

LAMDA

LAMDA Examinations Whistleblowing Policy

Introduction

Whistleblowing is defined as: a term used when an individual raises a genuine concern about suspected malpractice or wrongdoing, and / or the covering up of malpractice or wrongdoing.

LAMDA is committed to the highest standards of openness and accountability and seeks to conduct its affairs in a responsible manner. This document sets out LAMDA's policy with respect to Whistleblowing.

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. Most organisations have a whistleblowing policy, but even if they do not, employees are still protected under the PIDA. The Act allows employees the opportunity to bring to their Senior Management Team's attention possible corruption or non-conformance with legal obligations, but also when malpractice is suspected.

Employees are protected by the PIDA if:

- They reasonably believe that, by making the disclosure to their employer, they will be victimised.
- They reasonably believe that by making the disclosure to their employer there is likely to be a cover-up
- The matter has previously been raised internally or with the sector regulator.

The Process of Making a Whistleblowing Allegation

LAMDA encourages a culture of openness and accountability and as such reports of malpractice or wrongdoing should be, wherever possible, reported via usual means (e.g. the Centre line management structure, Complaints, Malpractice and Maladministration Policy, LAMDA Examinations Malpractice and Maladministration Policy) and details of identity revealed.

Where there are concerns of adverse effects however, anonymous claims can be made by following the process described in this Policy.

LAMDA Examinations can be contacted, in confidence by emailing:

compliance@lamda.ac.uk

This email will be received by the LAMDA Quality and Compliance Manager who will:

- Respect the person's rights under the PIDA.
- Understand the difficult position that they are in.
- Explain the importance of supporting evidence and the sort of evidence that might help in their particular case.

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LAMDA will always endeavour to keep a whistleblower's identity confidential, where asked to do so. However, by law and by regulation it may be necessary 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.
- Ofqual, CCEA Regulation or Qualifications Wales.

LAMDA will advise if it becomes necessary to reveal the whistleblower's identity. The whistleblower should also be aware that they may be identifiable due to the nature of the circumstances of the disclosure.

If concerned, LAMDA recommend that legal advice is sought prior to making a whistleblowing allegation to ascertain rights under PIDA.

Investigation Process

Once a concern has been raised, LAMDA has a duty to pursue the matter. It will not be possible to stop the investigation by withdrawing the allegation.

Upon receipt of an allegation LAMDA will allocate a relevant member of the team to the role of 'Lead Investigator' (LI). The LI will always be a person who has a suitable level of training, authority and has had no previous involvement or personal interest in the matter.

The LI may contact or meet with the whistleblower at an early stage to ascertain the details of their concern. If the whistleblower does not wish to make a written statement, the LI will write a brief summary of the concerns that have been raised and the whistleblower will be expected to confirm this as correct. A work colleague, trade union representative or another individual such as a friend or independent witness can accompany the whistleblower at this and any subsequent meeting.

All investigations will be carried out in line with the Malpractice and Maladministration Policy.

Investigation Outcome

If the investigation results in a proven case of malpractice or wrongdoing, LAMDA Examinations will take action against the relevant parties in accordance with the arrangements in the Sanctions Policy.

If the whistleblower makes an allegation which they genuinely believed to be true at the time but is subsequently found not proven, no action will be taken against them by LAMDA and the individual(s) who have been the subject of the allegation will be expected to bear no malice or ill feeling towards their accuser.

However, where there is clear evidence that the whistleblower has made an allegation which they knew to be untrue, disciplinary action may be taken against them by their employer and actions / sanctions may be implemented by LAMDA Examinations in line with the Sanctions Policy for LAMDA Examinations.

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Version control

Version number	Date	Initial	Comments
V1	5/10/2022,	KR	Updated, amended and reformatted from Aug 2018 version
V1	06/09/2023	KR	No amends