

Policy Name:	Whistleblowing Policy
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Who it applies to:	Staff, Workers, Volunteers, Board Members, Trustees, Accredited Centre staff, CILEX learners, CILEX members, and/or other associated persons
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Contractual Terms and Conditions, which will be changed following legal requirements.	No

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Introduction

This policy forms part of the Chartered Institute of Legal Executives' (CILEX) internal control and corporate governance arrangements. CILEX means here the Chartered Institute of Legal Executives and its subsidiaries.

The CILEX board is committed to ensuring that effective policies operate throughout CILEX.

This Policy follows the guidance set out in legislation including any contractual elements. This policy is not contractual but is intended as a statement of current CILEX strategy and its commitment to operate a fair procedure, taking into account statutory and other guidelines. CILEX therefore reserves the right to amend this Policy and associated Procedure as necessary, to meet any changing requirements.

This Policy explains what is meant by whistleblowing, how a concern can be raised and to whom, how it will be investigated, confidentiality, and what will happen if a disclosure has been made maliciously. Further details can be found in the accompanying Whistleblowing Procedure.

CILEX is committed to promoting and maintaining the highest level of ethical standards in relation to all its business activities. Its reputation for maintaining lawful business practices is of paramount importance and this Policy is designed to preserve these values.

CILEX has a zero-tolerance policy towards Bribery, Corruption and other wrongdoing and is committed to acting fairly and with integrity in all its business dealings and relationships and implementing and enforcing effective systems to counter Bribery. This applies to all levels of the business. This Policy should be read in conjunction with the Anti-Bribery and Corruption Policy, Gifts and Hospitality Policy and the Fraud Policy.

Purpose and scope of the Policy

Whistleblowing¹ is a term used when an individual discloses information relating to suspected wrongdoing or bad behaviour and/or the covering up of wrongdoing or bad behaviour.

The main message of this Policy is that if an individual has a concern, they should express it. The aim of this Policy is to encourage a culture of openness and to create an environment in which whistleblowers can have confidence that they will be protected and supported if they make a disclosure to us that they believe to be true. We encourage disclosures to be made sooner rather than later, which can result in wrongdoing being dealt with swiftly and potentially before regulatory or other action is required.

CILEX recognises that errors and problems can occur, and it wants individuals to feel able to report them when they do. This Policy (and Procedure) is about enabling an individual to feel confident about reporting concerns and, where they have a reasonable belief that wrongdoing or bad behaviour has occurred or is likely to occur. Examples include but are not limited to:

- a risk to the health or safety of an individual.
- environmental damage.

¹ Whistleblowing is another name given to the making of a disclosure in the public interest.

- a miscarriage of justice².
- offer or acceptance of a bribe or facilitation payment.
- incidence of potential learner malpractice.
- incidence of potential CILEX accredited centre malpractice and/or maladministration.
- matters affecting the reputation of CILEX qualifications.
- an illegal action which may or may not be considered as criminal offence.
- failure to comply with a legal obligation.
- knowledge or suspicion that money laundering activity has taken place.
- concealment of any information relating to the above.
- acting in a way that leads to any of the above, bringing the organisation into disrepute and/or leading to considerable public misunderstanding or corporate reputational damage.

Raising a concern does not mean that an individual must provide proof of the problem, only that they have a genuine belief that something is wrong and needs looking at. If an individual is in any doubt as to whether there has been wrongdoing, they should raise the matter. We will treat the information we receive as confidential and handle it sensitively and carefully.

The protection as afforded by this Policy is for workers as well as employees. The term 'worker' includes agency workers and trainees on placement. It applies to both former and existing workers, and to individuals who are self-employed and provide services directly to the organisation.

- For staff members:
If you have a concern about potential wrongdoing or bad behaviour and work within CILEX, raise it with your manager. If you feel unable to do this, for whatever reason, you may instead raise the matter with your head of department, a member of the CILEX Executive Committee, or the Group Privacy Officer (privacy@CILEX.org.uk).

For anyone else, including CILEX Learners and Members, if you are not an employee of CILEX, contact our Group Privacy Officer (privacy@CILEX.org.uk).

You can raise an issue anonymously but must be aware that doing so will make it more difficult for us to carry out an investigation and update you with progress made.

- Alternatively, you could contact a whistleblowing advice line, such as Protect³.

