

WHISTLEBLOWING POLICY

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ABOUT THIS POLICY

The Commissioner is committed to ensuring that registered organisations conduct their business with honesty and integrity and the Commissioner expects all registered advisers to maintain high standards and act in a way that upholds public trust and confidence in the regulatory scheme.

The Commissioner expects any suspected wrongdoing to be reported as soon as possible.

This policy covers all registered organisations and advisers.

WHAT IS WHISTLEBLOWING?

Whistleblowing is the reporting of suspected wrongdoing by revealing information about activity within an organization that is deemed illegal, immoral, illicit, unsafe or fraudulent. For example:

- Reporting persons providing immigration advice or services whilst not regulated
- Reporting persons providing immigration advice or services above their authorised registered levels and/or categories
- Reporting persons involved in misleading the authorities, abusing the immigration system or advising others to do so
- Reporting persons making inappropriate demands of clients
- Reporting organisations which are not required to pay the Commissioner an application fee but charging clients directly or indirectly a fee for the provision of immigration advice.
- Reporting organisations operating without the right insurance

The above list is not exhaustive but is presented to give an indication of the type of issues that would necessitate reporting to the Commissioner.

Whistleblowing is different from making a complaint as the whistleblower is not expected to prove the wrongdoing. He or she is a messenger raising a concern so that others e.g., the Commissioner can address it. This is very different from a complaint. When someone complains, they are saying that they have been personally treated poorly.

The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

HOW TO RAISE A CONCERN

You may raise your concern by contacting us by email or telephone using the contact details at the end of this policy.

We will listen to your concern and decide if any action is needed. You may be asked for further information. You must say straight away if you do not want anyone else to know it was you who raised the concern. You will not have a say in how your concern is dealt with.

The Commissioner cannot give a timeframe for handling any disclosures raised but will aim to investigate and remedy any wrongdoing within registered organisations, within a reasonable timeframe depending on the circumstances of each case.

We can keep you informed about the action we have taken but will be unable to provide you with the full details of the action being taken detail if we have to keep the confidence of other people.

CONFIDENTIALITY

We hope that individuals will feel able to voice whistleblowing concerns openly under this policy. Completely anonymous disclosures are difficult to investigate. The Commissioner will always ensure that the confidentiality of those who report serious misconduct is protected and their details are not disclosed to those accused of misconduct or third parties.

PURPOSE OF THE POLICY

The aim of this policy is to provide a mechanism for reporting, investigating and remedying any wrongdoing within registered organisations. This is particularly so for those individuals who for a variety of reasons, are unable to raise their concerns within the organisation and find it necessary to alert someone externally.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator.

PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

We aim to encourage openness and will support whistleblowers who raise genuine concerns under this policy, even if they turn out to be mistaken.

This is the case notwithstanding the fact that we are not currently a prescribed person under the Public Interest Disclosure Act 1998 (“the PIDA 1998”). A prescribed person is an individual or organisation, prescribed by an order of the Secretary of State, that a worker may approach outside their workplace to report suspected or known wrongdoing.

Generally, the PIDA 1998 protects workers and other stakeholders who disclose information about malpractice in the workplace from suffering detriment as a result. The objectives of the PIDA 1998 and our statutory function as a regulator are closely aligned and regulated organisations or advisers must not victimise an individual who has made a disclosure to us in the public interest. This will not be tolerated by the Commissioner.

The Commissioner strongly supports and recommends public interest disclosures and expects registered organisations and advisers to do the same. We will treat information provided to us, if you report to us, sensitively and will always discuss with you any needs or concerns that you may have. Individuals and organisations regulated by us have a duty to bring risks to the public interest to our attention, but we recognise that this can be difficult and additional support may be required.

Whistleblowers may contact Public Concern at Work, a whistleblowing charity, which operates a confidential helpline for advice about their concerns.

All those regulated by us have an obligation to ensure that they do not attempt to prevent anyone from making a complaint or providing information to us, or any other body exercising regulatory functions in the public interest.

Contacting the OISC as a whistleblower.

Please mark your correspondence as Re: Whistleblowing

Please provide a short summary of the issue and an indication of how long the issue has been occurring.

Please provide your contact details noting if you do not want anyone else to know it was you who raised the concern. If information is provided to us on a confidential basis, we will take appropriate steps to protect your identity. You are protected under the Whistleblowing policy related to regulated organisations.

Contacts

Email: INFO@OISC.GOV.UK

Telephone number: 0345 000 0046