



# Whistleblowing Policy (SELT)

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## About us

LanguageCert is a business name of PeopleCert Qualifications Ltd, hereinafter referred to as LanguageCert. It is part of PeopleCert Group, a leading global certification provider that has been delivering millions of exams in 215 countries.

LanguageCert is a UK-registered awarding organisation, responsible for the development and awarding of language qualifications. It is recognised and regulated by Ofqual and Qualifications Wales and approved by UK Visas & Immigration as a Secure English Language Test (SELT) Provider worldwide.

LanguageCert's Secure English Language Tests (SELTs) are delivered through a business partnership of PeopleCert and Prometric.

Prometric is a leading provider of technology-enabled testing and assessment solutions to many of the world's most recognised licensing and certification organisations, academic institutions, and government agencies. It supports more than 7 million test takers annually at testing locations in more than 160 countries around the world.

## 1 Introduction

This policy primarily applies to LanguageCert's approved Test Centres' staff and candidates, who are delivering/registered in/for a SELT or other qualification/examination.

LanguageCert aims to establish and maintain a culture of openness and we encourage our staff, Test Centres and candidates to raise issues that concern them in relation to the delivery of our SELTs and other qualifications/examinations/products and services.

By becoming aware of malpractice/poor practice, we are able to take the necessary steps to safeguard the interests of our staff, Test Centres and candidates. We, therefore, strongly encourage you to get in touch with us and 'speak up' or 'blow the whistle'.

However, we recognise that you may be worried that by reporting such issues you may be subject to some adverse consequences. Therefore, this policy is designed to provide you with information about the Public Interest Disclosure Act as well as the process by which Test Centre staff and candidates may blow the whistle. This policy also sets out measures that LanguageCert has put in place to protect whistleblowers.

## 2 Review arrangements

We will review the policy annually as part of our annual self-evaluation arrangements and revise it as and when necessary, in response to external feedback, trends from our internal monitoring arrangements, changes in our practices, actions from the regulatory authorities or external agencies or changes in legislation.

## 3 What is whistleblowing?

Whistleblowing is when an individual reports suspected wrongdoing, dangers in relation to our activities, malpractice and/or the covering up of malpractice at work. This includes bribery, facilitation of tax evasion, fraud or other criminal activity, miscarriages of justice, health and safety risks, damage to the environment and breach of legal or professional obligations. Officially, whistleblowing is called 'making a disclosure in the public interest'.

A malpractice or wrongdoing may be committed by an individual's employer, or a candidate's Test Centre, although this is not always necessarily the case.

Whistleblowing is different from, for example, complaints and employment disputes. Complaints tend to be an expression of personal dissatisfaction (e.g. with a product or service being received

and/or encountered). Complaints to LanguageCert should be taken forward following the arrangements outlined in our Complaints policy.

Employment disputes tend to arise when a worker challenges an aspect of their own employment position or contract. If you are experiencing such a dispute, you should take this up with your employer or another responsible body.

## 4 How to raise a concern

Individuals can raise a concern ('a disclosure') with LanguageCert under the arrangements outlined in this policy if they have a reasonable belief that malpractice and/or a wrongdoing has occurred, is occurring or is likely to occur relating to one or more of the following categories, as set out in the Public Interest Disclosure Act 2013 - [PIDA](#). For a disclosure to be protected by PIDA's provisions it must relate to matters that 'qualify' for protection under the Act. Qualifying disclosures are disclosures that the individual reasonably believes show that one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

1. A criminal offence
2. The breach of a legal obligation
3. A miscarriage of justice
4. A danger to the health and safety of any individual
5. Damage to the environment
6. Deliberate concealment of information regarding any of the above five matters (e.g. covering up a wrongdoing).

In addition, an individual raising a disclosure under these whistleblowing arrangements should have a reasonable belief that the disclosure is in the public interest. This means that the disclosure must affect others (e.g. the general public).

PIDA also gives protection to whistleblowers for disclosures to a number of different people, such as to employers, legal advisers, Ministers of the Crown and a number of prescribed regulators (for certain purposes). For example, Ofqual (the regulator in England) is a prescribed body for whistleblowing. This means that you can make a disclosure to Ofqual rather than your employer, as long as you meet the [definition of a worker](#) in relation to the organisation you are whistleblowing about.

You can make a disclosure to Ofqual if you reasonably believe that:

- The matter falls within Ofqual's remit (e.g. that it relates to an exam or about an awarding organisation Ofqual regulates).
- The information shows one or more of the [six specified types of wrongdoing](#) has taken place, is taking place or is likely to take place.
- The information is substantially true.
- The disclosure is in the public interest.

As such, Ofqual has a public whistleblowing policy which sets out how a worker at a Test Centre can raise a concern about wrongdoing, risk or malpractice. If you decide to contact Ofqual (or another relevant regulator) they will usually:

- Investigate the disclosure if it relates to an awarding organisation that they regulate.
- Ask the awarding organisation to investigate the disclosure if it is about a Test Centre that delivers its SELTs and/or other qualifications.

- Do their best to keep the person who has made the disclosure informed, in general terms, of any investigation outcome. However, this may not be possible if there are legal or confidentiality issues.

We hope this clarification and policy gives you the reassurance you need to raise a disclosure with us in the first instance. However, we recognise that you may still wish to report a disclosure to the appropriate regulator. For your information, our regulators (Ofqual and Qualifications Wales) whistleblowing policies/information are provided below:

- Ofqual: <https://www.gov.uk/guidance/ofquals-whistleblowing-policy>
- Qualifications Wales: <https://www.qualificationswales.org/english/about-us/make-a-complaint/i-want-to-make-a-whistleblowing-disclosure/>

Examples of whistleblowing disclosures that could be made to LanguageCert include:

- A member of staff at a Test Centre making a disclosure about actual or possible malpractice at the Test Centre and/or the Centre's failure to comply with the terms of its centre approval agreement with LanguageCert (see our Malpractice and Maladministration policy for examples).
- Making a disclosure about possible malpractice being carried out by a member of LanguageCert.
- A candidate or parent/guardian making a disclosure about possible malpractice at one of our approved Test Centres.

