



Whistleblowing Policy and Procedure

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Overview

This policy details Professional Assessment Ltd (PAL's) commitment to the provision of care to all of our stakeholders.

All PAL employed and engaged personnel and our stakeholders to include PAL Centres have a right and a moral responsibility to report improper actions and omissions.

PAL also encourages our stakeholders to advise PAL of any wrongdoing in respect of PAL's services and practices, either as enacted by PAL representatives or where Centres or suppliers' activities undermine qualification integrity, and the matter cannot be suitably addressed via other policies and procedures.

PAL recognises that Centres will have their own policies and procedures which they should follow.

Policy Scope

Concerns about issues regarding PAL's qualifications and assessment activities are typically covered by a number of policies and procedures such as our appeals and enquiries policy or maladministration or malpractice policy.

However, those policies, or procedures may not be appropriate where:

- There is no relevant policy or procedure, or you believe the policy or procedure does not reflect your concerns or circumstances, or
- You have a particular and genuine concerns about a specific policy or following a particular procedure at any point of qualification delivery
- Your concern is about harm that will affect the reputation of PAL, PAL's qualifications, and the validity of assessment outcomes

This policy outlines PAL's approach to Whistleblowing. It details the actions that people can take and the safeguards that exist to protect them and it is available for PAL personnel and our stakeholders.

It can be difficult to know what to do a situation where you have concerns about either an individual or organisations' activities and you feel your concerns could be disregarded, discounted, or discredited if you raised them. You may want to keep the concerns to yourself, perhaps feeling it is not any of your business or that it is only a suspicion. However, PAL has introduced this policy to enable you to raise genuine concerns about such matters at an early stage and in the right way. PAL would rather you raised the matter when it is of first concern, rather than wait for proof. Please also see PAL's Malpractice and Maladministration Policy and procedure.

In addition to the policy scope PAL recognises that **Whistleblowing** means speaking up about a range of wrongdoings such as:

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to someone's health and safety
- Damage to the environment
- A deliberate attempt to conceal any of the above

Whistleblowing is more formally known as 'making a disclosure in the public interest'. Someone who speaks up to blow the whistle is known as a 'whistleblower'.

Who is this policy for?

- All PAL personnel
- Centre Personnel
- Suppliers
- Third Parties (to include Training Providers and Colleges)
- Learners (although in many circumstances it might be more appropriate for them to follow the Centre's policy)

Purpose

This document aims to set out the policy for those who wish to make certain disclosures to PAL relating to:

- The development, delivery, and award of PAL qualifications
- Assessment arrangements on PAL qualifications
- Other matters likely to be of relevance or interest to PAL in our role as an Awarding Organisation

Regarding Whistleblowing:

- PAL encourages all our stakeholders to raise genuine concerns of wrongdoing in connection with PAL's business
- PAL will investigate after a concern has been raised, and act on its findings where appropriate
- PAL will maintain confidentiality of those raising concerns as far as is practically possible
- PAL will take no detrimental action against those who make a disclosure in accordance with the procedure

For PAL personnel (this includes employed and engaged personnel) the penalties set out in PAL's Disciplinary Policy and Procedure may be invoked against those who victimise whistleblowers, and against those who knowingly provide false information or make vexatious claims.

Protected Disclosure and 'Worker'

Part IVA of the Employment Rights Act 1996 protects workers from suffering a detriment for making a protected disclosure.

The term "worker" covers a wide group of people and includes employees who work under a contract of employment and individuals who agree to do work for the employer. **This policy is available to PAL's contracted and engaged personnel and extended to our key stakeholders for the purpose of receiving and investigating suspected or actual events of wrongdoing, that are reasonable for PAL to be party to.**

Definitions

Whistleblowing is a term used when an individual discloses information relating to malpractice or wrongdoing and/or the covering up of malpractice or wrongdoing.

