**N.I. Security Qualifications**



**NISQ Whistleblower Policy**

**2018**

# NISQ Whistleblowing Policy Contents

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# NISQ Whistleblowing Policy

## 1.0 Introduction

1.1 NISQ is committed to tackling all types of unlawful acts including fraud, bribery, corruption, unethical conduct and malpractice regardless of who commits them, or where they are committed. In this way NISQ ensures that its services are used in the best interests of the local community.

1.2 The NISQ has Guidelines, which sets out how the NISQ operates, how decisions are made, and the procedures to follow to ensure that these are efficient, transparent and accountable. While some of these processes are required by law, others are a matter for the NISQ to choose. NISQ has a number of rules and regulations within their Guidelines and Terms of Reference to make sure that financial, working and organisational procedures are properly controlled. These are an important part of the internal control processes, and it is important that all members and staff know about them. The most notable are:

1.2 NISQ aims to ensure that anyone wishing to raise a concern feels confident in the process under this Policy. This Policy is designed to allow you to raise a concern without fear of reprisals or victimisation, if your disclosure is made in good faith.

1.3 To encourage and enable you to do this, NISQ will ensure that anyone who uses this Policy to raise a concern will be protected from any form of detriment, harassment or victimisation regardless of:

* The content or severity of the concern you raise;
* With whom you raise the concern; and
* Whatever the outcome of raising the concern.

1.4 The Policy provides an opportunity for your concern to be dealt with internally, after all that is where the solutions will be found, or through an agreed external body.

1.5 There is always a temptation to take a concern directly to the media, but this does not necessarily mean that the issues raised are appropriately addressed and often fails to protect innocent parties. You should remember that you have a duty of confidence to your employer and that unauthorised disclosure of information maybe a disciplinary offence.

1.6 Staff should consider the repercussions of making disclosures to parties other than the designated Whistleblowing Officer, this being the Chief Compliance Officer or The Director Qualification Division. Where concerns are of a serious/severe nature, it is possible that an inadvertent or deliberate disclosure to a third party could result in prejudicing a criminal investigation, if such a criminal investigation is warranted.

1.7 The best advice before you decide on what action to take is to seek the advice of one of the designated Whistleblowing Officers or a specialist Officer.

 A list of specialist Whistleblowing Officers can be found via this link:

 http://gov.uk

## 2.0 What is covered by Whistleblowing?

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2.1 A concern can relate to any unethical or unprofessional conduct within the NISQ, including malpractice, and abuse. The Policy not only covers acts that have actually occurred but also potentially unethical or unprofessional conduct.

2.2 The person making the disclosure must do so in the reasonable belief that it shows one or more of the following:

* A criminal offence has been committed, is being committed, or is likely to be committed;
* A person has failed, is failing, or is likely to fail to comply with any legal obligation to which she/he is subject;
* A miscarriage of justice has occurred, is occurring, or is likely to occur;
* Acts or potential acts of fraud and corruption, bribery or the misuse of public funds;
* Failure to prevent acts of fraud and corruption or bribery under the NISQ ’s Antifraud and Corruption Policy;
* The health & safety of any individual (employee or member of the public) has been, is being, or is likely to be endangered;
* The environment has been, is being or is likely to be damaged;
* Actual or potential acts of all forms of discrimination;
* The actual or possible abuse (sexual or physical) of clients in the NISQ ’s care;
* Actual or potential acts of harassment or bullying of, or by, someone working for the NISQ;
* Any unethical conduct that causes concern or brings the reputation of the NISQ into disrepute;
* The deliberate concealment of information that would indicate any of the above; or
* Information tending to show any matter falling within any one of these points has been, is being, or is likely to be concealed.

 2.3 Other relevant documents to consider when considering raising a concern are:

2.3.1 The NISQ Employee Hand-book

 2.4 If you are in any doubt as to whether or not to raise a concern then confidential advice can be sought from either the Chief Compliance Officer or The Director Qualifications division or the HR Services, Facilities Management Officer.

Note: If, when disclosing a concern, you commit a criminal offence, for example accepting a bribe and or acts of corruption, you may lose your rights to protection from detriment.

3.0 Who Is Covered by the Whistleblowing Procedure**?**

3.1 The Public Interest Disclosure Act 1998 will protect Workers who disclose information in the correct manner from dismissal or penalisation. “Workers” include individuals who are;

* Employees employed under a contract of employment;
* Employed under any other contract, under which they perform personally any work or services;
* Agency workers; or
* Undertaking work experience as part of a training course.

4.0 How am I Protected?

4.1 Under the Public Interest Disclosure Act 1998, to qualify for protection for disclosure the Worker must:

* Be acting in good faith; and
* Have reasonable grounds for believing that the information disclosed indicates the existence of one of the problems itemised in section 2 above.

5.0 Confidentiality

5.1 NISQ accepts that wherever possible the confidentiality of anyone wishing to raise a concern will be protected. There might however be occasions where your confidentiality cannot be protected, for example, where there is the involvement of the Police.

