

EXTERNAL WHISTLEBLOWING POLICY

Issue Number	Effective Date	Amendments	Reason for Amendments
7	09 Sep 2024	<ol style="list-style-type: none"> Renaming policy to 'external'. Regulatory references. Overall review of content. 	<ol style="list-style-type: none"> For clarity for both internal/external stakeholders. To outline IMI and regulatory requirements. To ensure accuracy of content.

INTRODUCTION

The IMI aims to establish and maintain a culture of openness and we want to encourage our staff, centres and learners to raise issues which concern them in relation to the delivery of our products or our services in general.

By knowing about malpractice, maladministration and/or poor practice we are able to take the necessary steps to safeguard the interests of our staff, centres and learners.

SCOPE

This policy is designed to provide you with details of the process by which you may whistleblow, confidentially and anonymously, to the IMI. It also explains that there are certain protections in place to protect whistleblowers and contains information about the Public Interest Disclosure Act.

This policy is not aimed at individuals who wish to complain about a service provided by IMI, an IMI Centre, IMI member of professionally registered individual. In this instance you should refer to IMI's Complaints Policy.

CENTRE'S RESPONSIBILITY

It is important that centre staff and learners are fully aware of this policy and its contents as well as our Malpractice and Maladministration Policy.

We also encourage centres to have a culture of openness where staff can freely raise concerns about activities and practices without the risk of adverse consequences to their future employment or career.

WHAT IS WHISTLEBLOWING?

Whistleblowing is when an individual reports suspected wrongdoing and/or the covering up of wrongdoing at their place of work. Officially this is called 'making a disclosure in the public interest'.

In the context of this policy, a whistleblower's place of work is usually an IMI approved centre, and the wrongdoing will relate to actual or potential malpractice and/or maladministration. Such whistleblowing need not be confined to the whistleblower's own place of work but could relate to, for example, another centre, or a learner concerned about suspected wrongdoings by people working at the centre or anyone involved with their course, including fellow learners.

Such concerns include:

- any activity which will compromise, or could compromise, our products and services
- any activity which could damage our reputation
- any activity which is, or could be, illegal.

Examples include, but are not limited to, bribery and corruption, conflicts of interest, financial and procedural irregularities, incorrect delivery of assessment, or inappropriate assistance during assessment, breaches of our policies and procedures, and the deliberate concealment of any of the above.

Whistleblowing is different from both complaints and employment disputes:

- Complaints tend to be an expression of personal dissatisfaction (e.g. with a product or service being received and/or encountered) and should be taken forward with the arrangements outlined in our Complaints Policy.
- Employment disputes tend to be where a worker has a dispute about his or her own employment position or contract. If you are experiencing such a dispute, you should take this up with your employer or another responsible body. We cannot investigate or take any action over such instances.

HOW TO WHISTLEBLOW

When making an allegation it is helpful to us if you would provide as much information and supporting evidence as possible to inform and support any investigation we carry out.

It is not essential to have clear evidence before making an allegation under this policy, but you will need to explain, as fully as you can, the nature of the allegation or circumstances that give rise to your concerns.

If you are in any doubt on how best to proceed you can speak, in confidence, to a member of the development, quality and compliance department here at the IMI. Alternatively, independent advice is available from Protect (protect-advice.org.uk) a registered charity that is the recognised authority on public interest whistleblowing.

CONFIDENTIALITY AND WHISTLEBLOWING

Sometimes a person making an allegation may wish to remain anonymous, although it is always preferable if they reveal their identity and provide us with their contact details. However, if a whistleblower is concerned about possible adverse consequences that may occur should their identity be revealed to another party, they should inform us that they do not want their identity divulged.

We will always aim to keep the identity of the person making the allegations confidential where asked to do so, although we cannot guarantee this. We may need to disclose their identity should the allegation lead to issues that need to be taken forward by other parties such as:

- the police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
- the courts (in connection with any court proceedings)
- the relevant regulatory authority.

The investigator(s) assigned to review the allegation will not reveal the whistleblower's identity unless the whistleblower agrees, or if it is absolutely necessary for the purposes of the investigation (as noted above). The investigator(s) will advise the whistleblower should it become necessary to reveal their identity against their wishes.

