

Whistleblowing Policy and Procedure

Contents

1. Overview	3
2. Policy Scope	4
3. Who is this policy for?	4
4. Purpose	4
5. Definitions	5
5.1 Protected Disclosure (legal test)	5
5.2 Not whistleblowing	5
5.3 Issues	5
5.4 Public interest	5
5.5 Confidentiality	5
5.6 Anonymity	5
5.7 Making a disclosure	5
5.8 Reasonable belief	5
5.9 Public interest	5
5.10 Vexatious Behaviour	5
5.11 Sexual Harassment Disclosures (NEW)	6
6. Roles and Responsibilities	6
7. PAL's Commitment to Individuals making a Whistleblowing Disclosure	6
8. What should you do if you have a concern about malpractice or wrongdoing?	6
8.1 External Reporting Routes	7
9. What information should I provide?	7
10.1 What if I don't want to reveal my identity?	8
11. What happens after the investigation?	8
12. Handling Safeguarding disclosures relating to Sexual Harassment and Safeguarding	9
12.1 Immediate Actions	9
12.2 Legal and Regulatory Context	9
12.3 Assessment and Triage	9
12.4 Investigation Approach	9
12.5 Reporting and Escalation	10
12.6 Support for Individuals	10

12.7 Confidentiality and Information Management	10
12.8 Outcomes and Organisational Learning	10
13. Oversight of Whistleblowing Disclosures	11
14. Vexatious Behaviour	11
14.1 Addressing Vexatious Claims	11
14.1.1 PAL employed and engaged personnel	11
14.1.2 Non-PAL personnel.....	11
Appendix One- Raising a concern with Ofqual and DfE	13
Appendix Two- Process for handling whistleblowing disclosures	17

Policy Review

Version	Date	Change History	Reviewed By	Implementation Date:	Next Review Date
11	5/11/2025	Clarification of roles and responsibilities and external reporting routes	DAC	6/11/2025	6/11/2026
12	02/07/2026	Policy Scope Expanded to include sexual harassment and failure to prevent it. New content to reflect Worker Protection Act 2023 Definitions (5.1) Added sexual harassment as a qualifying disclosure. New content to reflect legislative developments Definitions (NEW 5.11) Added dedicated section on sexual harassment disclosures New section Meet new preventative duty requirements	MD	07/07/2026	07/07/2027

1. Overview

Professional Assessment Ltd (PAL) is committed to maintaining a culture of openness, integrity and accountability across all aspects of its operations, including the development, delivery and awarding of qualifications and assessments.

This policy enables individuals to raise concerns about wrongdoing at an early stage and in an appropriate way. Whistleblowing forms a core part of PAL's:

- Governance framework
- Risk and incident management arrangements
- Malpractice prevention controls

Disclosures received under this policy may be managed:

- As incidents under **GCR A7 (Management of Incidents)**
- As malpractice under **GCR A8 (Malpractice and Maladministration)**
- With escalation to Ofqual in line with **GCR B3 (Notification to Ofqual)**

PAL also aligns with the **Principles Condition (2025)** requiring organisations to act with:

- Integrity
- Transparency
- Proactive compliance

2. Policy Scope

This policy applies where concerns:

- Relate to wrongdoing or risk in the public interest
- Cannot be appropriately addressed through other procedures

This includes concerns relating to:

- Qualification integrity and certification
- Assessment, quality assurance, moderation or audit activity
- Centre or third-party malpractice
- Safeguarding or unsafe practice
- Discrimination or unfair practices
- Sexual harassment or failure to prevent it

Interfaces and Boundaries

PAL will assess each disclosure and determine whether it falls under:

- Complaints policy (GCR D4)
- Appeals policy (GCR I1)
- Malpractice policy (GCR A8)
- Safeguarding procedures
- Where appropriate, disclosures will be redirected accordingly.

3. Who is this policy for?

This policy applies to:

- PAL employees
- Associates and contractors
- Centres, employers and third parties
- Learners and apprentices

While statutory protection applies to workers, PAL accepts disclosures from all stakeholders.

