

WHISTLEBLOWING POLICY AND PROCEDURE

Captiva Learning Limited

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This document will be reviewed annually unless a change of policy or regulation necessitates an interim review. The review will be led by a member of the senior leadership team, or a senior manager, and will involve external advisors or experts where required. The updated document will be reviewed by the senior leadership team initially, then by the Captiva Governance Board before being authorized for publication by the Chair of the Board.

Introduction

This document outlines Captiva's policy and procedure for how an individual can confidentially and anonymously report concerns regarding the delivery of regulated qualifications and ESFA funded apprenticeships.

The intended audience of this document is:

- Captiva staff
- All staff of employers associated with Captiva apprenticeship provision
- Apprentices (learners) registered on Captiva programmes
- Members of the public who suspect malpractice or maladministration is taking place, or has taken place within Captiva

The purpose of this document is to:

- Outline in which instances an individual should inform Captiva of an allegation.
- Outline how an individual can confidentially report suspected malpractice or maladministration to Captiva.
- Outline how Captiva will protect the interests and confidentiality of whistleblowers, wherever this is possible.
- Inform an individual how Captiva will respond to a whistleblowing allegation.

Whistleblowing Policy

Whistleblowing is a term used to describe when an individual discloses concerns or information relating to potential malpractice or maladministration. Malpractice or maladministration can be committed by a member of Captiva staff, a learner, an employer or another third party.

If an individual has concerns regarding the practices of Captiva, a staff member or a learner, they must first assess whether it would be appropriate to report the concern to Captiva itself in the first instance. If concerns are raised to Captiva and you are not satisfied that the concerns have been adequately investigated, or, that the issue is still occurring, you may wish to notify the awarding organisations, End Point Assessment organisations or ESFA directly and provide details of the action already taken.

There are a range of concerns that an individual may wish to raise under Whistleblowing Policy, including, but not limited to:

- An individual suspects that Captiva, a Member of Captiva staff or a learner has committed, or is complicit with an instance of malpractice.
- An individual suspects that Captiva is not compliant with the Awarding Organisation, End Point Assessment Organisation or ESFA approval criteria.
- An individual suspects that Captiva, a member of Captiva staff or a learner is involved in fraud or other illegal activity regarding qualifications or apprenticeships.
- An individual has been asked, or forced, to perform an activity that they believe constitutes malpractice.

It is important to note that personal grievances (for example bullying, harassment and discrimination) or dissatisfaction with the service received at Captiva (such as concerns regarding fees or contractual disputes) are not covered by this policy. If an individual has a concern of this type, they should follow the Captiva Complaints Policy or grievance procedure.

Whistleblowing does not apply to a learner making an appeal against Captiva or an assessment decision.

If it is proven through an investigation process that an allegation of wrongdoing has been made maliciously, then the person who made the allegations may face disciplinary action, up to and including dismissal, and in some cases may be subject to criminal investigation where illegality has occurred.

Malicious allegations include but are not limited to:

- Raising a matter which you know to be untrue
- Making an allegation without having reasonable grounds for believing it to be substantially true
- Improperly collecting the information to support the allegations
- Being involved in any way in the malpractice qualifying disclosure
- Making an allegation for personal or third party gain.

This policy operates under the legal protections of the Public Interest Disclosure Act 1998.

Whistleblowers are protected from detriment or dismissal as a result of raising concerns in good faith.

Confidentiality

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

It is important to note that Captiva may not be able to investigate a concern as effectively if an allegation is made to Captiva anonymously. Captiva encourages individuals to provide their name and contact details when raising their allegation, as we may need to contact the individual raising the concern for further information, or, to verify details provided throughout an investigation.

There may be instances where Captiva must reveal an individual's details, such as, if required to do so by law. Once an investigation into the allegations commences, individuals should also consider that they may be identifiable due to the nature, or content of, their allegations.

Whistleblowing Procedure

Identifying Malpractice:

In the first instance, where an individual suspects malpractice, they must first report it to the Captiva Chief Operating Officer (jason.oster@captivalearning.com or 0208 221 9098) where appropriate. Captiva will investigate and respond to all concerns, as well as reporting all cases of suspected malpractice to the relevant external body.

