OAL, and have provided contact details, we will send you an initial acknowledgement that we have received your disclosure.
2. We will normally ask you to provide as much of the evidence as possible that you have seen to support your disclosure.
3. We will conduct a full investigation (for further details please see our complaints policy). We will look into anonymous whistleblowing disclosures or pass them on to the Operations & Quality – Senior Manager (where appropriate). However, it may not always be possible to investigate or substantiate anonymous disclosures.
4. We will consider each disclosure of information sensitively and carefully, and decide upon an appropriate response. We may share with third parties any information received in the disclosure where we consider it necessary to do so.
5. In most cases, we will keep you updated as to what action is being taken in response to your disclosure. We will normally send you an update within 28 working days of receiving your disclosure, but this may take longer if the issue is particularly complex.

We will consider each disclosure of information sensitively and carefully, and decide upon an appropriate course of action. We will look into anonymous whistleblowing disclosures. However, it may not always be possible to investigate or substantiate such disclosures.

We may share with third parties information received in the disclosure where we consider it necessary to do so.

We may not always treat an allegation as a whistleblowing disclosure as it may be more appropriate to treat the disclosure as a complaint. There may also be occasions where it is not appropriate for us to investigate under the circumstances. In this case we may recommend another course of action for the whistle-blower to take.

At the end of our investigation, if you remain unhappy with the conclusion, you can write to the regulators, explaining why you are dissatisfied with the outcome and they may be able to look into your concerns further.

What if I don't want to reveal my identity?

If you disclose your identity, it will be easier for us to:

- Look into the matter
- Protect your position
- Give you feedback where appropriate

We very much hope that the assurances we give in this policy will encourage you to disclose your identity to those who need to know. However, if you wish to raise an issue anonymously, we will, of course, consider your disclosure.

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.

What happens after the investigation?

The Operations & Quality – Senior Manager will ensure, to the appropriate extent, that the findings of the investigation are communicated to:

- you, as the person raising the wrongdoing concern
- the individual(s) under investigation and if appropriate, other external authorities who may need to consider whether action should be taken on the basis of the findings.