4. Purpose

This policy aims to:

- Encourage individuals to raise concerns early
- Provide a clear and safe reporting route
- Ensure fair and proportionate investigation
- Protect individuals from detriment
- Ensure regulatory and legal compliance

5. Definitions

5.1 Protected Disclosure (legal test)

A protected disclosure is where an individual reasonably believes that the disclosure is made in the public interest and relates to:

- A criminal offence
- A breach of legal obligation
- A miscarriage of justice
- A health and safety risk
- Environmental damage
- Concealment of wrongdoing
- Sexual harassment or failure to prevent sexual harassment

You do not need to prove the allegation — only have a reasonable belief.

5.2 Not whistleblowing

Personal grievances or disputes are not normally whistleblowing unless there is a wider public interest concern.

5.3 Issues

Whistleblowing may include:

- Fraud or misuse of funds
- Qualification malpractice
- Unsafe or discriminatory practice
- Obstruction of due process
- Sexual harassment involving staff, learners or third parties

5.4 Public interest

A disclosure must be made in the public interest. PAL will support individuals who are unsure if this applies.

5.5 Confidentiality

PAL will:

- Protect the identity of the whistleblower wherever possible
- Share information only on a need-to-know basis
- Comply with legal obligations

Nothing in any agreement prevents an individual from making a protected disclosure.

5.6 Anonymity

Anonymous disclosures are accepted but may limit investigation and feedback.

5.7 Making a disclosure

A disclosure can be made internally or to an external regulator.

5.8 Reasonable belief

You do not have to be correct — only reasonably believe the concern is true.

5.9 Public interest

The disclosure must not be for personal gain and should relate to wider concerns.

5.10 Vexatious Behaviour

Malicious or knowingly false disclosures may result in disciplinary action.

5.11 Sexual Harassment Disclosures (NEW)

PAL recognises its duty under the **Worker Protection (Amendment of Equality Act 2010) Act 2023**, which requires employers to take reasonable steps to prevent sexual harassment.

PAL will:

- Treat all sexual harassment disclosures as serious safeguarding concerns
- Accept disclosures involving staff, Centres, or third parties
- Take proactive steps to prevent recurrence
- Promote a zero-tolerance culture

6. Roles and Responsibilities

Responsible Officer

- Ensures compliance with Ofqual requirements
- Reports notifiable events

Director of Audit and Compliance

- Receives and oversees disclosures
- Ensures appropriate investigation
- Maintains governance records

In the absence of the Director of Audit and Compliance, another PAL Director will receive and oversee disclosures and ensure appropriate investigation of the claim and accurate record keeping

All Personnel

- Must comply with this policy
- Must not victimise whistleblowers

7. PAL's Commitment to Individuals making a Whistleblowing Disclosure

PAL will:

- Take all concerns seriously
- Act fairly and impartially
- Protect whistleblowers from detriment
- Provide appropriate support

8. 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 noting it is a whistleblowing declaration, you can request the appropriate email via our info@ email address, or contacting Support Services
- 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 and reviews the initial whistleblowing disclosure and oversees any investigation, where the initial review determines non-compliance with any regulatory requirement the Director of Audit and Compliance will work closely with PAL's RO, who will liaise with the appropriate regulators and typically chair any relevant committee. 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, or a case investigator will be deployed.

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.

8.1 External Reporting Routes

In certain circumstances you may raise your concern directly with Ofqual or DfE or other agencies See appendix one for further information regarding making whistleblowing notifications to these bodies.

If your concern relates to regulated qualifications/assessment and you believe internal reporting or reporting to PAL is not appropriate or has not been effective, you may report to Ofqual. See Appendix One for details and what information helps.

If your concern relates to post-16 provider governance or funding/fraud in DfE/DWP funded delivery, you may report to DfE. For fraud/financial irregularity use allegations.mailbox@education.gov.uk. For other post16 whistleblowing routes see DfE guidance ("Blowing the whistle to the Department for Education"). See Appendix One.

External reporting routes do not replace the obligation to use **PAL's internal routes** where appropriate but recognises the legal option to make protected disclosures to a prescribed person.

9. 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.

