

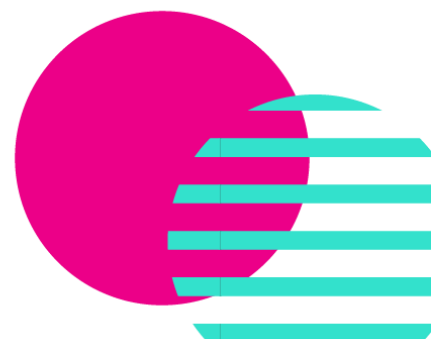


PART OF **nocn** GROUP



# **NOCN External Whistleblowing Policy and Procedure**

**10<sup>th</sup> November 2023 (V2.1)**





PART OF nocn GROUP

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## 1. Scope

1.01 This document outlines NOCN's policy and procedure for how an individual can confidentially and anonymously report concerns to NOCN regarding the delivery of NOCN products.

1.02 This policy and procedure applies to NOCN:

- a) Regulated qualifications, units, examinations and assessments.
- b) Non-regulated products including Assured Courses.
- c) End Point Assessments.

1.03 The intended audience of this document is:

- a) NOCN Directors and Board of Trustees.
- b) NOCN core, sub-contracted and associate staff, including External Quality Assurers (EQAs) and End Point Assessors.
- c) All staff of NOCN Delivery Partners associated with NOCN provision.
- d) All staff in NOCN approved/partner centres and training providers.
- e) Learners registered on NOCN products.
- f) Apprentices completing End Point Assessments.
- g) Members of the public who suspect malpractice or maladministration is taking place, or has taken place, regarding the delivery of a NOCN product, including employers.
- h) Qualification<sup>1</sup>, assessment and industry Regulators.

## 2. Purpose

2.01 The purpose of this document is to:

- a) Outline in which instances an individual should inform NOCN of a concern or suspicion.
- b) Outline how an individual can confidentially report suspected malpractice, maladministration or misconduct to NOCN.
- c) Outline how NOCN will protect the interests and confidentiality of the whistleblower, wherever this is possible.
- d) Inform an individual how NOCN will respond to a report of malpractice, maladministration or misconduct.

2.02 This policy *is not applicable* to staff members of NOCN approved centres/training providers who wish to inform NOCN of suspected or proven cases of malpractice within their organisation. These individuals should refer to the NOCN Malpractice and Maladministration Policy and Procedure.

2.03 This policy *is not applicable* to individuals who wish to complain about a service provided by NOCN or a NOCN Centre/Training Provider. These individuals should instead refer to the NOCN Feedback and Complaints Policy and Procedure.

<sup>1</sup> Qualification Regulators: Ofqual in England; Qualifications Wales; CCEA Regulation in Northern Ireland or successor bodies

### 3. Policy

- 3.01 Whistleblowing is a term used to describe when an individual discloses concerns or information relating to potential malpractice or maladministration to NOCN. Malpractice or maladministration can be committed by a Centre/Training Provider staff member, a learner/apprentice, an employer, another third party or by a NOCN representative.
- 3.02 If an individual has concerns regarding the practices of an individual involved in the delivery of NOCN products, they must first assess whether it would be appropriate to first report the concern to the Centre/Training Provider or employer itself. If concerns are raised and the individual is not satisfied that their concerns have been adequately investigated, or, that the issue is still occurring, they may wish to notify NOCN directly and provide details of the action already taken. Please refer to point 4.04 for examples of when reporting an allegation directly to the Centre/Training Provider or employer may not be appropriate.
- 3.03 There are a range of concerns that an individual may wish to be raise under this policy and procedure, including, but not limited to, where:
- a) There is a suspicion that an individual has committed or is complicit with an instance of malpractice.
  - b) There is suspicion that an individual is involved in fraud or other illegal activity regarding NOCN products.
  - c) There is a suspicion that a Centre is non-compliant with the NOCN approval criteria.
  - d) They have been asked, or forced, to perform an activity that they believe constitutes as malpractice, maladministration or misconduct.

#### I. Out of Scope Allegations

- 3.04 It is important to note that personal grievances (for example bullying, harassment and discrimination) or dissatisfaction with a service received (such as concerns regarding fees or contractual disputes) are out of scope of this policy and procedure. If an individual has a concern of this type, they should follow the Centre/Training Provider's own internal complaints or grievance procedure.
- 3.05 Whistleblowing does not apply to a learner or apprentice making an appeal against a decision made by a Centre or NOCN. These individuals should refer to the NOCN Appeals Policy and Procedure.
- 3.06 Individuals must refrain from making unwarranted allegations to NOCN (i.e., where an individual does not believe their allegation to be true). If an allegation was not confirmed by an NOCN investigation to hold any validity, however the individual who has made the allegation had reason to believe it was true, no action will be taken against the individual. If, however, allegations are made by that are deemed malicious or unfounded, NOCN may take action against the individual.

#### II. Confidentiality

- 3.07 NOCN take all whistleblowing allegations seriously and will attempt to investigate all disclosures in a sensitive and discreet manner. Individuals who make disclosures can request to have their identity kept confidential upon request. NOCN understands the importance of confidentiality for whistleblowers and, where it has been requested, will aim to protect an individual's anonymity, however this cannot be guaranteed.

- 3.08 It is important to note that NOCN may not be able to investigate a concern as effectively if a report is made anonymously. NOCN encourages individuals to provide their name and contact details when raising their concerns, as NOCN may need to contact the individual for further information, or, to verify the details provided.
- 3.09 There may be instances where NOCN must reveal an individual's details, such as, if required to do so by law. Once an investigation into an allegation commences, individuals should also consider that they may be identifiable due to the nature, or content of, their report.

