

Whistleblowing Policy

1. Introduction

This policy applies to all individuals who wish to make certain disclosures to JPIE relating to:

- the delivery and award of regulated qualifications
- Other matters which may be relevant or of interest to us as an awarding organisation.

It has been drawn up to adhere to the Ofqual General Conditions of Recognition and makes guidance available to those who wish to report wrongdoings. All Centre staff and students must be fully aware of the contents of this policy in addition to our Malpractice and Maladministration Policy.

2. Definitions

Whistleblowing is used when an individual discloses information related to malpractice or wrongdoing and/or the covering up of malpractice or wrongdoing. Whistleblowing is distinct from both complaints and employment disputes.

When a 'worker' reports suspected wrongdoing at work, this is 'whistleblowing'. Officially this is called making a disclosure in the public interest.

Other related definitions

a. Informants

The Oxford Dictionary definition of an informant is *a person who gives information to another*. Technically, students are not classed as workers. They are not classified as whistleblowers.

b. Complainant

Is an individual, group, or company who expresses dissatisfaction about some aspect of the service offered by us.

c. Employment dispute

This is where an employee disputes their employment position or contract. We will not take any action over a grievance of this nature.

3. What to do before making a whistleblowing disclosure to JPIE

If you feel that you would like to blow the whistle regarding an issue related to the provision of our qualifications, here are some guidelines to follow to protect yourself.

Think about the risks before you act.

- Tell no one that you are unhappy or intend to whistleblow unless you can trust them.
- Do not make a telephone call from the centre.
- Do not email from the centre using your personal email account
- Create a separate email account using another laptop or computer

- Documentary evidence is critical; if you can photocopy any documents which may be relevant, these may be useful.
- Act as you always do.
- Do not give yourself away by doing or saying new or different things.
- You may wish to take independent legal advice or contact Whistleblowers UK. (www.wbuk.org)

4. Identity of whistleblowers and informants

The identity of whistleblowers and informants will not be disclosed without their permission. There are some circumstances where we may have to disclose your identity, such as:

- When the Police or other Government Enforcement Agencies become involved
- The Courts (regarding proceedings)

A whistleblower should be aware that they may be identifiable by others due to the nature or circumstances of the disclosure.

5. Anonymous allegations

These may be reported to us; however, we will only act on the allegation if there are sufficient details to identify the recognised Centre.

6. How to contact us to make a disclosure

By email: exams@jp-internationaltraining.co.uk

Tel: +44 (0)1582 594084

Whistleblowers are encouraged to provide us with the following information:

- Details of the people and the Centre involved
- Full details of your concerns related to the provision of our qualifications
- The number of learners affected and, if possible, some names of these learners.
- Key dates
- Any supporting documents and evidence

7. What to expect

JPIE take all whistleblowing reports seriously, and anyone who reports to us as a whistleblower will be told whether we can investigate their concerns or not.

JPIE:

- will confirm receipt of your disclosure within three working days, if we are provided with contact details.
- may contact you for further information if needed, but we recommend that you don't seek to gather additional evidence as this may affect the legal protection you may have.
- may share your information with other organisations, such as educational regulators or the police, if we consider it appropriate.
- will generally inform you of the outcomes of our actions by advising that there was either substance to the disclosure or no substance to the disclosure. As the findings are likely to be commercially sensitive, we will not be able to divulge the findings.

- may suggest another course of action if we consider the details are not a whistleblowing disclosure.
- cannot provide any legal advice.

8. Legal aspects

The Public Interest Disclosure Act 1998 (PIDA), also known as the Whistleblowing Act, protects "workers" making disclosures in the public interest and allows such individuals to claim compensation for victimisation following such disclosures. Further information regarding PIDA may be accessed at www.pcaw.org.uk.

Employment status 'Workers' at our Recognised Centres may wish to 'blow the whistle' about the malpractice or wrongdoing and /or the covering up of malpractice or wrongdoing. The malpractice or wrongdoing may be committed by the 'worker's' employer (the Head of the Centre or colleagues at the Centre).

Centre Administrators/Directors of Programmes and assessors are protected if their employment status is that of a worker, which means that:

- they have to perform work or services personally and cannot send a substitute or subcontract the work,
- they are not undertaking the work as part of their own business (the Recognised Centre is one of their clients),
- they have core employment rights and are protected for 'whistleblowing'.

Centre Administrators/ Directors of Programmes and Assessors who whistleblow are protected if they are:

- 'a worker',
- believe that malpractice at the workplace is happening, has happened in the past or will happen in the future,
- are revealing information of the right type (a qualifying disclosure),
- reveal it to the right person and in the right way (making it a protected disclosure).

Qualifying disclosures: to be protected as a 'whistleblower', the worker needs to make a 'qualifying disclosure' about malpractice. This could be a disclosure about:

- criminal offences,
- failure to comply with a legal obligation,
- miscarriage of justice,
- threats to an individual's health & safety,
- damage to the environment,
- a deliberate attempt to cover up any of the above.

Protected disclosures: for a disclosure to be protected by the law, the worker should make it to the right person in the right way. Workers must:

- make a disclosure in good faith (which means with honest intent and without malice)
- reasonably believe that the information is substantially accurate,
- reasonably believe the disclosure is being made to the right 'prescribed person'.

If a qualifying disclosure is made in good faith to the employer or through a process the employer has agreed to, workers are protected.

If the worker feels that they are unable to disclose to their employer, then there are other 'prescribed people/bodies' workers can disclose to, for example, Ofqual, the Educational regulator. Details may be accessed at: <https://www.gov.uk/guidance/ofqual-whistleblowing-policy>.

The worker may seek legal advice; in this case, anything shared with the legal adviser is automatically protected.

Workers will not be protected if some disclosures cannot be 'qualifying disclosures' or for whistleblowing if:

- they break the law when making a disclosure,
- the information is protected under legal professional privilege.

9. Effective date

This procedure takes effect from October 2022 and supersedes all previous procedures. We may revise this policy as and when necessary in response to customer and stakeholder feedback, changes in our practices, actions from the regulatory authorities or external agencies or changes in legislation. Our policy review will ensure that our procedures remain consistent with the regulatory criteria and are applied correctly and fairly in arriving at judgements.

The JPIE Academic Council is responsible for evaluating JPIE's performance on an annual basis to ensure its decisions in relation to malpractice are fair and consistent over time.