10. What happens after a disclosure is made?

PAL will:

- Acknowledge receipt- If you choose 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
- Review and assess the disclosure- We normally ask you to provide as much evidence as possible to support your disclosure
- Investigate where appropriate- 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
- Escalate safeguarding or serious risks- 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. See appendix 2 for timeframes

We will inform the police if we have reasonable evidence of criminal activity

10.1 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

11. What happens after the investigation?

PAL will:

- Provide feedback where appropriate
- Implement corrective actions
- Notify Ofqual where there is an Adverse Effect

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

12. Handling Safeguarding disclosures relating to Sexual Harassment and Safeguarding

Where a whistleblowing disclosure relates to **sexual harassment, safeguarding, or the risk of harm to individuals**, PAL will treat the disclosure as a **high-risk concern requiring immediate assessment and escalation**.

These disclosures are distinct from other whistleblowing concerns due to:

- The **potential for harm to individuals**, including learners and vulnerable groups
- The **legal duty to protect individuals from harm**
- The organisation's obligations under safeguarding legislation and regulatory requirements

12.1 Immediate Actions

Upon receipt of a disclosure involving sexual harassment or safeguarding concerns, PAL will:

- **Prioritise the safety and wellbeing** of any individuals at risk
- **Immediately assess whether urgent action is required** to prevent harm
- **Escalate the concern to the Designated Safeguarding Lead (DSL)** without delay
- **Suspend normal whistleblowing timelines where necessary** to enable urgent safeguarding action

Where there is an **immediate risk of harm**, PAL may:

- Contact emergency services
- Notify relevant safeguarding authorities (e.g. Local Authority Designated Officer, police)

12.2 Legal and Regulatory Context

PAL recognises that:

- Under the **Worker Protection (Amendment of Equality Act 2010) Act 2023**, organisations must take **reasonable steps to prevent sexual harassment**, including proactive action and effective reporting mechanisms
- Under the **Public Interest Disclosure Act (PIDA)**, disclosures concerning health, safety and wrongdoing are protected
- Under **Ofqual General Conditions of Recognition**, concerns may constitute:
 - An **incident (GCR A7)**
 - **Malpractice (GCR A8)**
 - A **notifiable event (GCR B3)** where there is an actual or potential adverse effect

12.3 Assessment and Triage

All such disclosures will be subject to **enhanced triage**, including:

- Whether the concern involves:
 - A learner or vulnerable individual
 - A member of staff or associate
 - A third party (e.g. employer, Centre, assessor)
- Whether there is:
 - An ongoing risk
 - A pattern of behaviour
 - A failure by another organisation to act

The disclosure will be managed in parallel across:

- Whistleblowing procedures
- Safeguarding procedures
- Malpractice processes (where applicable)

12.4 Investigation Approach

Investigations involving sexual harassment or safeguarding concerns will:

- Be conducted by individuals with **appropriate safeguarding knowledge and independence**
- Follow principles of:

- Fairness
- Confidentiality
- Trauma-informed handling (where appropriate)
- Avoid actions that may:
 - Compromise safeguarding investigations
 - Prejudice criminal or regulatory proceedings

PAL may:

- Appoint an **independent Investigating Officer**
- Suspend individuals (where appropriate and proportionate)
- Work with external agencies

12.5 Reporting and Escalation

Where relevant, PAL will:

- Refer the matter to:
 - The police
 - Safeguarding authorities
 - Regulatory bodies if appropriate

12.6 Support for Individuals

PAL recognises that disclosures of this nature can be highly sensitive and will:

- Provide appropriate support to:
 - The whistleblower
 - Any individuals affected
- Take steps to:
 - Protect against victimisation
 - Maintain confidentiality
 - Provide clear communication about process

12.7 Confidentiality and Information Management

In such cases:

- Confidentiality will be maintained wherever possible
- However, information may be shared where necessary to:
 - Protect individuals
 - Comply with legal obligations
 - Support safeguarding investigations

12.8 Outcomes and Organisational Learning

Following investigation, PAL will:

- Take appropriate action, which may include:
 - Disciplinary action
 - Centre sanctions
 - Contract termination
- Review whether:
 - Preventative controls were adequate
 - Policies or training require improvement

Where relevant, PAL will:

- Strengthen controls to prevent recurrence
- Update risk registers and governance reporting

13.Oversight of Whistleblowing Disclosures

PAL will:

- Maintain records of disclosures
- Monitor trends and risks
- Report to senior leadership and Board

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

The Director of Audit and Compliance will ensure the RO is kept informed for reporting to the regulator, where the whistleblowing declaration indicates it is a reportable incident update the Board and provide any pertinent metrics, lessons learnt, recommendations at the Directors Risk Register review meeting.