In case of doubt on how best to proceed, you can speak in confidence to LanguageCert's Audit and Assurance team or to Public Concern at Work (referred to in the next section of this policy).

## 5 How to whistleblow to LanguageCert

To raise an allegation under our whistleblowing arrangements, you can contact our LanguageCert Quality team: [quality@LanguageCert.org](mailto:quality@LanguageCert.org); telephone number: +44 (0) 203 564 7044 (all countries).

If you raise an allegation, it is helpful to provide us with as much information and supporting evidence as possible. This information will help to inform the nature of any investigation we carry out.

It is not essential to have clear evidence before making an allegation under this policy; however, we will ask that you explain as fully as you can the nature of the allegation or circumstances that gave rise to your concern.

## 6 Anonymity and confidentiality (protecting your identity)

Sometimes a person making an allegation may wish to remain anonymous, although it is always preferable to reveal your identity and provide us with your contact details. We will treat anonymous allegations just as seriously as those made openly, however, if you make a disclosure anonymously, we may not be able to investigate your concerns as effectively.

If you are concerned about possible adverse consequences that may occur should your identity be revealed to another party, then please inform us that you do not wish for us to divulge your identity and we will work to ensure your details are not disclosed.

We cannot guarantee your confidentiality. For example, we may need to disclose your identity where we are required to do so by law. We do take the issue of maintaining the confidentiality of whistleblowers seriously and we will protect your identity as far as possible.

We encourage you to give us information in writing, even if you initially contact us by telephone. If you are worried about doing this, we would prefer you to provide an anonymous disclosure to us, rather than not raise a concern about serious wrongdoing at all.

When we receive an allegation, we will assign an investigator. At all times, we will ensure that LanguageCert personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

The investigator assigned to explore the allegation will not reveal the whistleblower's identity and will keep it confidential unless the whistleblower agrees or, if it is necessary (e.g. by law), for the purposes of the investigation, such as to notify:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud).
- The courts (in connection with court proceedings), to which we are required by law to disclose your identity.
- Other third-parties, where we consider it necessary to do so (e.g. regulatory authorities, UK Visas & Immigration).

The investigator will advise you if it becomes necessary to reveal your identity against your wishes.

A whistleblower should also recognise that they may be identifiable by others because of the nature or circumstances of the disclosure (e.g. the party against which the allegation is made may manage to identify possible sources of disclosure without such details being disclosed to them).

## **7 What we will do upon receiving a whistleblowing allegation**

Once an allegation has been raised, we have a duty to pursue the matter. If an individual withdraws their allegation it will not prevent the matter being investigated as we are obliged by the regulators to follow-up and investigate allegations of malpractice or maladministration.

Upon receipt of an allegation, the Quality Officer will assign an investigator with the appropriate level of training and competence and ensure that they have no previous involvement or personal interest in the matter.

The investigator may contact/meet with the individual who raised the allegation (the whistleblower) as soon as possible to ascertain the allegation details. If the whistleblower does not wish to make a written statement, the investigator will write a summary of the allegation. The summary will be provided to the whistleblower to review and to confirm it is accurate. A work colleague, trade union representative or another individual (e.g. friend/independent witness) may 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 our Malpractice and Maladministration policy.

In all cases, we will keep the whistleblower updated as to how we have progressed the allegation (e.g. we have undertaken an investigation) and the whistleblower will have the opportunity to raise any concerns about the way the investigation is being conducted. However, we will not disclose all details of the investigation activities, as it may not be appropriate for us to disclose full details of the outcomes of the investigation for confidentiality or legal reasons. We cannot guarantee that we will disclose all matters in the way the whistleblower might wish, but we will strive to handle the matter fairly and properly.

## **8 Outcomes of an investigation**

If the investigation results in a proven case of malpractice and/or maladministration, we will take action against the relevant parties in accordance with the arrangements in our Malpractice and Maladministration policy and, where necessary, our Sanctions policy.

If the allegation is not proven by investigation, provided that you (the whistleblower) did not deliberately raise an allegation that you knew to be untrue, no action will be taken against you by LanguageCert.

If the allegation was made because of a genuine misunderstanding, the individual(s) (e.g. Test Centre staff member) who has/have been the subject of the investigation will be expected to bear no malice or ill feeling towards their accuser, while colleagues should not mistreat a whistleblower.

If, however, the investigation concludes that you (the whistleblower) raised an allegation that you knew not to be true, disciplinary action may be taken against you by your employer.

## 9 Seeking independent advice

This document sets out our whistleblowing arrangements, which are aligned with the Public Interest Disclosure Act 2013 (PIDA). This legislation protects workers who make a protected disclosure of information concerning certain types of matters relating to their employment from being dismissed or penalised by their employers as a result of the disclosure.

The Act also has the effect of making confidentiality clauses unenforceable where a protected disclosure is made.

We recommend that you seek advice before making a whistleblowing allegation to ascertain your rights under the Act. For example, if you want independent advice at any stage about your rights and protection, we recommend that you contact Public Concern at Work (PCAW) via the details below. PCAW is a registered charity and is the independent authority on public interest whistleblowing.

- Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)
- Email: [whistl@pcaw.co.uk](mailto:whistl@pcaw.co.uk)

## 10 Contact us

For any queries about the contents of the policy or in case you would like to feed back any views, please contact us at [SELT@languagecert.org](mailto:SELT@languagecert.org) or by using the channels described in our website.

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