

LASER Access to HE Whistleblowing Policy and Procedures

Policy Statement

Whistleblowing is a term used when an individual discloses information relating to malpractice or wrongdoing and/or the covering up of malpractice or wrongdoing, which affects others but does not usually affect the whistleblower directly.

This policy sets out what you should do and what you can expect if you have information relating to malpractice or wrongdoing and/or the covering up of malpractice or wrongdoing in relation to Laser Learning Awards (LASER), its staff, and/or any of its approved centres and/or centre staff, and LASER's procedures for dealing with such disclosures.

Policy Relevance

This policy applies if you become aware of information which you reasonably believe shows one or more of the following in relation to Laser Learning Awards (LASER), its staff, and/or any of its approved centres and/or centre staff. The information must be in the public interest, ie affects others but does not have a personal impact upon yourself directly. It must be serious and not a trivial matter.

- Failure to comply with legal and/or regulatory obligation(s).
- Failure to comply with condition(s) of approval.
- Miscarriage of justice.
- Risk to the health and safety of an individual.
- Criminal offence.
- Bringing the name of LASER into disrepute.
- Concealment of information relating to any of the above.

If you suspect that malpractice or maladministration may have taken place in relation to LASER provision/examinations/assessments which directly affects or potentially affects you, please follow the LASER Access Malpractice and Maladministration Policy and Procedures which can be found on the LASER website: www.laser-awards.org.uk.

This policy does not apply if you have a complaint about LASER/its staff/approved centre(s). The LASER Access Complaints Policy and Procedures can be found on the LASER website: www.laser-awards.org.uk.

This policy does not apply if you are a member of LASER staff who has a grievance. The LASER Grievance Policy can be found in the current version of the LASER Staff Handbook.

Policy Responsibility and Review

This policy is the responsibility of the Head of Access and will be reviewed by April 2028 at the latest.

Making a Disclosure

If you are a member of staff at LASER or of one of its approved centres, you should consider raising your concern with your employer first, either through your line manager or senior management.

If you wish to make a formal disclosure directly to LASER, please send this in writing (which can be by email) to the Access Quality Manager. If your disclosure involves the Access Quality Manager, please send it to the Head of Access. Contact details can be found on the LASER website: www.laser-awards.org.uk.

You must make your disclosure as soon as possible after becoming aware of the issue, as delays can make it much more difficult to investigate allegations.

You should state that you wish to make a whistleblowing disclosure, and include:

- Your full name (see Confidentiality and Anonymity section below).
- Your contact details.
- A clear and full explanation of your disclosure including names of individuals and/or organisations involved.
- Copies of any relevant documents and/or other supporting evidence.

LASER will acknowledge the disclosure within five working days¹ of receipt. If the Access Quality Manager (or Head of Access) will not be available to pick up emails within five working days, you will receive an out of office message giving an alternative email address to which you should forward your original email, or please forward it to the CEO, otherwise you will receive a response within five working days of the Access Quality Manager's (or Head of Access's) return.

LASER will determine whether the matter falls within the scope of the LASER Whistleblowing Policy and Procedures as outlined above in Policy Relevance. Where the disclosure is not within its scope, LASER will explain why it cannot be acted upon. If there is a relevant alternative procedure, you will be advised of this.

LASER will gather any relevant information, evidence or documents and investigate your disclosure. This may include contacting you to discuss your disclosure and/or for further information or clarification.

If the investigation requires additional visits to a centre, the centre will be charged for each visit, and/or other fees may be charged to the centre as necessary (eg courier fees to send assessment evidence). Please see the LASER website for details of current fees: www.laser-awards.org.uk. These fees are non-refundable.

LASER will consider each disclosure sensitively and carefully and will decide upon appropriate responses/actions.

LASER may share, with third parties, information received in the disclosure where necessary, for example where there is a regulatory and/or legal obligation to do so.

In line with customary practice, LASER will not normally report back to a whistleblower about the detail or outcome of an investigation into their disclosure.

Public Concern at Work (PCAW)², the whistleblowing charity, offers advice via their website and advice lines to anyone considering making a whistleblowing disclosure, and LASER strongly advises that you read this advice if you are considering making a whistleblowing allegation.

Confidentiality and Anonymity

It is always best to give your name and contact details if you make a disclosure, and PCAW and the UK Public Interest Disclosure Act (PIDA)³ encourage whistleblowers to raise their concerns openly.

LASER understands that there may be occasions when you prefer not to do so, and if this is the case, you can consider making a confidential disclosure. This means that you give your name on condition that it is not revealed without your consent. In this case LASER will always endeavour to keep your identity confidential although there may be a requirement to reveal your 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 your identity.