Captiva understands that it may not always be appropriate for an individual to report a concern directly to us. In these cases, individuals should raise their concerns directly with the external body for their investigation. Examples where this may be applicable include, but may not be limited to:

- The individual(s) who handles incidents of malpractice within Captiva is involved, or may be complicit, with the incident.
- The individual raising the concern believes that they may be victimised by raising their concerns to Captiva or an individual.
- The individual raising the concern believes that the Captiva internal policy for dealing with cases of malpractice or maladministration is not being followed.
- The individual raising the concern believes that once the incident has been reported it will not be dealt with correctly and/or may be covered up by Captiva or the individual involved.

Making an Allegation to Captiva:

If an individual wishes to raise an allegation of malpractice to Captiva, they must contact the Chief Operating Officer either by email, telephone or by letter. Captiva would encourage an individual to raise their concerns as soon as possible, to minimise the loss of information over time and to make it easier for Captiva to investigate the allegation.

If an allegation is made by telephone, individuals may be asked to produce a written statement as supporting evidence. The name of the individual will be redacted from statements, upon the individual's request.

Although whistleblowers are not expected to prove an allegation, they will need to demonstrate that there are sufficient grounds for their concerns in order for Captiva to investigate. Therefore, whistleblowers should aim to provide as much information as possible regarding their concern. This includes, but is not limited to:

- The background and history to the allegation.
- Any specific details available including names, dates, times and places.

- Details of any evidence which supports the concern.
- Full details of the allegations.
- The individual's involvement, response and any personal interest they may have in the matter (if applicable).
- How they think that things may be put right, if possible.

If, following receipt of an allegation, it is identified that the allegation was against an employer with whom Captiva works, the allegation will be passed onto the employer, who will follow their own whistleblowing procedure.

Anonymous whistleblowing reports may be made via Captiva's secure online reporting portal. All allegations will be logged and outcomes reported annually (anonymised) to the Governance Board.

How Captiva will respond:

Once an allegation is made, the Chief Operating Officer will contact the individual who made the allegation within 5 working days.

Once an allegation is made, the Captiva CEO will be notified. The CEO will appoint a member of the Executive Team or member of the Board (based on the person best placed with the expertise and neutrality required) to oversee the handling of the allegations made. The appointed lead to handle the whistleblowing allegations will contact the individual who made the allegation within 5 working days to:

1. Confirm that the allegation has been received.
2. Indicate whether or not Captiva will be investigating the matter or not.
3. Request any further information which is required from the individual regarding the matter.

If the allegations made have been received anonymously, the CEO will still appoint a member of the Executive Team or Board, with the expertise and neutrality required to oversee the matter objectively, and determine if an investigation is required, and to conduct the investigation as quickly as possible.

Within the realms of viability, all investigations will be concluded within 21 days of notice of the whistleblowing allegations made, with the result and any recommendations reported to the CEO and Chair of the Board for consideration and appropriate action.

Escalation to the Apprenticeship Service:

For escalation beyond Captiva, the Apprenticeship Service Support team can be contacted on 08000 150 600 or by email to: helpdesk@manage-apprenticeships.service.gov.uk.

Disclosure to DfE

If an employee reasonably believes that the concern has not been adequately addressed internally, or feels unable to raise the matter internally, they may make a protected disclosure externally to a prescribed person in accordance with the Public Interest Disclosure Act 1998.

For matters relating to education, training provision, apprenticeships, funding, safeguarding, or regulatory compliance within the education sector, the Department for Education (DfE) is a prescribed person to whom a disclosure may be made.

Disclosures to the DfE should be made in line with government guidance and only where the whistleblower reasonably believes that:

- the information disclosed is substantially true; and
- the matter falls within the DfE's remit.

Further information on how to raise a concern with the DfE is available via government guidance on whistleblowing to the Department for Education and can be raised here (all links correct at the time of publishing):

Whistleblowing for employees (government guidance): Whistleblowing for employees: What is a whistleblower - GOV.UK. <https://www.gov.uk/whistleblowing>

Blowing the whistle to the Department for Education: <https://www.gov.uk/guidance/blowing-the-whistle-to-the-department-for-education>

Protect – the whistleblowing charity: <https://protect-advice.org.uk/>