

Policy ref: QDM 24	<b>Whistleblowing Policy for LAMDA Examinations</b>
Version: 02	
Owner: Quality Standards and Compliance Manager	
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## Introduction

Ofqual defines whistleblowing 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 that they become aware of through their work. The malpractice or wrongdoing often affects others, for example customers or members of the public.*

LAMDA Examinations is committed to the highest standards of openness, probity and accountability and seeks to conduct its affairs in a responsible manner.

This policy is principally for centre staff who may witness malpractice in the delivery of LAMDA examinations and qualifications but may be unsure about what action to take. For further information on what constitutes malpractice in the context of LAMDA Examinations, please see the *Malpractice and Maladministration Policy and Procedure for LAMDA Examinations* document available on our website.

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

## Suspicion of malpractice or wrongdoing

If malpractice or wrongdoing is suspected and it is believed that the management team will take action to remedy the situation, then informing a line manager is usually the best solution. However, if it is believed that the Senior Management Team is involved, or that victimisation may occur if the issue is raised, then LAMDA Examinations must be contacted.

A concern can be raised at any time about an incident that happened in the past, is happening now, or is believed will happen in the near future.

## Contacting LAMDA Examinations

LAMDA Examinations can be contacted in confidence on 0208 834 0530 or alternatively by email at [exams@lamda.ac.uk](mailto:exams@lamda.ac.uk). The call or email will be transferred to a member of

LAMDA Examinations staff, normally the Quality, Standards 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.

LAMDA Examinations will always endeavour to keep a whistleblower's identity confidential where asked to do so. However, by law and by regulation we may need to disclose their 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

We will advise if it becomes necessary to reveal the whistleblower's identity against their wishes. The whistleblower should also be aware that he or she may be identifiable by others due to the nature or circumstances of the disclosure.

### **Investigation Process**

Once a concern has been raised, LAMDA Examinations have a duty to pursue the matter, and this will be done in line with the *Malpractice and Maladministration Policy and Procedure for LAMDA Examinations*. It will not be possible to stop the investigation by withdrawing the allegation as LAMDA Examinations are obliged by Ofqual, CCEA Regulation and Qualifications Wales to follow-up and investigate all allegations of malpractice or maladministration.

The Investigation Manager appointed to the case 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 Investigation Manager 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.

The investigator will then conduct an investigation to establish the facts in accordance with the arrangements in the *Malpractice and Maladministration Policy and Procedure for LAMDA Examinations*.

### **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 for LAMDA Examinations*.

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*.