

POLICIES & PROCEDURES

Whistle Blowing Policy



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Whistle Blowing Policy

1. Introduction

ABBE recognises the importance of an honest and open working relationship with our staff, centres and other stakeholders. To help us maintain the integrity of our qualifications and uphold our high standards across all our operations, we welcome feedback regarding any issues or concerns relating to our own and our centres' business practices and the delivery of our qualifications.

As an Ofqual regulated awarding body, ABBE must also abide by its regulators' Conditions of Recognition. In terms of making a disclosure in the public interest, ABBE must meet the following conditions:

- ❖ A6 - Identification and management of risks
- ❖ A7 - Management of Incidents
- ❖ A8 - Malpractice and Maladministration

This policy should be read in conjunction with the ABBE Malpractice and Maladministration Policy. It explains how to recognise, and report suspected bad practice, and outlines the safeguards in place so that concerns can be raised without fear of reprisal. We recognise that it is not easy to report such allegations, therefore this policy is designed to protect those who raise concerns, to ensure they feel confident to "blow the whistle" on any wrongdoing.

2. Definition

Whistle-blowing is defined as "making a disclosure in the public interest", where an individual raises a concern about any wrongdoing, such as, an incident, risk malpractice that is in the public interest to disclose.

The following disclosures which qualify for protection under the Public Interest Disclosure Act 1998 (PIDA) are as follows:

- ❖ Criminal offence
- ❖ Failure to comply with legal obligation
- ❖ Miscarriage of justice
- ❖ Health and safety of an individual is endangered
- ❖ Risk or actual damage to the environment
- ❖ Concealment of wrongdoing relating to the above

PIDA protection extends to disclosures made to The Office of Qualifications and Examinations Regulation (Ofqual*), by whom we are regulated.

**Ofqual has its own Whistle-blowing Policy, where it states that an individual working for a centre delivering a regulated qualification(s) may make a whistle-blowing disclosure to the Awarding Organisation that has approval to deliver the qualification(s) in question.*

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3. Examples of Disclosure

The two clearest examples of public interest disclosures are:

- ❖ Suspected or actual wrongdoing at a centre, where the conditions laid out in the ABBE Centre Agreement have been breached
- ❖ Suspected or actual wrongdoing, carried out by a member of the ABBE team or a contracted member of ABBE staff

4. Prevention

ABBE

As an awarding body, ABBE has systems and processes in place to help prevent, identify and manage risks and incidents of wrongdoing occurring. ABBE gives clear guidance on the delivery and administration of qualifications and when developing or reviewing qualifications, ABBE will ensure that the risk of this is minimised.

ABBE Approved Centres

As part of the centre approval process, ABBE centres must have a Whistleblowing policy in place, so that staff can raise concerns without the risk of adverse consequences to their employment or career.

ABBE centres must also have their own policies in place to identify and minimise the risk of incidents of wrongdoing and have processes for mitigating, reporting and investigating incidents.

5. Uncovering Wrongdoing

We encourage all centres, learners and other third parties to raise any concerns to ABBE. Individuals can raise concerns directly to the ABBE Responsible Officer, if they believe that any wrongdoing, which is in the public interest to disclose, is taking place or is likely to take place.

6. Making a Disclosure

To raise a concern under this policy, individuals are not required to have definitive evidence of wrongdoing. However, to support any claims of wrongdoing, the nature of the concern must be explained in detail and as much information and evidence as possible must be provided. Please note, when making a disclosure it could be possible for individuals to be identified by the nature of the disclosure made.

Please send concerns in writing directly to the ABBE Responsible Officer*:

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Edith Devoy,
Responsible Officer,
ABBE,
Birmingham City University,
Curzon Building,
4 Cardigan Street,
Birmingham
B4 7BD

E: Edith.Devoy@BCU.ac.uk

**Please note, upon receiving a disclosure ABBE are obliged by our regulators to investigate, even if the allegation is later withdrawn. Regulatory requirements mandate us to thoroughly examine any allegations that could potentially impact our standards and the integrity of ABBE qualifications.*

7. Investigating Concerns

Upon receiving a disclosure, a panel will be convened to review the supporting information and evidence provided and will determine the scope of the investigation. The terms of reference for the panel are detailed in appendix one.