'Protect' promotes accountability and good practice in the workplace by helping to ensure that concerns about wrongdoing are properly raised and addressed. Protect can be contacted on 0203 117 2520 or via the website www.protect-advice.org.uk.

It is important to remember that, if you are employed, as a whistleblower you are protected by law⁴ - you will not be treated unfairly or lose your job because you 'blew the whistle'. If you are unsure how to proceed or want independent advice at any stage, you should contact Protect.

² A miscarriage of justice is defined as an outcome in a judicial proceeding that is unjust especially an error made in a court of law that results in an innocent person being punished or a guilty person being free.

³ Protect is a whistleblowing charity giving free and confidential advice on whistleblowing concerns.

⁴ Self-employed, volunteers with no enforceable contract and non-executive directors are not covered by law unless the employer decides to cover this within their written policies.

When you raise a concern, you will be asked how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If you are a member of staff and your concern is a personal issue, it may fall more properly within the Grievance Procedure.

This Policy does not cover:

- employment disputes⁵.
- complaints about CILEX's standard of service – refer to the CILEX Corporate Complaints Policy.
- enquiries and/or appeals of assessment decisions – see Information for Students: – Results, Enquiries and Appeals.
- complaints about a CILEX accredited centre's standard of service – in the first instance, these should be addressed using the centre's own complaints procedure. If you remain dissatisfied, contact the CILEX Accreditation Team.
- requirements to report Suspicious Activity under Anti-Money Laundering Regulations.

We will support whistleblowers who raise genuine concern under this Policy, even if those concerns turn out to be mistaken, without risk or fear of the individual suffering any form of retribution, ridicule or any harassment or victimisation as a result. If the individual feels that they are being treated unfairly because of raising a concern, we can take action to protect that person if we are made aware of the situation.

Responsibilities

Overall responsibility and accountability for the management of whistleblowing concerns lies with the organisation's Chief Executive, Executive Directors, and appropriate Senior Management.

Human Resources (HR) are responsible for ensuring that all staff have access to this Policy and Procedure when they begin employment with CILEX, as well as the support they need if they raise a concern. They are also responsible for ensuring that anything raised within HR procedures which could amount to a whistleblowing concern is appropriately signposted to this Policy and Procedure. HR should not however be involved in the investigation of the whistleblowing concern unless the concern directly relates to staff conduct.

Managers must ensure that they have accessed the appropriate additional training/guidance that is available to them so that they can identify concerns and know how to deal with disclosures. While Managers are encouraged to try and resolve concerns early, they should be aware of when to escalate a matter if they are not able to personally handle it.

Investigations must be carried out by an appropriately trained member of staff where there is no conflict of interest, perceived or actual. They must take into account the sensitivities of the

⁵ Personal grievances (for example bullying, harassment or discrimination) are not covered by whistleblowing law, unless your case is in the public interest. These should be reported under your employer's own Grievance Policy.

case and be able to signpost the individual to any additional support/advice that is available. HR issues must also be separated out from the whistleblowing concern.

The Investigator should listen to the concerns and judge what is appropriate and reasonable and how improvements can be made where necessary.

It is the responsibility of the Corporate Compliance Manager to ensure that this Policy is reviewed at 18-month intervals. The Policy will be revised as necessary to take account of stakeholder feedback, recommendations from the regulatory authorities, changes in legislation, or other relevant factors.

Legal Obligations

The statutory and/or regulatory directives on which this policy is based are the General Data Protection Regulation (GDPR); the [Employment Rights Act 1996](#); the [Public Interest Disclosure Act 1998](#)⁶; [The Whistleblowing Commission – Code of Practice](#); [The Money Laundering, Terrorist Financing and Transfer of Funds \(Information on the Payer\) Regulations 2017](#) (“the Regulations”).

References

The following CILEX Corporate policies fall within the reach of this Policy:

- [Anti-Bribery & Corruption Policy](#)
- [Fraud Policy](#)
- [Data Protection Policy](#)
- [Corporate Complaints Policy](#)
- Results, Enquiries and Appeals Policy
- Grievance & Malpractice Policy
- Personal Interest Policy
- Freedom of Information Policy
- Managing incidents and Breaches Policy
- Gifts and Hospitality Policy
- Modern Slavery Policy
- Safeguarding Policy
- [Suspicious Activity Reporting – Anti-Money Laundering](#)

⁶ Please note that the Public Interest Disclosure Act 1998 is applicable to workers only. See the Whistleblowing Procedure for guidance.