

BPEC Whistleblowing Policy and Procedure

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1. Introduction

1.1. Policy Statement

This document outlines BPEC's policy and procedure for confidentially reporting instances of malpractice, maladministration or other wrongdoing to BPEC. The policy sets out how an individual can confidentially report cases of malpractice or maladministration to BPEC; when an individual should inform BPEC of allegations; and how BPEC will respond to a whistleblowing allegation.

1.2. Purpose

The purpose of this document is to:

- a) Outline in which instances an individual should inform BPEC of a concern or suspicion regarding malpractice or maladministration.
- b) Outline how an individual can confidentially report suspected malpractice or maladministration to BPEC.
- c) Outline how BPEC will protect the interests and confidentiality of the whistleblower, wherever this is possible.
- d) Inform an individual how BPEC will respond to a report of malpractice or maladministration.

This policy is not applicable to individuals who wish to complain about a service provided by BPEC or a BPEC approved Centre or Training Provider. These individuals should instead refer to the BPEC Complaints Policy and Procedure.

This policy is not applicable to staff members of BPEC approved Centres/Training Providers who wish to inform BPEC of suspected or proven cases of malpractice within their organisation. These individuals should refer to the BPEC Malpractice and Maladministration Policy and Procedure.

1.3. Scope and Definitions

Whistleblowing is a term used to describe when an individual discloses concerns or information relating to potential malpractice and maladministration to BPEC. Malpractice or maladministration can be committed by a Centre/Training Provider, staff member, a Learner/Candidate/Apprentice, an Employer, another third party or by a BPEC representative.

The term **Whistleblowing** is used when an individual discloses concerns or information, including information related to potential or actual malpractice regarding the delivery of BPEC products.

This document applies to all areas where BPEC have approved for a Centre or Training Provider to deliver:

- a) Regulated qualifications under the various conditions and regulations set by the UK regulatory authorities in England.
- b) *Unregulated products (including qualifications and assessments)
- c) End-point Assessments

*These unregulated products (including qualifications and assessments) are not regulated by Ofqual and are not included on Ofqual's Register of Regulated Qualifications.

The intended audience of this policy and procedure is:

- BPEC Directors and Governing Board
- BPEC core staff, sub-contracted and associate staff (including Internal/External Quality Assurers and End Point Assessors/IQAs)
- All staff in BPEC approved centres and training providers
- All learners and candidates registered on BPEC Qualifications and assessments
- Apprentices completing End Point Assessments
- Members of the public who suspect malpractice or maladministration is taking place, or has taken place, regarding the delivery of a BPEC product, including employers. Qualification, assessment and industry Regulators

Malpractice

Malpractice is any deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process and/or the validity of certificates. Malpractice is an act that does not comply with the Qualification and Assessment Regulators' conditions and compromises the authenticity, reliability and integrity of qualifications, assessments and/or units.

Malpractice can include, but not limited to:

- criminal offences such as bribery or fraud
- assisting individuals in the production of evidence, to such an extent that the evidence is not authentic (i.e. does not represent the individual's own achievement)
- actions compromising the integrity of exams or the assessment process
- actions compromising the integrity or validity of a regulated Qualification, BPEC assessment or end point assessment
- actions compromising the reputation and credibility of BPEC
- actions compromising the status of qualifications in the media or wider community

Maladministration

Maladministration is an activity of poor practice rather than improper practice where there has been no intention on the part of the person responsible to do any harm. It may involve some degree of incompetence or ineptitude, or it may result from carelessness or inexperience. The activity of poor practice results in an individual or organisation not complying with BPEC's requirements.

Maladministration can include, but not limited to:

- avoidable delay;
- mistakes arising from inattention;
- faulty procedures;
- failure to follow correct procedures;
- poor record keeping;
- inadvertent failure to take action;
- poor communication; and
- inadvertently giving misleading or inadequate information.

2. Policy

If an individual identifies, or witnesses, an instance of malpractice they must first assess whether the most appropriate action when reporting the incident would be to first report the concern to the Centre/Training Provider. If concerns are raised and the individual is not satisfied that their concerns have been adequately investigated, or, that the issue is still occurring, they may wish to notify BPEC directly and provide details of the action already taken.

BPEC understands that it may not always be appropriate for an individual to follow a Centres/Training Providers internal process for reporting malpractice and maladministration. In these cases, individuals should raise their concerns directly with BPEC for our investigation. Examples where this may be applicable include, but may not be limited to:

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

BPEC 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. BPEC understands the importance of confidentiality for whistleblowers and, where it has been requested, will strive to protect an individual's anonymity. However, it is important to note that BPEC may not be able to investigate a concern as effectively if an allegation is made anonymously.

BPEC may need to contact a whistleblower throughout an investigation and therefore individuals should be prepared to share contact details with BPEC. If allegations are made anonymously, this may hinder BPEC's investigation.

There may be instances where BPEC must reveal an individual's details, such as, if we are required to do so by law. Individuals should also understand that they may be identifiable due to the nature or content of their allegations.

Individuals must refrain from making unwarranted allegations to BPEC (i.e. if an individual does not believe their allegation to be true). If allegations are made by staff of a recognised centre or training provider, that are deemed unwarranted, BPEC may remove the individual's approval for delivery of BPEC products.

There are a range of concerns that an individual may wish to be raised under this policy and procedure, including, but not limited to, where:

- a) There is a suspicion that an individual has committed or is complicit with an instance of malpractice.
- b) There is suspicion that an individual is involved in fraud or other illegal activity regarding BPEC products.
- c) There is a suspicion that a centre is non-compliant with the BPEC approval criteria.
- d) They have been asked, or forced, to perform an activity that they believe constitutes as malpractice, maladministration or misconduct.