A whistleblower should also recognise that they may be identifiable by others due to the nature or circumstances of the disclosure (e.g. the party which the allegation is made against may manage to identify possible sources of disclosure without such details being disclosed to them).

WHAT WE WILL DO UPON RECEIVING A WHISTLEBLOWING ALLEGATION

Once a concern has been raised, we have a duty to pursue the matter. It will not be possible to prevent the matter being investigated by a whistleblower subsequently withdrawing their concern as we are obliged by the regulators to follow-up and investigate.

Depending upon the nature of the allegation we will appoint someone to investigate the allegation who has the appropriate level of training and competence and who has not had any previous involvement or personal interest in the matter.

In order to establish the facts, the investigator will endeavour to contact the whistleblower as soon as possible to ascertain full details of their concern. If the whistleblower does not wish to make a written statement, the investigator will write a brief summary of the concerns that have been raised and the whistleblower will be expected to confirm this as correct.

The investigator will then conduct an investigation in accordance with our Malpractice and Maladministration Policy.

In all cases, we will keep the whistleblower updated as to how we have progressed the allegation (e.g. we have undertaken an investigation) and the whistleblower will have the opportunity to raise any concerns about the way the investigation is being conducted with the investigator(s). However, we won't disclose details of all of the investigation activities, and it may not be appropriate for us to disclose full details of the outcomes of the investigation due to confidentiality or legal reasons (e.g. disclose full details on the action that may be taken against the parties concerned).

While we cannot guarantee that we will disclose all matters in the way that the whistleblower might wish, we will strive to handle the matter fairly and properly.

OUTCOMES OF AN INVESTIGATION

If the investigation results in a proven case of malpractice or malpractice we will take action against the relevant parties in accordance with our Malpractice and Maladministration Policy.

If the allegation is not proven by the investigation, provided the whistleblower did not deliberately raise an allegation which they knew to be untrue, no action will be taken against them by IMI.

If the allegation was made due to a genuine misunderstanding, the individual(s) (e.g. centre personnel) who have been the subject of the investigation will be expected to bear no malice or ill feeling towards their accuser. The Centre Coordinator must ensure that centre personnel do not mistreat the whistleblower.

If, however, the investigation concludes that the whistleblower raised an allegation which they knew not to be true, disciplinary action may be taken against them by their employer (i.e. the centre).

PUBLIC INTEREST DISCLOSURE ACT 1998 - PIDA

The Public Interest Disclosure Act 1998 (PIDA) is legislation that protects whistleblowers from detrimental treatment from their employers. Its aim is to protect individuals who make certain disclosures of information in the public interest and enables them to take legal action in the event of victimisation.

Under the Act, individuals can raise a concern if they have a reasonable belief that a wrongdoing is occurring, or is likely to occur, relating to one or more of the following categories:

- a criminal act (e.g. the unauthorised use of public funds or possible fraud and corruption)
- a failure to comply with a legal obligation the individual/organisation may be subject to
- a miscarriage of justice
- endangering an individual's health and safety
- damage to the environment
- deliberate concealment of information about any of the above.

PIDA also gives protection to whistleblowers for disclosures to a number of different people in addition to employers. These include legal advisers, Ministers of the Crown and to a number of prescribed regulators.

A whistleblower may decide to contact the appropriate regulator, but they will normally ask the relevant awarding organisation to investigate and report on the subject of the disclosure.

Individuals are recommended to take advice before making a whistleblowing allegation to ascertain their rights under PIDA.

REGULATORY REFERENCES

Regulator	Regulatory rule or guidance	Regulatory condition, criteria or principle
Ofqual	General Conditions of Recognition	A6, A7, A8, B3, C1, C3, H5, H6, I4
Qualifications Wales	Standard Conditions of Recognition	A6, A7, A8, B3, C1, C3, H5, H6, I4
CCEA Regulation	General Conditions of Recognition	A6, A7, A8, B3, C1, C3, H5, H6, I4
SQA Accreditation	Regulatory Principles	18
Department for Education	APAR conditions of acceptance	16