## 4. Procedure

### I. Identifying Concerns

- 4.01 For concerns relating to the delivery of regulated and non-regulated qualifications, units and assessments, in the first instance, where an individual has a concern, they must first report it to the appropriate Centre's management team, where it is appropriate to do so. As part of the criteria to gain and retain Centre Approval, all NOCN centres must have their own policy and procedure regarding how they will respond to enquiries and allegations of malpractice and maladministration.
- 4.02 For concerns relating to End Point Assessments, where an individual has a concern, they must first report it to the appropriate Training Provider, where it is appropriate to do so.
- 4.03 Centres and Training Providers must ensure that all cases of suspected malpractice or maladministration are reported to NOCN in line with the NOCN Malpractice and Maladministration Policy and Procedure.
- 4.04 Once reported to NOCN, investigations into suspected malpractice are overseen and managed by the Regulation and Compliance Team. NOCN will ensure that all concerns related to suspected malpractice are thoroughly investigated. For further information, please refer to the NOCN Malpractice and Maladministration Policy and Procedure.
- 4.05 NOCN understands that it may not always be appropriate for an individual to report a concern directly to a Centre, Training Provider or employer. In these cases, individuals should raise their concerns directly with NOCN. Examples where this may be applicable include, but may not be limited to:
- a) The individual(s) who handles incidents of malpractice within a Centre/Training Provider or employer is involved, or may be complicit, with the incident.
  - b) The individual raising the concern believes that they may be victimised by raising their concerns.
  - c) The individual raising the concern believes that the Centre/Training Provider or employer's internal policy for dealing with cases of malpractice or maladministration is not being or may not be followed.
  - d) The individual raising the concern believes that once the incident has been reported it will not be dealt with appropriately and/or may be covered up by the individual involved.

## II. Making an Allegation to NOCN

- 4.06 If an individual wishes to raise an allegation to NOCN, they must contact the Regulation and Compliance Team. Individuals can contact NOCN by either email, telephone or by letter. The contact details can be found in Appendix 1. NOCN would encourage an individual to notify NOCN of their concerns as soon as possible, to minimise the loss of information over time and to make it easier for NOCN to investigate.
- 4.07 If an allegation is made by telephone, individuals may be asked by NOCN to produce a written statement as supporting evidence. The name of the individual will be redacted from statements, upon the individual's request, if this is to be used as evidence as part of a malpractice investigation.
- 4.08 Although whistleblowers are not expected to prove an allegation, they will need to demonstrate that there are sufficient grounds for their concerns in order for NOCN to investigate. Therefore, whistleblowers should aim to provide as much information as possible regarding their concern. This includes, but is not limited to:
- a) The background and history to the allegation.
  - b) Any specific details available including names, dates, times and places.
  - c) Details of any evidence which supports the concern.
  - d) Full details of the allegations, including the NOCN provision which is involved.
  - e) The individual's involvement, response and any personal interest they may have in the matter (if applicable).
  - f) How they think that things may be put right, if possible.
- 4.09 It is important that individuals do not try to investigate the matter themselves. Any attempt to gather evidence by an individual without following NOCN's direction may lead to the outcome of an investigation being adversely affected.
- 4.10 If it is identified that an allegation is being made against a Centre of a NOCN recognised Delivery Partner, the allegation will be passed onto that Delivery Partner, who will follow their own whistleblowing procedure. In line with the NOCN Malpractice and Maladministration Policy and Procedure, the Delivery Partner will report the outcome of the investigation to NOCN.

## III. NOCN Response

- 4.11 Once an allegation is made, NOCN will contact the individual who made the allegation within **5 working days** to:
- a) Confirm that the allegation has been received.
  - b) Indicate whether or not NOCN will be investigating the matter or not.
  - c) Request any further information which is required from the individual regarding the matter.
- 4.12 Enquires will be made to decide whether the allegation requires an investigation, and if so, in what form. If an investigation is required, NOCN will conduct this in line with the NOCN Malpractice and Maladministration Policy and Procedure.
- 4.13 NOCN will not usually provide the details of its investigation or release the outcomes of its investigations to individuals. This includes details regarding any actions NOCN has taken or is planning to take.

4.14 In cases of proven malpractice, NOCN will notify the relevant Qualification and Assessment Regulators and other Awarding Organisations of the outcomes of NOCN's investigation. NOCN may also be required to refer the allegation to external bodies such as the police or public funding bodies.

## **5. Document Control**

5.01 This policy will be reviewed and updated where necessary to reflect updated legislation, customer feedback, improvements of operation and changes to the regulatory environment. If you have any queries regarding the contents or the use of this policy, please contact NOCN via email at [groupcompliance@nocn.org.uk](mailto:groupcompliance@nocn.org.uk).

5.02 All NOCN policies and procedures are signed off by the NOCN Responsible Officer. The latest versions of which can be found on our website here: <https://www.nocn.org.uk/support/nocn-group-policies/>.

## Appendix 1 – NOCN Contact Details

The NOCN Regulation and Compliance Team can be contacted through the below communication channels:

**Email:** [groupcompliance@nocn.org.uk](mailto:groupcompliance@nocn.org.uk)

Please mark your email as confidential and refer to a whistleblowing allegation in your email subject.

**Telephone:** 0300 999 1177

Please ask to speak to the Regulation and Compliance Team and inform the call handler that you wish to make a whistleblowing allegation.

**Letter:** NOCN Group  
Regulation and Compliance Team  
Acero Building  
1 Concourse Way  
Sheaf Street  
Sheffield  
S1 2BJ

Please address your letter to the Regulation and Compliance team and mark your letter as confidential. Please ensure that contact details (email or telephone) are included in your letter.