PAL's whistleblowing policy can be brought into effect should an individual have grounds to reasonably believe information and evidence shows one or more of the following (*the list is not exhaustive and is intended for guidance only*):

- A criminal offence has been, is being or is likely to be committed
- A person has failed, is failing, or is likely to fail, to comply with a legal obligation
- A training provider has failed, is failing, or is likely to fail, to comply with one or more of the requirements of the awarding organisation which approves it
- A miscarriage of justice has occurred, is occurring, or is likely to occur
- Unsafe practice in terms of safeguarding and /or discriminatory practices
- The health and safety of an individual has been, is being, or is likely to be, endangered
- The environment has been, is being, or is likely to be, damaged
- Information relating to any of the above has been, or is likely to be, deliberately concealed
- A member of staff making a disclosure about that provider's malpractice
- A learner or parent/guardian making a disclosure about a training provider's malpractice

- Where you have been treated unfairly and have been prevented or obstructed from making use of pertinent procedures and policies to address the situation or you have witnessed unfair or unsafe practice
- Reports concerning potentially fraudulent claims for qualifications

When you blow the whistle, you are raising a genuine concern about a suspected wrongdoing that affects the integrity of the business, or the well-being of fellow employees or others associated with PAL. You might not be directly or personally affected by the suspected wrongdoing nor have a personal interest in the outcome of any investigation into your concern, although you might.

Whistleblowing is distinct and differs from making a complaint, a grievance, employment disputes or an appeal.

When you complain, normally you are saying that you have been personally affected by an alleged wrongdoing. Further information can be found PAL's Complaints Policy available from PAL's website or from the PAL's Awarding Organisation Support Team.

A grievance is when you, as an employee, have a dispute about your own employment position, and an employee should refer to their organisation's grievance policy and procedure.

An appeal is a decision or judgement that is being questioned. An appeal is a process through which the outcome of a decision may be challenged. Further information can be found in PAL's Enquiries and Appeals Policy which can be downloaded from our website or is available from the PAL's Awarding Organisation Support Team.

Issues

An individual who makes a disclosure will not be legally protected unless they have a genuine (and reasonable) belief that the disclosure is in the public interest. The statutory test of what "is in the public interest" does not lend itself to absolute rules and all the circumstances surrounding the disclosure may be relevant. The number of individuals involved is not the determining factor for judging if the individual's belief that the disclosure was in the public interest was reasonable. Equally, the public interest does not need to be the predominant motive in making the disclosure and the disclosure may be in the personal interest of the individual as well as in the public interest.

PAL chooses not to incorporate a public interest test for disclosures under their arrangements, as the company appreciates that potential whistleblowers might be unsure about whether they satisfy the test and because PAL wants to hear about wrongdoing in their own interests, i.e., so that as an organisation we can deal with it before the situation escalates.

Confidentiality

Ideally, organisations would have a culture of open reporting, so that, where a disclosure is made, people know what the concern is and who raised it. However, PAL recognises it is a challenge to create an environment where any one of our employees, personnel or stakeholders feel comfortable about making a disclosure openly and as far as is possible PAL will respect confidentiality.

PAL will endeavour to ensure that the identity of the whistleblower and relevant interested parties are not disclosed to anyone beyond a need-to-know basis without their consent. Where it is likely that a whistleblower's identity is known (because they have previously openly raised concerns or the nature of the information means they are easily identifiable), or needs to be revealed by law, the whistleblower will be notified beforehand, and PAL will aim to protect them from any detriment.

PAL cannot always guarantee confidentiality. In some circumstances, we are required to report a criminal offence to a third party or regulatory bodies or another person or organisation to whom we are required by law to disclose your identity. Regarding Safeguarding and DBS procedures and reporting we have a Duty to Refer if we feel the nature of the evidence is such, that it could prevent your ability to work with vulnerable children, young people of Adults.

Further, the nature of the concern and/or the investigation following the disclosure may enable people to guess the identity of the whistleblower. PAL will make it a disciplinary offence or breach of service level agreements for PAL personnel (employed and engaged) to breach confidentiality, unless there is a good reason for doing so.

