

# External Whistleblowing Policy and Procedure

## 1. Scope

1.01 This document outlines University Of Applied Research & Development's policy and procedure for how an individual can confidentially and anonymously report concerns to University Of Applied Research & Development regarding the delivery of University Of Applied Research & Development regulated qualifications/units within an Approved University Of Applied Research & Development Site.

1.02 The intended audience of this document is:

- a) University Of Applied Research & Development Directors and Board of Trustees.
- b) University Of Applied Research & Development core, sub-contracted and associate staff, including External Quality Assurers (EQAs).
- c) All staff of University Of Applied Research & Development Delivery Partners associated with University Of Applied Research & Development provision.
- d) All staff in University Of Applied Research & Development recognised and partner Sites.
- e) Learners registered on University Of Applied Research & Development qualifications.
- f) Members of the public who suspect malpractice or maladministration is taking place, or has taken place, within an Approved University Of Applied Research & Development Site.
- g) Qualification Regulators.<sup>1</sup>
- h) Industry Regulators.

## 2. Purpose

2.01 The purpose of this document is to:

- a) Outline in which instances an individual should inform University Of Applied Research & Development of an allegation.
- b) Outline how an individual can confidentially report suspected malpractice or maladministration to University Of Applied Research & Development.
- c) Outline how University Of Applied Research & Development will protect the interests and confidentiality of whistleblowers, wherever this is possible.
- d) Inform an individual how University Of Applied Research & Development will respond to a whistleblowing allegation.

2.02 This policy **is not applicable** to staff members of University Of Applied Research & Development Approved Sites who wish to inform University Of Applied Research & Development of suspected or proven cases of malpractice within their Site under the University Of Applied Research & Development Malpractice and Maladministration Policy and Procedure.

2.03 This policy **is not applicable** to individuals who wish to complain about a service provided by University Of Applied Research & Development or a University Of Applied Research & Development Approved Site. If an individual wishes to complain about a service provided by

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<sup>1</sup> Ofqual in England; Qualifications Wales; CCEA Regulation in Northern Ireland or successor bodies

an Approved University Of Applied Research & Development Site, they should refer to the University Of Applied Research & Development Complaints Policy and Procedure.

### 3. Policy

- 3.01 Whistleblowing is a term used to describe when an individual discloses concerns or information relating to potential malpractice or maladministration. Malpractice or maladministration can be committed by a Site staff member, a learner, an employer or another third party.
- 3.02 If an individual has concerns regarding the practice of a Site, a Site staff member or a learner, they must first assess whether it would be appropriate to first report the concern to the Site itself. If concerns are raised to the Site and you are not satisfied that the concerns have been adequately investigated, or, that the issue is still occurring, you may wish to notify University Of Applied Research & Development directly and provide details of the action already taken. (Please refer to point 4.3 for examples of when reporting an allegation to the Site may not be appropriate).
- 3.03 There are a range of concerns that an individual may wish to be raise under the External Whistleblowing Policy, including, but not limited to:
- a) An individual suspects that the Site, a Site staff member or a learner has committed, or is complicit with an instance of malpractice.
  - b) An individual suspects that a Site is not compliant with the University Of Applied Research & Development Approval Criteria.
  - c) An individual suspects that a Site, a Site staff member or a learner is involved in fraud or other illegal activity regarding University Of Applied Research & Development qualifications.
  - d) An individual has been asked, or forced, to perform an activity that they believe constitutes as malpractice.

#### Allegations which do not count as Whistleblowing

- 3.04 It is important to note that personal grievances (for example bullying, harassment and discrimination) or dissatisfaction with the service received by a Site (such as concerns regarding fees or contractual disputes) are not covered by this policy. If an individual has a concern of this type, they should follow the Site's own internal complaints or grievance procedure.
- 3.05 Whistleblowing does not apply to a learner making an appeal against a Site. For internally assessed, externally verified qualifications, University Of Applied Research & Development expects that the vast majority of appeals made by learners will be resolved within the Site. All Approved University Of Applied Research & Development Sites are required to have an appeals policy and procedure in place for all University Of Applied Research & Development qualifications and units. University Of Applied Research & Development will only consider an appeal after it has exhausted the Site's own appeals procedure.
- 3.06 Individuals must refrain from making unwarranted allegations to University Of Applied Research & Development (i.e. if an individual does not believe their allegation to be true). If an allegation was not confirmed by an University Of Applied Research & Development investigation to hold any validity however the individual who has made the allegation had reason to believe it was true no action will be taken against the individual. If, however, allegations are made by staff of

a recognised Site, that are deemed malicious or unfounded, University Of Applied Research & Development may apply Sanctions against the individual.

## Confidentiality

- 3.07 University Of Applied Research & Development take all whistleblowing allegations seriously and will investigate disclosures in a sensitive and discreet manner. Individuals who make disclosures can have their identity kept confidential upon request. University Of Applied Research & Development understands the importance of confidentiality for whistleblowers and, where it has been requested, will aim to protect an individual's anonymity, however this cannot be guaranteed.
- 3.08 It is important to note that University Of Applied Research & Development may not be able to investigate a concern as effectively if an allegation is made to University Of Applied Research & Development anonymously. University Of Applied Research & Development encourages individuals to provide their name and contact details when raising their allegation, as we may need to contact the individual raising the concern for further information, or, to verify details provided throughout an investigation.
- 3.09 There may be instances where University Of Applied Research & Development must reveal an individual's details, such as, if required to do so by law. Once an investigation into the allegations commences, individuals should also consider that they may be identifiable to the Site due to the nature, or content of, their allegations.