If the case involves an ABBE centre, the Responsible Officer must notify Ofqual.

A rigorous investigation will then be carried out by an appointed an investigator. The designated investigator must maintain impartiality and should not have any prior involvement or vested interest in the incident under scrutiny. They must have relevant experience in investigation or possess specialist knowledge of the subject matter. They should also carry out the investigation in a fair and legal manner.

The investigation may include a meeting with the person who made the disclosure, to gain further evidence and information. We will not disclose the identity of the individual without their consent and will make every effort to conceal their identity. However, if we are required to disclose this information by the police, or the courts, or other necessary third parties, we would need to abide by this requirement.

It should also be noted that if the issue cannot be resolved without the identity of the individual who made the claim being disclosed, this will be discussed before any details of their identity is released.

Following the investigation, the panel will then reconvene to review the information and evidence collected by the appointed investigator. Following the review of all the associated evidence, the panel will agree an Outcome.

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If the panel finds evidence of wrongdoing, actions and/or sanctions will be put in place against the relevant parties. The panel may also make recommendations to mitigate the risk of future occurrences.

Where the panel finds the allegation to be unproven, no action will be taken. However, if the investigation determines that the allegation made was deliberately false, the person making the disclosure may be investigated themselves.

8. Procedure

Step One

Disclosures should be made in writing directly to the ABBE Responsible Officer, by either email or by post. If the case involves an ABBE centre, the Responsible Officer must notify Ofqual.

Step Two

The ABBE Responsible Officer convenes a panel (the terms of reference for the panel are detailed in appendix one).

Step Three

The panel meets to review the supporting information and evidence provided and will determine the scope of the investigation.

Step Four

The panel appoints an investigator to carry out a rigorous investigation, inline with the agreed scope of the investigation.

Step Five

Following the investigation, the assigned investigator will produce a report to detail the findings of the investigation and provide supporting information.

Step Six

The panel will reconvene to review the report and evidence submitted.

Step Seven

Following the review of all the associated information and evidence, the panel will agree an outcome, specifying any sanctions to be put in place and/or any actions to be taken.

If the allegation is upheld and an ABBE centre is found in breach of the ABBE Centre Agreement, the Responsible Officer will notify Ofqual of the outcome of the panel, detailing any sanctions to be put in place and/or any actions to be taken. Recommendations can also be made to mitigate further cases going forward.

If the panel finds the allegation to be unproven, no action will be taken. However, if the investigation determines that the allegation made was

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deliberately false, the person making the disclosure may be investigated themselves.

The panel's decision is final and there is no recourse.

A flow chart detailing the process for making a disclosure can be found in appendix two.

9. Continuous Improvement

To ensure that this policy remains fit for purpose and that the procedures and its outcomes are achievable, it is subject to a three-year review cycle, or earlier should any feedback or concern be brought to the attention of ABBE. This policy is also reviewed as part of ABBE continuous improvement monitoring through its annual self-assessment arrangements.

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Appendix One - Terms of Reference for the Panel

The Panel must be impartial and must not have had any involvement in the incident. The Panel should comprise of any three of the following:

- ❖ The ABBE Responsible Officer
- ❖ The ABBE Compliance Officer
- ❖ The ABBE Senior Qualifications Officer
- ❖ The ABBE Customer Service Officer
- ❖ Another member of the ABBE team
- ❖ The Compliance EQA

It is the responsibility of the Panel to ensure that allegations are acted upon in a timely manner. All members of the Panel must attend whenever the Panel is convened. Non-attendance will only be permitted in the event of extenuating circumstances, outside of the Panel's control.