Furthermore, sometimes requesting confidentiality may make it impossible to act on the disclosure, and you should also recognise that you may be identifiable by others anyway due to the nature or circumstances of your disclosure.

Only in the most extreme cases does LASER advise making an anonymous disclosure. This means that you do not give your name at all. LASER will consider anonymous disclosures or pass them onto the relevant organisation (where appropriate), although it may not always be possible to investigate or substantiate anonymous disclosures.

¹ Throughout this document, number of working days does not include weekends, English public holidays, or LASER's Christmas office closure dates.

² <https://protect-advice.org.uk/>

³ <https://protect-advice.org.uk/pida/>

PCAW also advises of the following additional risks to remaining anonymous:

- Being anonymous does not stop others from successfully guessing who raised the concern.
- It is harder to investigate the concern if people cannot ask follow-up questions.
- It is harder to get protection under the PIDA if the concerns are raised anonymously.
- It can lead people to focus on the whistleblower, maybe suspecting that he or she is raising the concern maliciously.

If you are concerned about being identified, please discuss your concerns when you make your disclosure.

Sharing Information

In cases where LASER uncovers malpractice/maladministration, LASER is required to share this information which may include details of the centre/s and/or any individual/s (including learners) involved, with other Awarding Organisations and relevant regulators. This may impact upon the individual's/centre's ability to deliver and/or take qualifications with other Awarding Organisations. LASER will also share information about centre staff involved in malpractice/maladministration, with all LASER centres for which that individual is listed or approved to work and will also share information about learners involved in malpractice/maladministration, with all LASER centres at which that learner is registered.

Where criminal activity is involved, LASER will inform the police.

In cases where LASER is informed by a regulator and/or another Awarding Organisation or stakeholder, of individual and/or centre malpractice/maladministration identified by that organisation, at a centre approved by LASER or by a learner registered at a LASER centre, LASER will take appropriate action to establish the facts, check the individual's/centre's current activity and where relevant quality assurance performance (or for learners, any achievement) to date, and undertake a risk assessment based on the information provided. Where appropriate, LASER may increase its monitoring of the individual/centre to ensure that the award of LASER provision is sound and safeguarded, and/or may impose sanctions of its own, which may include withdrawing centre/individual approval, or in the case of a learner, disqualifying the learner from one or all qualifications and/or barring them from all LASER provision in the future.

Malicious Accusations

Whilst PIDA offers protection to most UK workers, this is intended so that concerns raised can be addressed and any wrongdoing corrected. If the sole or main reason someone makes a whistleblowing allegation is to pursue a personal vendetta, or if they have some other ulterior motive, then this protection under PIDA may be lost. Action may be taken against anyone who deliberately makes accusations they know to be untrue.

Monitoring and Evaluation of Whistleblowing Disclosures

LASER will report all whistleblowing disclosures to the LASER Access Quality and Development Committee (AQDC), and in turn to its Board, for monitoring and evaluation. These reports will cover the number and nature of disclosures submitted, their outcomes, and any actions identified.

Vexatious Correspondence or Behaviour

LASER staff have the right to work without fear of abuse, intimidation, or harassment. Threatening or abusive correspondence or behaviour will not be tolerated under any circumstances, and LASER staff will not engage with persistent or harassing contact from whistleblowers. If this kind of behaviour occurs, LASER will treat it as vexatious.

Vexatious behaviour includes, but is not limited to:

- Abusive, intimidating or threatening written or telephone correspondence or physical behaviour in a face-to-face meeting.
- Abusive, intimidating, threatening or false posts on social media, forums, or other online platforms. Persistent repeated contact without providing any new information or evidence, or harassment of any kind.
- Making unreasonable demands on LASER staff, eg outside the remit of the investigation.
- Making accusatory or malicious remarks about or against LASER, LASER staff or representatives, or LASER centres.
- Making disclosures known to be false/inaccurate/misleading.

Vexatious behaviour will be reported to the Deputy CEO or the CEO to be dealt with appropriately, which may include reporting to the police where an offence has been committed. All vexatious behaviour will be reported to the LASER AQDC and to the Board, either of which may request specific action be taken against the perpetrator as a result.

Policy Approval

Approved internally by CEO, 8 June 2023

Approved externally by AQDC, 8 June 2023

Latest review date: April 2028 for approval at AQDC in June 2028

Please note:

This policy is specifically relating to delivery of Access to HE qualifications, for corresponding policies relevant for all other LASER and Trident Awards (security industry qualifications) please click here: <https://laser-awards.org.uk/about/policies-and-procedures/>