Anonymity

From the whistleblower's perspective, making a disclosure anonymously may be seen as a relatively low-risk way of raising a concern. From a practical perspective, anonymous allegations are likely to be more difficult to investigate, and protection against reprisals and feedback can be afforded only to identifiable individuals.

For these reasons PAL promotes open reporting, combined with an assurance that confidentiality will be maintained as far as possible, and PAL will review anonymous disclosures.

Making a disclosure

Making a disclosure is when you make a report to your employer/organisation or a body like the Ofqual about your 'reasonable belief' of a wrongdoing. You could also believe it may take place in the future. You must believe it's in the 'public interest' to report it.

Reasonable belief

Reasonable belief means that you don't have to be right about what you report. You just need to believe it's true or have a good reason to think that disclosing it is in the 'public interest'. Repeating gossip or making allegations dishonestly or spitefully is not considered whistleblowing.

Public interest

Public interest means that you shouldn't make a disclosure for personal gain. The following factors will be considered when working out if someone made a disclosure with the reasonable belief that it was in the public interest:

- How many people the disclosure affects
- Which interests the disclosure affects
- The nature of the wrongdoing or concern
- The identity of the alleged wrongdoer or subject of concern

Good Faith

Good faith means that when you make a disclosure, you must believe it's substantially true. You mustn't act maliciously, make allegations you know are false, or seek any personal gain.

Roles and Responsibilities

PAL's Quality Managers, EQAs, IQAs, Quality Team

- To ensure Centres, and associated third parties working with PAL qualifications and standards are aware of the existence of this policy and have appropriate policies and procedures to deal with any Whistleblowing disclosure within Centres, where this is applicable

PAL's Qualifications Director (Responsible Officer):

- Take timely, informed decisions and exercise professional judgement when deciding when and how to report events to the Qualifications Regulators and when managing events involving Whistleblowing
- Identifies and notifies the Qualifications Regulators promptly of an event that has occurred or is likely to occur that could have an adverse effect

PAL's Director of Audit and Compliance

- Takes disclosures and oversees subsequent investigations as required and any reporting (outside of Ofqual). The Director of Audit and Compliance will also investigate vexatious claims against PAL and with Board approval will act on behalf of PAL to address and stop such claims from continuing.

PAL's Business Operations Director and EPA Managers and EPASS Lead

- To ensure independent assessors (employed and engaged), Providers and Colleges are aware of the existence of this policy and how they can raise a concern under this policy.

PAL's Independent Assessors and PAL Development and Administrative personnel

- To comply with and act in accordance with this policy

PAL's Commitment to Individuals making a Whistleblowing Disclosure

If you raise a concern in good faith using this policy, PAL is committed to supporting you, even if the claim turns out to be unfounded or doesn't meet the criteria of a serious concern. We don't need evidence to look into a disclosure, only your reasonable belief that something may be happening. However, evidence and information will help us investigate, so providing information and evidence available to you is advised.

PAL will take all reasonable steps to protect whistleblowers from any negative treatment as a result of their report and treat all concerns consistently, fairly and professionally. This policy is in line with the Employment Rights Act 1996. The Act gives whistleblowers legal protection from negative treatment as a result of raising a concern. For those raising concerns who are not employed or engaged by PAL we will apply this policy regarding handling the disclosure and investigation, any other terms and conditions you have with your employing or contracting organisation does not fall into PAL's jurisdiction.

What should you do if you have a concern about malpractice or wrongdoing?

This policy is geared to PAL personnel raising concerns, or stakeholders raising concerns about PAL individuals or practices that fall outside of the scope of policies such as PAL's Maladministration and Malpractice policies and procedures. PAL would expect individuals working in Centres, third party and supplier organisations to use their own policy and procedures, however we recognise there will be instances where external stakeholders believe reporting to PAL is a viable option to raise concerns of wrongdoing.

