

## LCL Awards

### Whistleblowing Policy and Procedure

#### Introduction

Whistleblowing encourages and enables anyone to raise serious concerns with LCL Awards or its approved centres rather than overlooking a situation which is not right and 'blowing the whistle' to highlight malpractice, maladministration, conflicts of interest or impartiality involving LCL Awards.

Members of LCL Awards, approved centres staff and learners are often the first to realise that there maybe something seriously wrong. However, they may be reluctant to express their concerns as they feel that speaking up would be detrimental to themselves or disloyal to LCL Awards, their colleagues or the approved centre.

People who blow the whistle are protected by the [Public Disclosure Act 1998](#). Almost all workers in the public, private, and voluntary sectors and certain categories of trainees are also protected under the Act.

Prior to the introduction of the Act, employees and others were hesitant to raise concerns about wrongdoing because they feared that they would not be listened to or that they would be putting their jobs at risk.

Certain types of disclosures qualify for protection if they are made in good faith, if it is reasonable to believe when looking at the circumstances at the time of disclosure that misconduct was occurring, and if the disclosure tends to show that the misconduct is happening now, happened in the past or will likely happen in the future.

This Act allows employees and others to voice authentic concerns about misconduct and malpractice without receiving penalties such as dismissal, victimisation, or denial of promotion, facilities or training opportunities.

#### 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 person being subjected to a detriment or dismissed by an employer as a result of whistleblowing.

This policy outlines the protection available if a person 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.

People 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 person must be making a disclosure of information which they reasonably believe is made in the public interest.

#### LCL Awards Commitment

LCL Awards is committed to the highest possible standards of openness, probity and accountability and to take all reasonable steps to prevent the occurrence of malpractice, maladministration, conflicts of interest or impartiality. In line with that commitment, LCL Awards expect employees, and others that we deal with, who have serious concerns about any aspect of the business of LCL Awards to come forward and disclose those concerns.

LCL Awards has implemented this whistleblowing policy under its own volition and in accordance with the requirements of the qualification regulators conditions of recognition or accreditation.

#### Who does the Policy apply to?

The policy applies to;

- All employees and contractors of LCL Awards, approved centre staff providing examination and assessment services under a contract with LCL Awards.
- Learners or their agents who have registered with LCL Awards for a qualification.

### **The Aims of the Policy are to;**

- Encourage everyone to feel confident in raising concerns and to question and act upon concerns about LCL Awards.
- Provide a way to raise concerns in confidence and receive feedback on any action taken by LCL Awards.
- Ensure that those with concerns receive a response and that everyone is aware of how to pursue those concerns where they have not been dealt with satisfactorily.
- Reassure those with concerns that they are protected from possible reprisals or victimisation.

### **Types of disclosure which are covered include;**

- Conduct which is an offence or a breach of law.
- Failure to comply with legal obligations.
- Failure to comply with a qualification obligation.
- Unfair examination and assessment processes and procedures.
- Cheating in examinations and assessments.
- Making a claim for certification when all criteria for the qualification are incomplete.
- Inappropriate registration of learners on to a qualification.
- Incorrect issue of qualification certification.
- Health and safety risks, including risks to other employees.
- Sexual, physical or other abuse of anyone connected with LCL Awards.
- Other unethical conduct.
- Actions which are unprofessional, inappropriate or conflict with a general understanding of what is right and wrong.
- Damage to the environment.
- Identified conflicts or vested interests.
- Identified breaches of impartiality and or integrity.
- The deliberate concealment of the above.

### **Confidentiality**

All disclosures received are treated in confidence and every effort is made not to reveal the whistle blower's identity unless confidentiality is requested, although this cannot be guaranteed as 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.

At the appropriate time the whistle blower may need to come forward as a witness.

This policy encourages whistle blowers to put their name to their disclosure whenever possible.

It is important to understand that anyone with a concern must:

- Believe blowing the whistle is in the public interest.
- Believe it to be substantially true.
- Not act maliciously or make false allegations.
- Not seek any personal gain.

## Safeguards and Victimisation

We recognise that the decision to report a concern can be a difficult one to make. If what whistle blowers are saying is true, there should be nothing to fear because they will be doing their duty to themselves, colleagues, employer and or fellow learners.

We will not tolerate any harassment or victimisation and will take appropriate action to protect anyone disclosing a concern.

## How to Raise a Concern

As a first step, concerns could be raised verbally with your immediate supervisor/manager or their superior. In the case of learners this should be the approved centre manager, for contractors the LCL Awards Operations Director.

This may depend, however, on the seriousness and sensitivity of the issues and who else is involved.

Following which whistle blowers must record their concerns in writing and provide the following information;

- Their contact details
- An outline of the concern.
- Persons involved or affected.
- Location(s) of concerns.
- Dates and or times of occurrences.
- Any supporting or corroboration evidence.

LCL Awards has appointed a committee responsible for receiving reports of malpractice, maladministration, conflicts of interest or risks to impartiality from whistle blowers. Should the first step detailed above not be appropriate whistle blowers may raise their concern directly with the LCL Awards Integrity and Impartiality Committee (IIC) via [enquiries@lclawards.co.uk](mailto:enquiries@lclawards.co.uk)

The committee is independent from LCL Awards. Its membership is made up from a number of industry organisations which has been given a remit to bring to the attention of the LCL Awards Board of Directors the concerns of whistle blowers and notify the qualification regulators of unresolved reports.

The IIC will acknowledge receipt of your disclosure and within 10 working days provide you with ongoing updates with the progress and or outcome of the investigation and where appropriate any actions taken by LCL Awards, provided you have supplied your contact details.

Alternatively for regulated qualifications whistle blowers may raise their concern directly with the qualification regulators;

- [The Office of Qualification and Examination Regulators \(Ofqual\) in England](#) for RQF regulated qualifications gained in England
- [Qualification Wales](#) for regulated qualifications gained in Wales.
- [CCEA Regulation for qualifications in Northern Ireland](#)
- [The United Kingdom Accreditation Service \(UKAS\)](#) for ACS and Oftec qualifications.
- [Institute of Gas Engineers & Managers \(IGEM\)](#) for Managed Learning Programs (MLP)

## Getting advice on how best to proceed

Should you wish to discuss your concerns and the options for whistleblowing, the LCL Operations Manager can be contacted by telephone on 020 8839 2439, by email [whistleblowing@lclawards.com](mailto:whistleblowing@lclawards.com) or in writing to The Operations Manager, LCL Awards, Unit 2, 1 Rowdell Road, Northolt, Middlesex, UB5 5QR.

If you are considering making a disclosure and you are unsure as to whether you will have the protections of the whistleblowing provisions, before you make any such disclosure you should consider;

- Contacting Public Concern at Work on 020 7404 6609 or by email at [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk).
- Further information is available on the Public Concern at Work website at [www.pcaw.org.uk](http://www.pcaw.org.uk)
- Approaching your trade union, trade association or professional body.
- Getting independent legal advice.

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Reviewed 17.04.23 S Mulvany – Added IGEM contact details for MLP and change to LCL IIC Contact email address