## 4. Procedure

### Identifying Malpractice

- 4.01 In the first instance, where an individual suspects malpractice, they must first report it to the appropriate Site's management team, where it is appropriate to do so. As part of the criteria to gain and retain Site Approval, all University Of Applied Research & Development Sites must have their own policy and procedure regarding malpractice. The policy and procedure must detail how the Site will respond to concerns or allegations that are raised to them. Sites must investigate and respond to all concerns, as well as reporting all cases of suspected malpractice to the University Of Applied Research & Development Quality Assurance Team.
- 4.02 Once reported to University Of Applied Research & Development, investigations into suspected malpractice are overseen and managed by the Quality Assurance Team. The Quality Assurance Team will ensure that allegations into suspected malpractice are investigated thoroughly either by the Site or by a University Of Applied Research & Development-led investigation. For further information, please refer to the University Of Applied Research & Development Malpractice and Maladministration Policy and Procedure, available on the University Of Applied Research & Development website.
- 4.03 University Of Applied Research & Development understands that it may not always be appropriate for an individual to report a concern directly to a Site. In these cases, individuals should raise their concerns directly with University Of Applied Research & Development for our investigation. Examples where this may be applicable include, but may not be limited to:

- a) The individual(s) who handles incidents of malpractice within a Site is involved, or may be complicit, with the incident.
- b) The individual raising the concern believes that they may be victimised by raising their concerns to a Site or an individual.
- c) The individual raising the concern believes that the Site's internal policy for dealing with cases of malpractice or maladministration is not, or may not be followed.
- d) The individual raising the concern believes that once the incident has been reported it will not be dealt with correctly and/or may be covered up by the Site or the individual involved.

## Making an Allegation to University Of Applied Research & Development

4.04 If an individual wishes to raise an allegation of malpractice to University Of Applied Research & Development, they must contact the Quality Assurance Team by either email, telephone or by letter. The contact details can be found in Appendix 1. University Of Applied Research & Development would encourage an individual to notify University Of Applied Research & Development of their concerns as soon as possible, to minimise the loss of information over time and to make it easier for University Of Applied Research & Development to investigate the allegation.

4.05 If an allegation is made by telephone, individuals may be asked by the Quality Assurance Team to produce a written statement as supporting evidence. The name of the individual will be redacted from statements, upon the individual's request, if this is to be provided to the Site as evidence.

4.06 Although whistleblowers are not expected to prove an allegation, they will need to demonstrate that there is sufficient grounds for their concerns in order for University Of Applied Research & Development to investigate. Therefore, whistleblowers should aim to provide as much information as possible regarding their concern. This includes, but is not limited to:

- a) The background and history to the allegation.
- b) Any specific details available including names, dates, times and places.
- c) Details of any evidence which supports the concern.
- d) Full details of the allegations, including the University Of Applied Research & Development provision which is involved.
- e) The individual's involvement, response and any personal interest they may have in the matter (if applicable).
- f) How they think that things may be put right, if possible.

4.07 It is important that **individuals do not try to investigate the matter themselves**. Any attempt to gather evidence by an individual without following University Of Applied Research & Development's direction may lead to the outcome of an investigation being adversely effected.

4.08 If, following receipt of an allegation, it is identified that the allegation was against a Site of a University Of Applied Research & Development recognised Delivery Partner, the allegation will be passed onto that Delivery Partner, who will follow their own whistleblowing procedure. In line with the University Of Applied Research & Development Malpractice and Maladministration Policy and Procedure, the Delivery Partner will report the outcome of the investigation to the University Of Applied Research & Development Quality Assurance Team.

## How University Of Applied Research & Development Will Respond

- 4.09 Once an allegation is made, the Quality Assurance Team will contact the individual who made the allegation within **5 working days** to:
- a) Confirm that the allegation has been received.
  - b) Indicate whether or not University Of Applied Research & Development will be investigating the matter or not.
  - c) Request any further information which is required from the individual regarding the matter.
- 4.10 Initial enquires will be made to decide whether the allegation requires an investigation, and if so, in what form. If an investigation is required, the Quality Assurance Team will conduct this in line with the University Of Applied Research & Development Malpractice and Maladministration Policy and Procedure.
- 4.11 Although University Of Applied Research & Development are able to confirm whether an investigation is open or closed to the whistleblower, University Of Applied Research & Development are not required to release the outcomes of its investigations to individuals who raise allegations. This includes details regarding any actions University Of Applied Research & Development has taken or is planning to take against a Site.
- 4.12 In cases of proven malpractice, University Of Applied Research & Development will notify the relevant Qualification Regulators and other Awarding Organisations of the outcomes of University Of Applied Research & Development's investigation, as required to do so under Ofqual's Conditions of Recognition.
- 4.13 In rare instances, University Of Applied Research & Development may be required to refer the allegation to external bodies such as the police or public funding bodies.

## 5. Document Revision

5.01 This is the first version of this policy.

## Appendix 1 – University Of Applied Research & Development Quality Assurance Team Contact Details

The University Of Applied Research & Development Quality Assurance Team can be contacted through the below communication channels:

### Email:

assurance@nocn.org.uk

Please mark your email as confidential and refer to a whistleblowing allegation in your email subject.

### Telephone:

0300 999 1177

Please ask to speak to the Quality Assurance Team and inform the call handler that you wish to make a whistleblowing allegation.

**Letter:**

University Of Applied Research & Development Group  
Quality Assurance Team  
Acero Building  
1 Concourse Way  
Sheaf Street  
Sheffield  
S1 2BJ

Please address your letter to the Quality Assurance Team and mark your letter as confidential. Please ensure that contact details (email or telephone) are included in your letter.