Whistleblowing disclosures can be made in one of the following ways:

- Through our free phone service 0800 160 1899 (outside of office hours you can leave a message on voicemail), your message should be directed to the Director of Audit and Compliance
- By email at declaration@professionalassessment.co.uk noting it is a whistleblowing declaration
- In writing to the Director of Audit and Compliance at Professional Assessment Ltd Connect House, Kingston Road, Leatherhead, Surrey. KT22 7LT

If you are external to PAL wherever possible report the concerns to your employer or training provider/college/Centre first (if that is applicable, if you feel that you are able to). If you believe the right course of action is to report to PAL, consider if your concern is best addressed by PAL's whistleblowing procedure, or whether your concerns could be better addressed for example via PAL's Maladministration and Malpractice Policy and Procedure where PAL may regard you as a discloser, as opposed to a whistleblower.

To encourage people to make a disclosure about wrongdoing, PAL does not insist that concerns are lodged in writing, however screening verbal declarations is more challenging and as a company we would urge any discloser to commit some form of written notification

In cases of whistleblowing notifications, the Director of Audit and Compliance will be the PAL Director who takes the lead in any review and/or investigation. If the Director of Audit and Compliance is believed to be party to wrongdoing, the Managing Director may take the lead in the review and/or investigation.

In certain circumstances you may raise your concern directly with Ofqual. See appendix one for further information.

In all cases if the concern is related to Safeguarding or you have any concerns regarding safe practice or potential for harm, you **MUST** immediately contact the Designated Safeguarding Lead stating clearly this is a Whistleblowing scenario. PAL would expect that stakeholders Safeguarding practices, culture and policy allows individuals associated with their organisation to have their safeguarding concerns addressed, without notifying PAL, however if this is not the case PAL's Designated Safeguarding Lead will receive a declaration.

If when making a whistleblowing disclosure to PAL, you believe that you are being intentionally obstructed, victimised, criticised or receive negative treatment by any PAL personnel, please notify PAL's Director of Audit and Compliance. If the behaviour of the DAC appears in contradiction of this policy, you should notify your concerns to PAL's Business Operations Director or Managing Director.

What information should I provide?

The more detail you can give us, the more it will help us assess your concern. It would be useful if you could provide information such as:

- Details of the people and organisations involved, including where it has happened
- Full details of your concerns, including the qualifications/subjects involved
- Key dates
- Any supporting documents and evidence

We do not encourage you to gather any further information from any source, whatever the circumstances. This might infringe privacy rights or other legal requirements. However, we may ask you to clarify the information you provide to us.

What happens after a disclosure is made?

- If you chose to make a whistleblowing disclosure to PAL and have provided contact details, we will send you an initial acknowledgement that we have received your disclosure.
- We will normally ask you to provide as much evidence as possible to support your disclosure
- We will conduct an investigation- subject to the information we receive. We will look into anonymous whistleblowing disclosures however it may not always be possible to investigate or substantiate anonymous disclosures
- We will consider each disclosure of information sensitively and carefully and decide upon an appropriate response. We may share with third parties any information received in the disclosure when we consider it necessary to do so
- In most cases we will keep you updated as to what action is being taken in response to your disclosure. We will normally send you an update in 28 days of receiving your disclosure, but this may take longer if the issue is particularly complex
- We will inform the police if we have reasonable evidence of criminal activity

What if I don't want to reveal my identity?

If you disclose your identity, it will be easier for us to:

- Look at the matter
- Give you feedback where appropriate

We will always endeavour to keep a whistleblower's identity confidential where asked to do so, although we cannot guarantee this, and we may need to disclose your identity to:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
- Regulatory bodies or another person or organisation to whom we are required by law to disclose your identity

What happens after the investigation?

PAL will ensure to the appropriate extent that the findings of the investigation are communicated to:

- You, as the person raising the wrongdoing concern
- The individual(s) under investigation and if required other external agencies who may need to consider what action should be taken on the basis of the findings

Where the disclosure and investigation has identified an adverse effect or a potential adverse effect, this will be notified to Ofqual by PAL's responsible officer.

See appendix two for PAL's handling of whistleblowing procedure.