14.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.

14.1 Addressing Vexatious Claims

14.1.1 PAL employed and engaged personnel

Vexatious behaviour from a PAL employee will be subject to PAL's disciplinary policy and procedure and associates and consultants will be deemed as being in material breach of their service level agreements. PAL distinguishes **malicious/vexatious** reports from **good faith but unsubstantiated** concerns; only the former may trigger disciplinary action or termination of service level agreements.

14.1.2 Non-PAL personnel

PAL will follow this policy; however, after review and investigation, if the claim is determined to lack merit, or the behaviour of the individual is regarded as obstructive or aggressive PAL will take the following actions:

- In extreme cases, for example involving threats or actual violence to a member of PAL personnel 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
- 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.

15. Monitoring and Review

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

16. Regulatory References

PAL is required to establish and maintain compliance with regulatory conditions and criteria. This policy supports compliance with Ofqual General Conditions of Recognition – A6 (Risk), A7 (Incidents), A8 (Malpractice & Maladministration), and interfaces with D4 (Enquiries and Complaints). It also signposts external prescribed person routes (Ofqual) and DfE routes for post-16 providers and funding fraud.

Date Created: 6th September 2017

Last Review: 02/07/2026

Next Review: 02/07/2027

Person Responsible for review: Director of Audit and Compliance

This Policy has been agreed by the PAL Board

Appendix One- Raising a concern with Ofqual and DfE

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](#).

Raising a concern with DfE

Who can make a disclosure

You can make a disclosure directly to the Department for Education (DfE) if you are:

- an employee
- a volunteer who has knowledge of the setting – for example if you are a trustee in an academy trust

Only employees are protected by law if they make a disclosure directly to their employer. Disclosures made to DfE by volunteers may not receive the same protections. However, DfE will always protect the identity of any whistleblowers.

More information on [how we handle whistleblowing disclosures](#) is available.

What to include in a disclosure

Give us the full details of your school so we can investigate. Make sure you provide us with the setting's:

- full name, especially if it is a common name such as 'St Mary's'
- address and postcode

Without this information we cannot investigate.

Make a disclosure

You can [make a whistleblowing disclosure directly to your setting](#).

You can also make a disclosure to DfE. How you make a disclosure to us will depend on the type of setting you are in.

Schools

To complain or make a disclosure about an academy trust or free school, use:

- the [Customer Help Portal](#) if you agree to disclosing your identity
- our [complain about a school](#) guidance if you wish to remain anonymous

Colleges and independent training providers

Complain or make a disclosure about a post-16 education or training provider by:

- emailing your complaints or disclosure to customer.complaints@education.gov.uk
- sending a letter to:

Customer Service Team,
Department for Education
Cheylesmore House
Quinton Road
Coventry CV1 2WT

What happens after making a disclosure

Once we receive your disclosure, we will:

- send an acknowledgement (if you shared your contact details)
- confirm that we will not contact you unless we need further information for any investigation

We will not enter into a conversation with you once we have started a formal investigation. This is to ensure we:

- protect your confidentiality and anonymity
- do nothing that could potentially undermine the legitimacy of the outcome of any investigation

Whistleblowing is the disclosure of information which, in the reasonable belief of the whistleblower, is made in the public interest. Whistleblowing disclosures tend to show that one or more of the following has occurred, is occurring or is likely to occur:

- a criminal offence (this may include, for example, types of financial impropriety such as fraud)
- a breach of a legal obligation
- a miscarriage of justice
- danger to the health or safety of any individual
- damage to the environment
- deliberate covering up of wrongdoing in the above categories

You can [make a whistleblowing disclosure directly to DfE](#).

Your employer is also required to have appropriate whistleblowing procedures in place that ensure that concerns are handled properly and fairly.

Under the [Public Interest Disclosure Act \(PIDA\)](#), you have additional protections if you are a worker raising a concern in the public interest and you have privileged knowledge of the educational institution.

How we define whistleblowing

DfE use a definition of whistleblowing distinct from the legal definition. This is to protect volunteers and employees.