5.2 If there is any possibility that your confidentiality cannot be protected you will be told of the reasons and offered appropriate advice and support.

6.0 Raising a concern

 6.1 You are encouraged to raise a concern provided that:

* You have reasonable belief that the information you hold, or the allegation is accurate; and
* You make the disclosure in good faith.

6.2 Under no circumstances should you investigate a concern yourself. This shall avoid prejudicing any investigation, including a criminal investigation, if it is warranted. Further, this will protect you from any repercussions.

7.0 Anonymously raised concerns

7.1 Concerns expressed anonymously will be investigated on the basis of their merits. However, an investigation may be hampered by the inability to gain further information and the NISQ would encourage you to provide some method of contacting you to assist in the investigation.

## 8.0 Who can concerns be raised about?

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8.1 You can raise a concern about the practice of anyone who undertakes work for, or on behalf of, the NISQ, including:

* Employees of the NISQ;
* NISQ Approved Centres
* Contractors;
* Volunteers; and

8.2 NISQ has a legal responsibility to deal with any issues raised under the Whistleblowing Policy

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9.0 How to raise a concern

9.1 No matter with whom you raise your concern it will be dealt with under this Policy. If the person with whom you raise the concern feels it necessary, they may refer your concern on to either a specialist team or a senior NISQ officer, whichever is appropriate. If this is the case, you will be contacted first and have the opportunity to discuss any issues this may raise.

9.2 Staff should be aware that raising a concern by email might result in third parties identifying a Whistleblower. Staff should therefore consider arranging a meeting with the relevant Whistleblowing Officer/Specialist Team/Chief Compliance Officer if they are concerned about third parties accessing emails.

9.2a Raising a Concern – Whistleblowing Form NISQ 28

**As a First Point of Contact**

 9.3 A concern would normally be raised initially with your Chief Compliance Officer. However, this may not always be possible, dependent on the nature of the concern and who is involved.

**As an alternative**

 9.4 If you feel unable to raise the matter with your Chief Compliance Officer you may wish to contact the NISQ Governing Body.

9.5 You may wish to refer your concern directly to one of the NISQ ’s Board Member

9.6 The Chief Compliance Officer have or will be in the process of receiving specialist training in dealing with concerns and will follow the procedure as laid out in this Policy.

10.0 Misuse of the Whistleblowing Policy

10.1 Raising a concern with malicious intent or for personal gain or the gain of others is not acceptable and may lead to disciplinary action under the NISQ ’s Disciplinary Policy.

11.0 Responsible Officer

11.1 Frauds are often discovered as a result of whistleblowing and the NISQ has arrangements in place to enable such information to be properly dealt with, and the Whistleblower protected.

11.2 In particular, all whistleblowing cases related to fraud and financial irregularity will be subject to initial enquiries by the Audit, Risk and Compliance Department to confirm or repudiate suspicions raised, and if the concerns are substantiated a full investigation will be undertaken.

11.3 The Chief Compliance Officer needs to be informed of all fraudulent matters and will decide on the appropriate action following the results of the investigation. A report of instances of all uses of this Policy shall be provided to the Audit Committee. This report will not identify any parties using this Policy, but is intended to monitor Whistleblowing procedures.

12.**0** The Procedure

12.1 What to consider when expressing a concern –

 To enable your concerns to be dealt with in a proper and effective manner here are some guidelines for you to consider:

* Be as clear as possible about what the concern is and to whom and what it relates. You may also want to discuss the concern with others to see if it is shared.
* Be as clear as possible about who may-be involved, when and where actions may have taken place. Please ensure the facts are recorded i.e. record the dates and times in a diary. This way you can be clear about what has actually been heard or seen and when, rather than rely on memory or hearsay.
* Ensure you ask for your concerns to be dealt with under this procedure.

13.0 The procedure to be followed

 13.1 To ensure that all concerns raised are taken seriously and are fully investigated NISQ has agreed a procedure to be followed in all cases.

13.2 Staff should be aware that raising a concern by email might result in third parties identifying a Whistleblower. Staff should therefore consider arranging a meeting with the relevant Whistleblowing Officer/Chief Compliance Officer if they are concerned about third parties accessing emails.

 13.3 If, at any stage of the procedure, you are asked or wish to meet with someone addressing the concerns you have raised you have the option to be accompanied by a work place colleague, or representative from a professional body.

13.4 Upon raising a concern:

13.4.1 However you wish to express your concern, by telephone or in person, you will:

* Receive an acknowledgement of your concerns within five working days of notifying the investigating person to whom you have expressed the concern (this can be sent to your home address);
* The investigating person will then decide how to progress your concern. This may mean undertaking an investigation. This does not mean that the concern is either true or untrue, but will help to assess the gravity of the complaint and establish the facts. It could be possible that concerns raised may be the result of a misunderstanding or an authorised change in practice.