Oversight of Whistleblowing Disclosures

The Director of Audit and Compliance (DAC) is responsible for monitoring, reviewing, and auditing any records associated with a whistleblowing disclosure and is responsible for updating this policy.

The Director of Audit and Compliance (DAC) in accepting disclosures is responsible for recording such disclosures, as well as advising relevant parties of the status of the disclosure. Typically reporting will include:

- Status of any disclosure
- Actions required
- Changes to systems and processes where required
- Corrective actions required
- Opportunities for improvement and learning

Dependent on the nature of the whistleblowing disclosure the DAC will need to liaise with the Responsible Officer where the whistleblowing disclosure indicates a threat to assessment integrity.

Vexatious Behaviour

PAL recognises that in most cases anyone making a whistleblowing disclosure, does so in good faith, however in isolated cases a whistleblowing disclosure may be unfounded and vexatious.

Definition

Vexatious behaviour is to harass, distress, annoy, tease, cause trouble, agitate, disturb, or pursue issues excessively. Vexatious behaviour can be frivolous, persistent/repeated contact or communicating in an abusive manner.

It is behaviour that displays itself in the form of conduct, oral comments, actions, or gestures characterised by being repetitive, hostile, or unwelcomed.

Addressing Vexatious Claims

PAL aims to provide a high level of customer service. We appreciate compliments when we have done something well. Equally, if we fall short of these standards, we welcome feedback and will deal with all complaints fairly.

PAL personnel have the right to work without fear of abuse, intimidation, or harassment. Threatening or abusive correspondence or behaviour will not be tolerated and will be reported to PAL's Director of Audit and Compliance immediately.

Where an individual corresponds with PAL in an abusive manner or repeatedly and persistently contacts us with no new information or evidence, we will treat such behaviour as vexatious. PAL will not engage with frivolous,

persistent, or repeated contact from individuals where no new information or evidence is being brought to the matter.

We define examples of behaviour that is considered persistent and/or vexatious, along with interventions PAL will consider managing this type of behaviour.

The following forms of behaviour are considered vexatious (the list is not exhaustive and is intended for guidance only):

- An individual being abusive or threatening, during a telephone conversation, face to face meeting or in written correspondence
- An individual repeatedly contacting PAL via telephone or email without offering new evidence or information
- An individual seeking to prolong contact by continually raising further concerns or questions upon receipt of a response
- An individual unwilling to accept documented evidence or denying receipt of an adequate response despite correspondence specifically answering their questions
- An individual who focuses on a matter to an extent which is disproportionate to its significance
- Making unreasonable demands on PAL outside of the scope of an investigation
- Making accusatory remarks about PAL or their representative(s)

In these circumstances, the individual and matter will be referred to PAL's Director of Audit and Compliance to be dealt with appropriately. In extreme cases, for example involving threats or actual violence to a member of staff or where an offence has been committed, this will include reporting to the police.

Where PAL has responded fully to points raised by the individual, has tried, without success, to resolve the issue(s) and continuing contact on the matter would serve no useful purpose, the individual will be notified by PAL's Director of Audit and Compliance that the contact must end and that further contact will be acknowledged, but not directly answered.

The individual(s) will be informed, in writing, why their conduct is unacceptable. The written notification will state clearly which elements of their behaviour are causing problems, what action is being taken, and why. The notification will be accompanied by a copy of this policy along with details of how to appeal against the decision if they think it is wrong.

Monitoring and Review

The policy will be reviewed as a minimum on an annual basis.

Regulatory References

PAL is required to establish and maintain compliance with regulatory conditions and criteria. This policy relates to Ofqual General Conditions of Recognition: Identification and management of risks A6; Management of incidents A7; Malpractice and Maladministration A8.