We define whistleblowing as:

A public interest concern about wrongdoing, malpractice or poor practice raised by any individual or group of individuals who can reasonably be expected to have privileged knowledge of the governance or administration of the institution (such as a current or recent member of staff, or a current or recent member of the governing body).

Your disclosure

Your disclosure will be subject to:

- confidentiality
- anonymity
- DfE's data retention policy

As a whistleblower, you are protected by law, and you should not be treated unfairly or lose your job because you raised a concern.

What we will do with your disclosure

After receiving your disclosure, we'll assign it to the relevant team. They will then:

- gather further information
- refer the case to another organisation (for example, Ofsted or the police) if necessary

If there is sufficient evidence, we will look to hold individuals or organisations to account. Depending on our findings, our actions will include:

- seeking assurances that an academy trust is meeting its statutory requirements
- using our intervention powers as outlined in the academy trust handbook and [support and intervention in schools](#) statutory guidance
- publishing an investigation report in line with our [investigation publishing policy](#)
- referring to the police for consideration of criminal sanctions
- referring to regulatory bodies including the Charity Commission and Insolvency Service
- recovering funds and possibly termination of contracts

Confidentiality

Unless DfE are under a legal obligation to do so, we will not share your personal details with any third party without first obtaining your consent.

We also owe a duty of confidentiality to others and will not be able to share details of any action which we have deemed appropriate.

Anonymity

You can disclose information anonymously.

This may make it harder for you to benefit from the protections of PIDA. This is because an anonymous disclosure may make it difficult to show that any detriment you may experience has occurred.

Making an anonymous disclosure may also make it harder for us to conduct any potential investigations.

Data retention

Our retention policy means that we will keep your information for up to 10 years. If you have not been in contact with DfE for 5 years, we may reach out to you asking if you would like your information deleted or de-activated from our system.

If you choose to have your information de-activated, it means your information will be retained on the data system but not visible by everyday users.

There are circumstances where we may need to keep [your information indefinitely for research and statistical purposes](#). There are measures to safeguard this information.

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 **two 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.

Where a disclosure is likely to cause an adverse effect or has caused an adverse effect and involves malpractice any committee set up as part of the malpractice review will typically be chaired by PAL's RO and include independent representation.

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 will act as quickly as possible, to ensure that any wrongdoing is dealt with as soon as possible. Typically, we will aim for the following time frame:

- Provide **initial review outcome within 10 working days**
- **Update at least every 30 days** until closure, unless doing so would compromise legal or safeguarding action

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

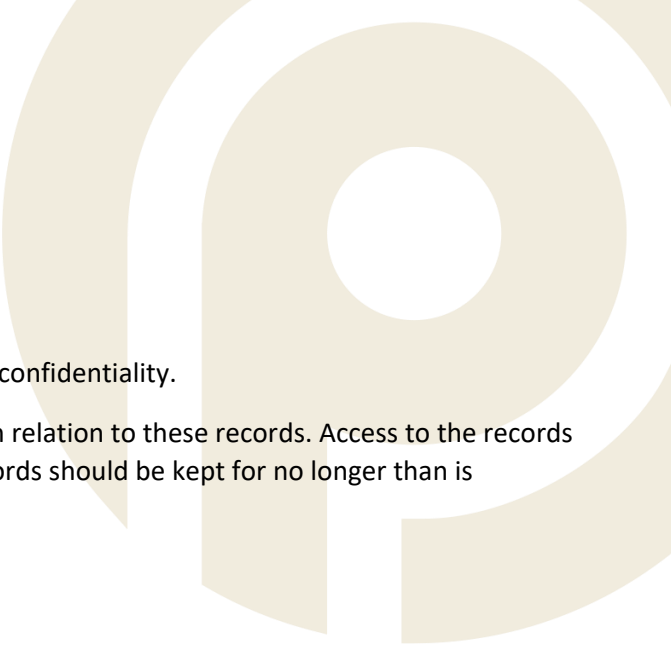
- The name of the discloser and their contact details
- The date the alleged wrongdoing was identified
- The nature of the concern and any supporting information- although for an initial notification the recipient will consider a disclosure without any specific evidence, but this will be requested as 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

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- 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.