3. Procedure

If an individual wishes to raise an allegation of malpractice to BPEC, they can contact the Quality Assurance Team by either email, telephone or by letter. The contact details can be found in Section 4. 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 BPEC to investigate.

For concerns relating to the delivery of BPEC regulated qualifications and unregulated products, in the first instance, the individual must first report it to the approved Centre, where it is appropriate to do so. As part of the criteria to gain and retain centre approval, all BPEC Centres

must have their own policy and procedure regarding how they will respond to enquiries and allegations of malpractice and maladministration.

For concerns relating to End-point Assessments, where an individual has a concern, they must first report it to the appropriate Training Provider, where it is appropriate to do so.

Centres and Training Providers must ensure that all cases of suspected malpractice or maladministration are reported to BPEC in line with the BPEC Malpractice and Maladministration Policy and Procedure.

If the Whistleblower reasonably feels unable to report the suspected malpractice or maladministration to their Centre or Training Provider, they may report directly to BPEC without any consequence. The reasons for this may include, but are not limited to, where senior colleagues or management are alleged to be engaged in Malpractice; where those responsible for investigating/reporting malpractice are alleged to be engaged in Malpractice; or where the individual feels that their job or even their personal safety might be at risk by reporting in line with the Centre or Training Provider's internal procedures. BPEC always welcomes direct Whistleblowing reports which are made in good faith, regardless of the circumstances.

Individuals should ensure that they provide as much detail as possible to allow BPEC to effectively address allegations, this includes, but is not limited to:

- Details of the people and organisations involved.
- The background and history to the allegation.
- Any specific details (e.g. names, dates, times and places) where incident(s) occurred.
- Full details of the allegations, including the BPEC provision which is involved.
- The individual's involvement, response and any personal interest they may have in this matter (if applicable).
- Any other relevant information, supporting documents and evidence.

If allegations are made by telephone, individuals may be asked by BPEC to produce a written statement as supporting evidence, in the event of an investigation commencing. The name of the individual will be redacted from statements if this is to be provided to the Centre/Training Provider as evidence.

It is important that individuals do not try to investigate the matter themselves. Any attempt to gather evidence by an individual without following BPEC's direction may lead to the outcome of an investigation being adversely affected.

Once an allegation is made, an acknowledgement of receipt will be made within 5 working days. The Quality Assurance Team will make preliminary enquiries to decide whether a full investigation is necessary. BPEC will contact the individual to:

- a) Confirm that BPEC has received the allegation
- b) Indicate to the individual whether or not BPEC will be investigating the matter
- c) Request any further information (if required)

If an investigation is required, this will be conducted in line with BPEC's Malpractice and Maladministration Policy and Procedure.

3.1. Providing Information relating to Whistleblower declarations

Although BPEC are able to confirm whether an investigation is open or closed against a Centre or Training Provider, **BPEC will not release the outcomes of its investigations to individuals who raise allegations.** This includes details of any actions BPEC has taken or is planning to take.

In cases of proven malpractice, BPEC will notify the relevant Qualification and Assessment Regulators and other Awarding and End Point Assessment Organisations of the outcomes of BPEC's investigation, where required. BPEC may also be required to refer the allegation to external bodies such as the police or public funding bodies.

3.2. Anonymity and Confidentiality

All possible measures will be taken to protect the Whistleblower and maintain their anonymity and confidentiality.

However, whistleblowers must be aware that BPEC has legal and regulatory obligations to disclose information which might lead to the Whistleblower being identifiable.

3.3. Out of Scope Allegations

There are a range of concerns that an individual may wish to be raised, but fall out of scope of this Policy and Procedure, including, but not limited to:

- Personal grievances (e.g. harassment, discrimination or bullying etc.) or a dissatisfaction with the service received from a Centre or Training Provider (e.g. fees or contractual disputes), in these instances the individual should follow the Centres/Training Providers own internal complaints or grievance policy.
- An individual making an appeal against a decision made by a Centre, Training Provider or BPEC, in these instances the individual should refer to the relevant Appeals Policy and Procedure.
- Unwarranted allegations made to BPEC (e.g. where the individual does not believe their allegation to be true).

If an allegation was not confirmed by a BPEC investigation to hold any validity, however the individual who has made the allegation had reason to believe it was true, no action will be taken against the individual. If, however, allegations are made by that are deemed malicious or unfounded, BPEC may take action against the individual.

4. Further Information

4.1. Contact Us

If you have any queries about the contents of the policy, please contact BPEC at:

1-2 Mallard Way
Derby
United Kingdom
DE24 8GX

Email: Assurance@bpec.org.uk

Telephone: 01332 376000

4.2. BPEC Quality Assurance Team Contact Details

The BPEC Quality Assurance Team can be contacted through the communication channels detailed below:

Email: Assurance@bpec.org.uk

Please mark your email as confidential and refer to a whistleblowing allegation in your email subject.

Telephone: 01332 376000

Please ask to speak to the Quality Assurance team and inform the call handler that you wish to make a whistleblowing allegation.

Letter:

BPEC AO/EPAO Quality Assurance Team
1-2 Mallard Way
Pride Park
Derby
DE24 8GX

Please address your letter to the AO/EPAO Quality Assurance team and mark your letter as confidential. Please ensure that contact details (email or telephone) are included in your letter.

4.3. Document Control

This policy is maintained by the BPEC Quality Assurance Team and will be reviewed, and where applicable, updated where necessary, to reflect any changes to regulatory requirements, feedback, operation improvements or updated legislation.