EPA 3 Notification to Ofqual of certain events in relation to EPAs

Date Created: 6th September 2017

Last Review: 5th September 2024

Next Review: 5th September 2025

Person Responsible for review: Director of Audit and Compliance

This Policy has been agreed by Linda Martin, Managing Director

Appendix One- Raising a concern with Ofqual

Whistleblowing to Ofqual is one way in which an individual can raise a concern about wrongdoing, risk, or malpractice. This may relate to:

- exams, such as GCSEs and A levels
- key stage tests (SATs)
- assessment of vocational or technical qualifications listed on the [Register of Regulated Qualifications](#)
- assessment and quality assurance of apprenticeship standards
- activities of exam boards or awarding organisations which we regulate

We encourage you to contact Ofqual if you wish to raise a concern (called 'making a disclosure') about the activities of awarding organisations and the qualifications they offer. If you want to 'blow the whistle' to Ofqual, you are encouraged you to:

1. Read the [GOV.UK page on whistleblowing](#).
2. Report the concerns to your employer or training provider/college/centre first (if that is applicable, if you feel that you are able to).
3. Seek independent legal advice to satisfy yourself that you are protected by law, if you wish to report to Ofqual.
4. Make sure what you are reporting actually counts as whistleblowing.

If you do not qualify as a whistleblower, but wish to raise a concern about wrongdoing, risk or malpractice, you can report your concerns via our [malpractice reporting procedure](#). Ofqual in such circumstances may view you as a Discloser as opposed to a whistleblower.

For further information regarding how Ofqual handles data concerned with Whistleblowing please visit their [personal charter website](#).

Appendix Two- Process for handling whistleblowing disclosures

- Any whistleblowing disclosure will be **reviewed by the DAC, to determine if an investigation is required.**
- The DAC will acknowledge receipt of disclosure in no more than **three working days of receiving the disclosure- notification will be in the form of an e-mail, or if you specifically request a written response, in the form of a letter, sent to the address you provide. A copy of the letter will be retained by PAL.**
- **The DAC will screen all disclosures to confirm if an investigation is required or if an alternative policy or set of actions should apply, as the individual making the claim may have misunderstood the Whistleblowing Policy and Procedure.**
- The DAC will notify the concerned individual where it is judged this is not a whistleblowing incident, advising all relevant parties of what resolution is available, or if other PAL's policies and procedures should be followed, in which case that policy will come into force.
- **The DAC will notify the PAL Directors, in the appropriate fashion.** If a disclosure relates to a PAL director, the DAC will talk with the MD regarding the situation and actions to be taken. If the disclosure involved the MD, the DAC would involve the Responsible Officer, who is the Qualifications Director. Safeguarding disclosures will be passed to PAL's Designated Safeguarding Lead.
- **The DAC will advise the Responsible Officer, if the disclosure has the potential to cause an adverse effect or has had an adverse effect, the Responsible Officer will advise the relevant regulatory bodies, as soon as possible and no later than two working days of receiving such a notification.**
- **The DAC will be responsible for addressing and dealing with any whistleblowing disclosure that has gone to third parties.**
- **The DAC can either investigate the whistleblowing disclosure (typically this will be the case) and will set the terms of reference for such an investigation or assign another experienced person to do this.** The Investigating Officer (IO) will be responsible for any liaison with third parties or providing information to personnel such as the Responsible Officer, so they can communicate to the regulator. The Investigating Officer will conduct the investigation, keep all concerned parties involved, maintain any records in accordance with PAL's data privacy and protection and GDPR policies and report to all appropriate persons.
- The DAC or the assigned IO will maintain appropriate records in PAL's governance system.
- The DAC or assigned IO will as part of their investigation keep all relevant parties informed, as they deem fit and have agreed with those individuals. If the DAC judges that the wrongdoer may be subject to PAL's Suspension and Sanctions Policy for PAL personnel, or Sanctions policies for all other stakeholders, he will communicate this to the PAL Board, who will hold an emergency meeting and agree on any actions to be taken.
- The nature of whistleblowing disclosures, make it difficult to place a timeline on resolution, the DAC or IO will provide an initial response time and keep all informed parties updated on a weekly basis.