The panel allocates an investigation. The choice of investigator is based on:

- ❖ The nature of the allegation
- ❖ The risk rating of the centre involved

The panel can request that the investigation is carried out by either:

- ❖ The Head of Centre*
- ❖ A Member of the ABBE Team
- ❖ The Compliance EQA

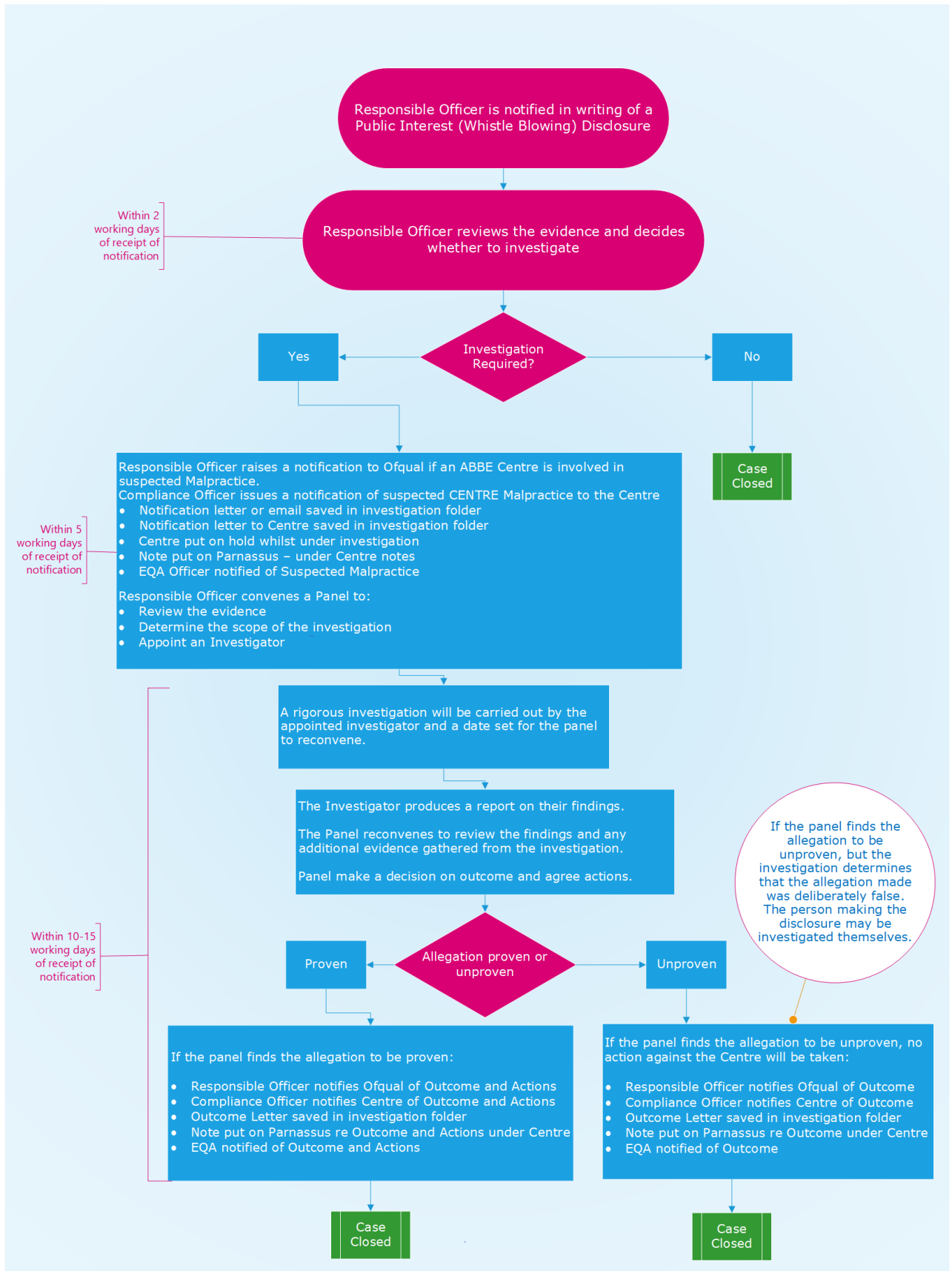
**Should the Head of Centre not be permitted to investigate, ABBE will request that the centre finds an alternative individual to investigate.*

The Panel may request further information and/or appoint additional advisers to provide specialist advice and guidance as required. However, it is the sole responsibility of the Panel to determine the outcome of the investigation, additional advisers are excluded from this decision-making process.

The Panel are responsible for agreeing the outcome of the case and any actions and/or sanctions that should be implemented. Recommendations can also be made to mitigate cases of malpractice or maladministration going forward.

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Appendix Two – Process Flow Chart for Making a Disclosure



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