

Whistleblowing policy

Introduction

This Whistleblowing policy applies to individuals who:

- Provide FDQ assessment and qualification products in FDQ centres
- Do not work for FDQ or an FDQ centre

Individuals may wish to make disclosures to FDQ regarding suspected malpractice or maladministration in the provision of examinations, assessment and the internal quality assurance of assessment for FDQ qualification products.

Definitions

For the purposes of this policy, FDQ defines malpractice and maladministration in accordance with the General Conditions of Recognition:

- Malpractice is defined as any activity or practice which deliberately contravenes regulations and compromises the integrity of the assessment process and/or the validity of certificates – it also covers misconduct
- Maladministration is any activity or practice which results in non-compliance with regulations, including cases of persistent mistakes or poor administration within a centre.

Public Interest Disclosure Act

The Public Interest Disclosure Act (PIDA) gives legal protection to employees from being dismissed or penalised by their employers as a result of publicly disclosing (“blowing the whistle on”) certain serious concerns like malpractice or maladministration.

If a worker has made a disclosure which is protected under the PIDA:

- The worker has a right not to be subject to detriment by an employer because of that protected disclosure
- The worker will not breach any employment contract in making that protected disclosure

Workers include: full/part time staff employees, contractors and members of temporary agency staff. Protection under the legislation is a matter between the employee and the employer, FDQ have a formal role in this.

If a worker makes a disclosure to FDQ, it may be protected under the PIDA if:

- The disclosure is made in good faith
- The worker reasonably believes that the information disclosed, and any allegations he or she makes, are substantially true
- The worker reasonably believes that the disclosure relates to a matter for which FDQ is responsible

A disclosure will not be a protected disclosure if the worker making it:

- Commits a criminal offence in making it, or
- Has received the information in the course of providing legal advice (legally privileged information)

Disclosure

An individual may decide to make a whistleblowing disclosure to FDQ for example: to prevent the provision of assessment products from being discredited and/or to hold an organisation to account. These are the actions individuals may take if they see or suspect malpractice or maladministration in examinations, assessments or the internal quality assurance of assessment in FDQ centres.

Where an individual believes that the management team in the FDQ centre will take action to remedy the concern or situation then informing centre management may be the best course of action. However, where individuals believe that the management team of the FDQ centre is involved or implicated in the concern, or individuals believe that they may be victimised by raising the concerns with them, then individuals may wish to contact FDQ. Individuals who are workers will be protected by the PIDA if:

- They reasonably believe that by making the disclosure to management they will be victimised; or
- They reasonably believe that by making the disclosure to management there is likely to be a cover-up; or
- The matter has previously been raised internally or with the qualifications or end-point assessment regulator

Examples of whistleblowing disclosures made to FDQ include:

- A worker for a centre making a disclosure about that centre's malpractice or maladministration
- A learner or parent/guardian making a disclosure about a centre's malpractice or maladministration

Contacting FDQ

Making a disclosure to FDQ will be in confidence. Whistle-blowers should raise concerns by providing as much detailed information as possible about the nature and situation of the concern. FDQ will respect whistle-blower's rights under the PIDA where applicable and understand that individuals making disclosures are in a difficult position. FDQ have experienced staff to deal with disclosures and have experience of malpractice and maladministration situations. FDQ will respond to any disclosure or allegation within two working days and explain the importance of supporting evidence and the sort of evidence that might help in an individual's case.

It is not normally possible for FDQ to provide whistle-blowers with a report on the findings or outcome of any investigation that may ensue.

It may not always be possible for FDQ to investigate or substantiate anonymous disclosures. FDQ will consider each disclosure with care and sensitivity and decide upon an appropriate response. FDQ may share with third parties information received in the disclosure where it is considered necessary to do so. FDQ will endeavour to keep individuals updated as to what

action is being taken in response to a disclosure. The timing of this update will depend upon the complexity of the disclosure and investigation.

FDQ will always endeavour to keep a whistle-blower's identity confidential where requested, although this cannot be guaranteed as FDQ may need to disclose 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 they may be identifiable by others due to the nature or circumstances of the disclosure.