

Whistleblowing Policy

1. What does this policy document cover?

- 1.1 This document describes LCME's policy on whistleblowing.

2. Who is the document for?

- 2.1 This policy applies to candidates and groups of candidates, bookers, area representatives, centre managers, stewards, and invigilators. The purpose of this policy is to set out the procedures to follow if you wish to "blow the whistle" on any suspected malpractice or maladministration in respect of LCME or centres.
- 2.2 For **LCME staff** and **examiners** who wish to "blow the whistle" on any suspected malpractice or maladministration, they should follow the whistleblowing policy of the University of West London policy: <https://www.uwl.ac.uk/about-us/policies-and-regulations/public-interest-disclosure-policy-whistleblowing>

3. Why does LCME have a whistleblowing policy?

- 3.1 LCME is committed to openness, probity and accountability and encourages a free and open culture in dealings between its officers, employees and all people with whom it engages in business and legal relations. In particular, LCME recognises that effective and honest communication is essential if concerns about breaches or failures are to be effectively dealt with and the organisation's success ensured.

4. What is whistleblowing?

- 4.1 Whistleblowing describes a situation where a person raises a genuine concern about suspected malpractice or wrongdoing, and/or the covering up of malpractice or wrongdoing, for example:
- Financial malpractice or impropriety or fraud
 - Failure or likely failure to comply with a legal or regulatory obligation
 - Dangers or likely dangers to health and safety or the environment
 - Criminal activity or likely criminal activity
 - Modern slavery allegations
 - Academic or professional malpractice
 - Improper conduct or unethical behaviour
 - Attempts or likely attempts to conceal any of the above.

5. The Public Interest Disclosure Act

- 5.1 The Public Interest Disclosure ACT 1998 (PIDA) applies only to employees and workers as it protects them from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing.

- 5.2 For a disclosure to be protected by the PIDA, it must relate to matters that "qualify" for protection under the PIDA. Qualifying disclosures are disclosures which the employee or worker reasonably believes tends to show that one or more of the following matters is either happening currently, in the past or is likely to happen in the future:
- a criminal offence
 - the breach of a legal obligation
 - a miscarriage of justice
 - a danger to the health and safety of any individual
 - damage to the environment; or
 - deliberate concealment of information of any of the above five matters.
- 5.3 You can report to LCME, if you feel you are unable to take your concerns to your employer. You are still protected by the PIDA if:
- You reasonably believe that, by making the disclosure to your employer, you will be victimised;
 - You reasonably believe that by making the disclosure to your employer there is likely to be a cover-up;
 - The matter has previously been raised internally or with the sector regulator.
- 5.4 You can report to LCME, if you have a concern under this policy, however, the PIDA protection will only protect employment based relationships.

6. What about confidentiality?

- 6.1 LCME encourages individuals making allegations of wrongdoings to put their name to any disclosures they make, to enable full and proper investigation to be carried out. LCME will endeavour to keep the identity of the whistleblower confidential, where asked to do so. However, LCME may be required by law to disclose identity to certain third parties such as:
- the police
 - the courts
 - regulators i.e. Ofqual
 - any other person/body to whom we are required to disclose by law.
- 6.2 In certain circumstances, the identity of the whistleblower may be identifiable due to the nature of the circumstances of the disclosure.
- 6.3 Where anonymous disclosures of wrongdoing are made, an investigation will be more difficult to conduct and likely to impact the effectiveness of an investigation and its outcome. In some instances, investigations may not reach its full conclusion.

7. The whistleblowing process – what happens next?

- 7.1 If you wish to make a disclosure, and are prepared to put your name to it you should contact LCME using the Contact form at lcme.uwl.ac.uk/contact/. If you wish to make an anonymous disclosure, please email us at lcme.compliance@uwl.ac.uk and put Whistleblowing in the subject line.
- 7.2 LCME will acknowledge receipt of your disclosure within 3 working days. On receiving a disclosure LCME will appoint a suitable member of the central team to coordinate the investigation. A reviewer, who is not an employee of LCME and has had no input into any

previous process relating to the matters disclosed and no personal interest in it, will also be appointed.

- 7.3 The independent reviewer will have access to all the available information relating to the disclosure. They will endeavour to investigate the matter rigorously, fairly, courteously in a manner that is free from bias and prejudice. This may involve contacting the whistleblower, and others involved. Following an investigation, the reviewer will assess the information and produce a report detailing final outcomes and the actions LCME is recommended to take as a result.
- 7.4 LCME aims to conduct the investigation within 20 working days. Where a matter proves more complex, the investigation may take longer.

8. Outcomes

- 8.1 The investigation will determine one of two outcomes. Where the whistleblowing disclosure has been supported by the evidence and the investigation results in a proven case of wrongdoing, action will be taken. Where the investigation results in a finding of not proven, no further action will be taken.
- 8.2 It is not always possible to inform the whistleblower of the outcome and/or any actions taken, especially where such disclosure would jeopardise the ability of LCME, the police or other independent investigator to conduct a proper investigation, the person or persons against whom the disclosure is made may not have been told.

9. Contacting the regulator

- 9.1 If those involved still have concerns, or think that the investigation was not properly conducted, and/or the action LCME proposes taking are insufficient, they have the opportunity to escalate the matter to the relevant regulator:
- Ofqual: <https://www.gov.uk/government/organisations/ofqual/about/complaints-procedure>
 - Qualifications Wales: <https://qualifications.wales/about/complaints/#complaining-about-an-awarding-body>
 - CCEA: <https://ccea.org.uk/contact/complaints>

Glossary of Terms

Area Representatives	means an individual contracted by LCME to promote LCME exams and source candidates, teachers, and centres in their allocated area to undertake and hold examinations.
Booker	means a third party (i.e. parent, teacher, centre managers) who makes an examination booking on behalf of a candidate.
Candidate	means an individual who is registered with LCME to undertake an LCME examination.
Centres	mean an LCME approved premise which can hold LCME examinations.
Centre Manager	means either a public or private centres.
Employee or worker	means an individual who has an employee-employer relationship and has been engaged under a contract of services, where the employer dictates the terms of the work, including working hours and tasks.
Examiners	means a person contracted by the University of West London to deliver and assess examinations offered by London College of Music Examinations.
Invigilators	means a person who invigilates a theory exam on behalf of London College of Music Examinations.
LCME	means London College of Music Examination, a department within the University of West London.
LCME staff	means staff employed by the University of West London to undertake LCME activities.
Ofqual	means the Office of Qualifications and Examination Regulations, a non-ministerial government department responsible for regulating qualifications, examinations and assessments.
Private Centres	are typically schools who organise examination arrangement for their students to undertake LCME exams. LCME Examiners are invited to attend the school's premises to conduct the examinations.
Public Centres	are contracted by LCME to source candidates to undertake LCME examinations and examination venues for LCME to hold examinations.
Stewards	means a person who is in attendance at practical examination sessions in order to ensure the smooth running of examinations and undertakes various tasks as set out in the Representatives' Handbook.

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