13.4.2 Within ten working days of making your concerns known you will either:

* Have a confidential meeting with the investigating person to discuss further your concerns; or
* Have received, in writing, an outline of how the investigating person intends to deal with the concerns raised.
* Following this the Concern if possible dependent on the circumstances the report will be reviewed after three days by the Governing Body, and then weekly by the investigating officer and the Governing Body until the matter is resolved.

13.4.3 Dependent on the nature of the concerns you may have subsequent meetings with the relevant investigating persons. These can be held “off-site” if preferred.

14.0 The outcome of your concern

14.1 Having raised the concern, the NISQ recognises that you will need to be assured that the issues have been dealt with correctly. You will be kept informed on a regular basis of what actions are being taken and the final results of any investigations.

14.2 In some situations, such as referrals to external bodies, it may not be appropriate (or legally possible) to supply you with the full information discovered. However, the reasons for this will be explained at the appropriate time.

14.3 All uses of this Policy will be formally recorded and a register maintained.

15.0 Taking your concern further

 15.1 If you have exhausted all these channels and you still have concerns, or feel that the issues have not been fully or appropriately addressed, you can contact the Chairman, or have him contacted on your behalf, to discuss your concern in confidence. At this point, you may also raise your concerns with elected members.

15.2 However you should not refer the matter outside the organisation without first ensuring that all other possible avenues have been exhausted.

15.3 Additional information and details of regulatory bodies can be found in Appendix One.

16.0 Contacting the media

16.1 If a Worker is considering contacting the Press, they are strongly advised to seek guidance from professional or other representative bodies and to discuss the matter where possible with line and professional managers. Please be aware that contacting the media before allowing the Whistleblowing team to investigate could result in prejudicing any investigation.

16.2 If you decide to proceed with contacting the media, you must inform the Chairman of the action you have taken or are proposing to take, and the Chairman will inform the Governing Body on the matter.

 16.3 Disclosures to the media can be made under the law, and will be protected if the following circumstances are met:

* The disclosure is made in good faith;
* The employee reasonably believes the information and any allegations are substantially true;
* The employee does not act for personal gain.

 16.4 Additionally, one or more of the following conditions must be met:

* The Worker reasonably believes they would be subjected to a detriment if disclosure were made to the employer or prescribed person;
* In the absence of an appropriate prescribed person, the Worker reasonably believes a disclosure to their employer would result in the destruction or concealment of information about the wrongdoing;
* The Worker has previously disclosed substantially the same information to their employer or prescribed person; and
* It must be reasonable to make the disclosure.

 16.5 Please be aware that premature contact with the media, where none of the conditions above are met, may result in disciplinary action under the NISQ ’s employee’s rules and regulations.

* Local Government Ombudsman www.lgo.org.uk Tel. 0300 061 0614
* Information Commissioner’s Office www.ico.gov.uk Tel. 0303 123 1113
* Equality and Human Rights Commission www.equalityhumanrights.com Tel. 0845 604 6610
* Ofsted www.ofsted.gov.uk Tel. 0300 123 4666

William McDowell

Director Qualification Division NISQ

# Risk, Adverse Effect and Review

**The following risk rating structure provides some guidance**

**• 1 Minor - could cause some embarrassment to NISQ if information came to light. Could result in non-compliance and may escalate if no action taken.**

**• 2 Moderate - the risk has already been identified and actions put in place however there has been one occurrence.**

**• 3 Significant - may impact a number of NISQ Approved Centres, Learners and/or third parties and has the potential for reputational damage, regulatory non-compliance, loss in Public Confidence**

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| --- | --- | --- | --- | --- |
|  | Has Occurred |  |  |  |
| **Likelihood** | Will Occur |  |  |  |
|  | May Occur |  |  |  |
|   | Immediate Action and Review every Three Days | Minor | Moderate | Significant |
|  | Urgent Action and Review everySeven Days | **Adverse Effect Impact** |
|  | Timely Action and Review every 14 days | **NISQ** **Risk and Adverse Effect Matrix** |
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| --- | --- | --- | --- |
| Reviewed By | Minor | Moderate | Significant |
| Governing Body | Informed | Reviewed by | Reviewed by |
| Director Qualification Division | Reviewed by | Reviewed by | Reviewed by |
| Chief Compliance Officer | Reviewed By | Reviewed by | Reviewed by |

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| --- | --- | --- | --- | --- | --- |
| **Date** | **Whistle Blower Reference Number****-**Do Not Place a Name on the Register | **Details of Report** | **Adverse Effect Rating****-Moderate to Significant** (taken from NISQ 41 The Risk Register) | **Reviewed as per the Risk Matrix** | **Action Taken/Action Plan,**Signed by the CCO or Director QD |
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| **Date** | **Whistle Blower Reference Number****-**Do Not Place a Name on the Register | **Details of Report** | **Adverse Effect Rating****-Moderate to Significant** (taken from NISQ 41 The Risk Register) | **Reviewed as per the Risk Matrix** |  |
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