Investigating

Individuals who suspect wrongdoing should report their concern rather than attempt to conduct their own investigation. If a person has genuine grounds for suspecting wrongdoing, they should raise the matter with the DAC and let that person decide whether or not to investigate, and how to investigate if appropriate. In the first instance concerns should be reported as described in normal channels of communication outlined in this policy. If any individual believes that this is not possible, they should go to the DAC directly in the first instance, however PAL

recognises that in some cases individuals may wish to report outside of the company, **but we urge that the internal procedures for reporting are used wherever possible.**

In most cases Centres, employers, Providers and Colleges will be better placed to address whistleblowing cases emanating from their organisation, however PAL recognises that there may be times where it is necessary for an individual to use this policy and discuss their concerns with PAL.

The DAC is specifically selected for the role of receiving and investigating whistleblowing claims, as the DAC is not actively involved with the day-to-day operations of AO and/or EPAO work. Should the whistleblowing disclosure involve the DAC, another PAL Director will oversee the investigation.

In all cases as with any other set of investigations, PAL will consider any conflicts of interest and look to ensure the investigation is undertaken objectively. If PAL considers that no Director is able to undertake such an investigation, we will commission an external, suitably experienced person to undertake the investigation.

Procedure

PAL recognises the company will not need to investigate every concern raised. For example, an individual may have misunderstood or misinterpreted the alleged wrongdoer's actions, and once the situation has been clarified, the issue may be resolved.

Therefore, the DAC will screen allegations to check whether or not they are plausible, for example to determine if an individual has misunderstood something or is obviously wrong, prior to conducting a comprehensive investigation.

In most cases the DAC will investigate a whistleblowing disclosure, however if post the screening they judge another suitable experienced person from within PAL or externally sourced is better placed to handle such a disclosure they will advise the PAL Board and organise and brief the selected Investigating Officer.

If a preliminary investigation suggests that there has been wrongdoing, PAL may be obliged to refer the allegations to an external body, including the police or Local Safeguarding Boards. The DAC or IO will advise the PAL Board, who in turn will update the Parent company.

Informing the discloser of the procedure

At this stage, PAL will provide the name of someone within the organisation who can offer advice and answer queries about the investigatory process, the discloser can talk with the DAC, or be directed to another PAL Director if that is an appropriate course of action.

Throughout the process the discloser should be kept informed of how the organisation is dealing with the information that they have supplied.

Informing the alleged wrongdoer

It is sometimes argued that, where an individual is the subject of an allegation, they should be told about it. This is problematic in the context of whistleblowing for two reasons.

First, where an individual is told about an investigation, they may experience stress. Therefore, PAL considers it best for the DAC to conduct the screening and if it is judged there is a potential case to answer then inform the alleged wrongdoer, so they can provide information and then the DAC can consider what steps to take, that is either terminate the process or start a formal investigation.

Second, notifying someone that they are being investigated may lead to the destruction of evidence. Where serious wrongdoing in respect of PAL personnel is suspected after an initial screening process, it may be appropriate for PAL to suspend the alleged wrongdoer on full pay so that the investigation will not be prejudiced. If the wrongdoing

involves an external stakeholder, the DAC will liaise with the Responsible Officer to agree recommendations to the PAL Board as to what sanctions or actions should be taken.

PAL's procedure is we will carry out the screening to determine if there is a case to answer. Where it is concluded there is a case, all involved parties will be advised, and we expect all parties to support any open investigation. On the advice of the DAC, the PAL Board will agree on any sanctions or suspensions, during the investigation, these will be commensurate with the seriousness of the allegation, alongside the need to protect individuals and PAL's business from the side-effects of reputational damage.

The wrongdoer if PAL personnel will either be informed by their line manager or an appropriate Director of any sanctions to be applied. If the sanctions relate to an external stakeholder, the BOD will advise such parties.

All investigations will be conducted without bias and the subject of the report of wrongdoing will be given the right to respond as required and given the option to be assisted.

