

Whistleblowing Policy

1.0 Policy Introduction

English Speaking Board (International) Ltd. (ESB) understands that where an individual discovers information which they believe shows serious wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal (see [Public Interest Disclosure Act 1998](#)), and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

Whistleblower Definition:

A whistle blower is a person who exposes any kind of information or activity that is deemed illegal, unethical, or not correct within an organisation that is either private or public. The information of alleged wrongdoing can be classified in many ways: violation of company policy/rules, law, regulation, or threat to public interest/national security, as well as fraud, and corruption.

1.1 Purpose of the Policy

A clearly defined Whistleblowing policy is in place for the public, trustees, employees, and contractors working on behalf of ESB to communicate any concerns which are in the public interest.

1.2 ESB Responsibilities

This policy is designed to enable trustees, employees, contractors working on behalf of ESB to raise concerns internally at Senior Management level, or higher, and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately, but may then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:

- Health & Safety and Environmental concerns
- Criminal activity
- Financial malpractice or impropriety or fraud
- Improper conduct or unethical behaviour
- Failure to comply with a legal obligation or statutes
- Attempts to conceal any of these

Protection of ESB employees

This policy is designed to offer protection to ESB employees who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person. It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the

procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

Anonymous Allegations

Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Company. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

Confidentiality

ESB will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

1.3 How ESB will manage a Whistleblowing complaint

On receipt of a Whistleblowing complaint, the members of staff who receive the complaint, must forward this information as soon as is reasonably possible, to the HR Manager (HR@esbuk.org)

- Whistleblowing complaints will be investigated by the HR Manager, unless the complaint is against the HR Manager, or, is in any way related to the actions of the HR Manager. In such cases, the complaint should be forwarded in confidence to the Chief Executive for referral.
- In the case of a complaint, which is any way connected with but not against the Chief Executive, the Chief Executive will nominate a Senior Manager to act as the alternative investigating officer.
- Complaints against the Chief Executive should be forwarded to the Trustees who will nominate an appropriate internal / external investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Trustees. The trustees have the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.
- If there is evidence of criminal activity, the investigating officer should inform the police.
- The Company will ensure that any internal investigation does not hinder a formal police investigation.

1.4 Protection for Registered Centres and employees

This guidance is principally for centre staff who may witness malpractice in examinations and assessments, but may be unsure about what action to take.

[Public Interest Disclosure Act 1998](#) (PIDA) gives a legal protection to centre employees from being dismissed or penalised by their employers as a result of publicly disclosing (“blowing the whistle on”) certain serious concerns.

Each centre will have its own whistleblowing policy. However, if it does not, centre employees will still be protected under the PIDA. This allows the centre employees the opportunity to bring to the centre Senior Management Team’s attention, possible corruption or non-conformance with legal obligations for example, but also if it is suspected that malpractice is taking place.

The centre employee will still be protected by the PIDA if:

- they believe that by making the disclosure to their employer they will be victimised; **or**
- they reasonably believe that by making the disclosure to their employer there is likely to be a cover-up; **or**
- the matter has previously been raised internally or with the sector regulator.

If the centre employee believes that their Senior Management Team will take action to remedy the situation, then informing their immediate line manager would be the best solution. However, if it is believed that the centre Senior Management Team is involved, or the centre employee believes that they may be victimised by raising the issues with them, then the centre employee may wish to talk to ESB. See point **1.3** of this policy.

As the awarding body, we will:

- respect your rights under the PIDA;
- understand the difficult position that you are in; and
- explain the importance of supporting evidence that might help in your particular case.

We will make every effort to protect the centre employee’s identity, if that is what the centre employee wishes, unless legally obliged to release it. This may be in the course of a police investigation, for example. Please be aware that it will not be possible for ESB to provide the centre employee with a report on the findings or outcome of any investigation that may ensue.

1.5 Communication of the Policy

ESB’s Whistleblowing Policy is widely communicated, understood and adhered to by trustees, Employees, and contractors working on behalf of ESB. In addition, the policy is communicated externally on ESB’s website: www.esbuk.org/policies

1.6 Legislation

ESB are committed to keeping up to date with the latest legislations, in accordance with UK government issued laws that encourage honesty, transparency, communication, whilst protecting employees who wish to raise a legitimate concern

- [Public Interest Disclosure Act 1998](#) gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The Company has endorsed the provisions set out below to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

1.7 Review of the Whistleblowing Policy

ESB will review this policy every 3 years, to ensure its practices continue to meet legislative and regulatory compliance. If required, ESB reserve the right to make changes at any time in line with their customer and stakeholder feedback, changes in its practices, as a result of actions from regulatory authorities, external agencies, or in compliance with changes in government legislation.