



WHISTLEBLOWING POLICY



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1. SCOPE

1.1. 'Whistleblowing' is the term commonly used to describe public disclosure of suspected wrongdoing within an organisation. Whistleblowing may be carried out by any staff member of Smart Awards or persons, involved with the development and delivery of Smart Awards qualifications, including centres, learners, assessors, verifiers, internal and external quality assurers. Smart Awards expects that persons will act with good will towards the organisation and use the whistleblowing policy in good faith.

2. OFQUAL GENERAL CONDITIONS

2.1. A8.3: For the purposes of this condition, an awarding organisation must – (a) establish and maintain, and at all times comply with, up to date written procedures for the investigation of suspected or alleged malpractice or maladministration, and (b) ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.

3. SQA ACCREDITATION PRINCIPLES

3.1. Principle 16. The awarding body and its providers must have open and transparent systems, policies and procedures to manage complaints.

4. RESPONSIBILITIES

4.1 This policy is for qualifications offered by Smart Awards. This policy is for centres and learners accessing Smart Awards qualifications and related services and all those involved with the development, delivery and quality assurance of Smart Awards qualifications. Smart Awards has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it. Smart Awards has the day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation.

5. PRINCIPLES

5.1. It aims to ensure that all persons can feel able to raise, without fear of reprisal, concerns they may have about suspected wrongdoing within Smart Awards, such as fraud, malpractice, serious risks to health and safety, criminal offences, miscarriages of justice.

- Smart Awards aims to create and sustain an ethos of openness and trust in its working environment.
- A person who has a concern has the right to raise this with an appropriate person within Smart Awards
- All investigations into any concern raised by a person will be conducted impartially, fairly, and in good faith.
- If a person raises a concern in good faith but it is not confirmed by investigation, no action will be taken against him/her. If, however, a person raises a concern which he/she knows to be unjustified, then disciplinary action may be taken against him/her.
- Smart Awards will ensure that a person who raises a concern in good faith will be protected against any consequent harassment or victimisation.
- Any concern raised by a person which relates to suspected fraud will be reported to Smart Awards who will advise on whether or not there is a case for investigating fraudulent practice.
- Concerns raised anonymously will be given proper consideration but can be more difficult to investigate than those brought forward by a named person.

- It is expected that persons who believe they have a legitimate concern about any aspect of the organisation will raise this internally rather than outside of Smart Awards.

6. PROCEDURE

6.1. All concerns must be raised with Smart Awards if a person has a concern about action or practice within Smart Awards which he/she believes is:

- Illegal
- In serious contravention of health and safety or environmental legislation
- Fraudulent
- Forcing him/her to act in a way which is against his/her conscience.
- Malpractice or Maladministration
- Adverse effect

6.2. All concerns must be:

- Raised verbally or in writing to Smart Awards
- Will be treated confidentially, seriously and sensitively.
- In accordance with Smart Awards fraud policy, Smart Awards has primary responsibility for the investigation of all suspected financial irregularities.

7. DEALING WITH A CONCERN

7.1. It may be possible to deal satisfactorily with a concern raised without resorting to further investigation.

- If urgent action is required to deal with a concern, this may be, in certain circumstances, be carried out before any investigation is completed.
- Within 10 working days of being informed of a concern, Smart Awards will write to the person who has raised it and will inform him/her of what action will be taken and the timescale for this. If it becomes evident that the proposed action cannot be completed within the specified timescale, Smart Awards will determine a revised timescale and inform the person of this.
- If an investigation into the person concern is authorised, the person responsible for carrying it out will inform the person of the investigation's progress and outcomes, subject to any legal constraints.

Should a person have a concern which relates specifically to the conduct and practice of smart Awards, the person should raise this directly Smart Awards.

8. EXTERNAL CONTACTS

8.1. While Smart Awards hopes that persons will raise any concerns they may have with Smart Awards in the first instance, it is recognised that there may be circumstances where individuals may wish to seek independent advice.

8.2. The following sources of support are possible contact points:

- Trade Union
- Citizens Advice Bureau
- Relevant professional body or regulatory organisation
- The police

9. PUBLIC INTEREST DISCLOSURE ACT

9.1. The Act protects workers from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing.

9.2. Whistleblowing – or ‘making a disclosure in the public interest’ to use its formal name occurs when a person reports malpractice. By virtue of the Public Interest Disclosure Act 1998, whistleblowers enjoy significant legal protection, the rationale being that individuals should be encouraged to come forward without fear of reprisals.

9.3. A situation will be a ‘whistleblowing’ situation where information is disclosed which, in the reasonable belief of the person, tends to show that one or more of the following has taken place, is taking place or is likely to take place: a criminal offence, breach of any legal obligation, a miscarriage of justice, damage to the environment, danger to the health or safety of any individual or the deliberate concealing of information about any of the above. The person must also reasonably believe that the disclosure is ‘in the public interest’. Where the disclosure concerns the individual rather than wider issues, the matter should be dealt with under Smart Awards policies.

9.4. Once a disclosure has been made, a set procedure should be followed. This will usually involve an internal investigation, the outcome of which should be communicated to the whistleblower.

9.5. Should a whistleblower feel their concerns have not been properly addressed internally, they may wish to take the matter to SQA Accreditation for SQA accredited qualifications; Ofqual for Ofqual regulated qualifications; ESFA or the Institute of Apprenticeships for End Point Assessments.

9.6. A whistleblower should only bypass internal procedures where there are good reasons for believing Smart Awards will cover the matter up or treat them unfairly, or if they have raised the matter before but it has not been dealt with. Staff should always be encouraged to raise any concerns internally.

10. VALIDITY

10.1. Validity and the principles of equity, fairness and practicability will be reviewed with any reported whistleblowing concern. This will include checking that the qualification is still valid and appropriate for its purpose. That it still effectively tests the knowledge, skills and behaviour as prescribed within the assessment strategy. Enable results to be trusted as a measure of what a learner knows and can do. Has a purpose and content that meets the needs of the learner and is graded in line with clear and defensible prescriptions contained in the assessment plan.

11. REVIEW OF THIS POLICY

11.1. This policy is reviewed and revised annually in response to feedback, changes in legislation and guidance from the regulators, SQA Accreditation or Ofqual.

12. PROCESS FOR RAISING ISSUE

Process Step Description	Process	Person Responsibility	Organisation Responsibility
Notification issued to Smart Awards	Process	Centre Manager	Centre
Notification issued to Smart Awards	Process	Smart Awards Staff, Learner, EQA, Assessor, employer	Other stakeholders
Investigate issue	Process	MD	Smart Awards
Add to risk log on SAMS	Process	MD	Smart Awards
Board reviews risk	Decision	Board - holds responsibility and experience to make decisions and measured risks	Smart Awards
Mitigate risk	Decision	Board - holds responsibility and experience to make decisions and measured risks	Smart Awards
Action	Decision	Board - holds responsibility and experience to make decisions and apply suitable actions.	Smart Awards
Report to regulators if required	Process	MD	Smart Awards
Communicate outcome to centres or other stakeholders	Process	MD	Smart Awards