Time frame

Given the variable nature of what will amount to an appropriate response to a disclosure, PAL will not put a timeframe on the investigation and any reporting, as each situation is likely to be unique and, in some cases, could be complex and involve a range of persons, systems and even organisations. Nevertheless, PAL act as quickly as possible, to ensure that any wrongdoing is dealt with as soon as possible.

Feedback

After the investigation has been conducted, the DAC or assigned IO will give feedback about the outcome of the investigation to the discloser, subject to confidentiality requirements. Feedback will be approved and authorised by the PAL Board.

PAL provides feedback because if the discloser does not know what has happened, they may conclude that the matter has not been dealt with and may feel justified in making an external disclosure. There is nothing to prevent workers from raising concerns internally and externally at the same time, however PAL emphasises our preference for reporting internally unless there is clear justification for doing otherwise.

It is conceivable, depending on the nature of the disclosure that the Responsible Officer (RO) will need to inform the Regulatory Body of a whistleblowing investigation, this will be done, where the disclosure contradicts or undermines PAL's position to comply with the General Conditions of Recognition and other pertinent technical conditions.

PAL will make best endeavours to ensure the feedback provided to all concerned parties manages expectations and is evidence-based and is provided in an appropriate and professional manner, that is fitting of the incident and the people involved. It will include:

- information about the status of the report; and
- next steps (if any).

Feedback will be provided, post screening, post a formal investigation, if an investigation is undertaken and where sanctions or disciplinary action is required, the relevant policies will dictate the handling of these matters.

PAL will aim to give comprehensive feedback to the individual making the claim, but PAL may not be able to provide all the details, for example where there are data protection or other sensitive issues, or where the disclosure relates to a serious safeguarding matter and any inaccurate or leading feedback could prejudice any subsequent actions, such as criminal proceedings.

Appeal

The individual making the whistleblowing claim can appeal to another PAL Director if they are unhappy with how their disclosure has been screened and/or investigated, or they are dissatisfied with the outcomes or recommendations emanating from the investigation. The appeal will not typically involve a second investigation and the person hearing the appeal will want to understand what the concerns of the discloser are. The appeals panel will comprise of two people and from an internal perspective, the decision of the appeals panel will be final.

The recipients of concerns

PAL has provided in this policy the options for reporting whistleblowing concerns.

The policy also makes clear if a whistleblowing concern involves the person who would normally be considered the natural first- stop recipient to receive such concerns, what other options for reporting are available.

Formality

To encourage people to make a disclosure about wrongdoing, PAL does not insist that concerns are lodged in writing, however screening verbal declarations is more challenging and as a company we would urge any discloser to commit some form of written notification. Where a discloser wishes to document their allegations and provide supporting evidence, this is likely to assist the investigation.

Written notifications can be sent to the DAC directly by email or via a letter or the declaration email address can be used.

It aids the screening process if the following information is available

- The name of the discloser and their contact details
- The date the alleged wrongdoing was identified
- The nature of the concern and any supporting information- although for an initial notification the recipient will consider a disclosure without any specific evidence, but this will be requested as part of the screening process
- The name of any alleged wrongdoer and the wrongdoing
- What action (if any) the discloser is seeking from the organisation.

Records

Sometimes a work colleague will disclose informally information about suspected wrongdoing. Often, this can be handled quickly and easily by the line manager, for example where there is a misunderstanding. The event should be notified to the DAC who will decide if the informal disclosure, resulting in a misunderstanding is recorded or not.

Where the disclosure is made formally under this policy PAL will document the following, within the governance system, in the professional conduct entity and the DAC or the assigned IO will ensure the discloser receives a report containing the following information:

- The date on which the concern was raised
- The part of the organisation or function to which the concern relates
- The nature of the concern and its key elements
- Any action that the organisation has taken
- Any feedback that has been provided to the discloser; and

- Whether or not the discloser has any wishes with regards to confidentiality.

PAL will ensure that it complies with its data protection obligations in relation to these records. Access to the records must be strictly limited to staff for whom it is necessary, and the records should be kept for no longer than is necessary.