

Procedure Name:	Whistleblowing Procedure
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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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1. What is whistleblowing?

Whistleblowing is a term used when an individual (a worker) discloses information relating to suspected wrongdoing¹ and/or bad behaviour and/or the covering up of wrongdoing or bad behaviour in the workplace.

A person is generally classed as a 'worker' if:

- they have a contract or other arrangement to do work or services personally for a reward (a contract can be written or unwritten).
- their reward is for money or a benefit in kind, for example the promise of a contract or future work.
- they only have a limited right to send someone else to do the work (subcontract)
- their employer must have work for them to do as long as the contract or arrangement lasts.
- they are not doing the work as part of their own limited company in an arrangement where the 'employer' is a customer or client.

2. What might you be concerned or worried about?

You may have concerns about what is happening in your place of work. Usually, these concerns are easily resolved. However, when they are about potential unlawful conduct it can be difficult to know what to do.

You are protected by law if you report any of the following:

- a criminal offence, for example fraud.
- someone's health and safety are in danger.
- risk or actual damage to the environment
- a miscarriage of justice.
- the company is breaking the law, for example does not have the right insurance.
- you believe someone is covering up wrongdoing.

You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something but find you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

All management within CILEX, and Board and Committee members of CILEX, take any form of wrongdoing very seriously. CILEX has a Whistleblowing Policy and Procedure, to enable

¹ The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

you to raise your concerns and speak up about such potential wrongdoing or bad behaviour at an early stage and in the right way. We would rather you raised the matter when it is just a concern rather than waiting for proof.

Where appropriate, your concern may be considered under an alternative procedure for example:

For staff: through the Disciplinary and Dismissal Procedure, Bullying and Harassment Policy or the Equality, Diversity, and Inclusion Policy. If you are aggrieved about your personal position, the Grievance Procedure is available to you.

- For the public: through our CILEX Corporate Complaints Procedure which can be found on the CILEX website (www.CILEX.org.uk).

3. How to raise a concern initially

3.1 CILEX Staff and Volunteers

Option One

If you have a concern about potential wrongdoing or bad behaviour, we hope you will feel able to raise it with your Manager². This may be done orally or in writing.

Option Two

If you feel unable to raise the matter with your Manager, for whatever reason, you may contact the Group Privacy Officer (privacyofficer@cilex.org.uk). These people have been given special responsibility and training in dealing with whistleblowing concerns.

Option Three

If you feel that you cannot discuss the matter either of the above, or you do not feel comfortable approaching them, you may instead raise the matter with your head of department or a member of the CILEX Executive Committee.

Please say if you want to raise the matter in confidence so they can make appropriate arrangements.

Option Four

Another alternative option would be to seek legal advice from a lawyer or tell a prescribed person or body³. If you report your concerns to a prescribed body or person, it must be one that deals with the issue you are raising.

Option Five

If you are not comfortable with using any of the options set out above, you may wish to contact the independent whistleblowing charity Protect. Website: www.protect-advice.org.uk or Telephone: 020 3117 2520.

Protect promotes accountability and good practice in the workplace by helping to ensure that concerns about wrongdoing and/or bad behaviour are properly raised and addressed. Protect operates a confidential helpline who provide advice free of charge to

² Staff can make a disclosure jointly with others.

³ A prescribed person cannot help you with your relationship with your employer.

employees and others who are concerned about wrongdoing in an organisation but are unsure what to do.

If you are unsure whether to use this procedure or want independent advice at any stage, please contact Protect.

In addition, gov.uk⁴ and ACAS⁵ websites have sections containing information about whistleblowing.

It is recommended that if you are considering raising a whistleblowing concern to keep an ongoing log of events with dates and times and other information that may be relevant in an investigation.

3.2 CILEX Board and Committee Members, Other Associated Persons

Option One

If you have a concern about actual or potential wrongdoing or bad behaviour, we hope you will feel able to raise it with the Chair of the Audit and Risk Committee. In this case, you can email to the Group Privacy Officer (privacyofficer@cilex.org.uk) and include in the subject "attention Chair of ARC".

Option Two

If you feel unable to raise the matter with the Chair of the Audit and Risk Committee, for whatever reason, you may instead raise the matter with the CILEX Board Chair or a member of the CILEX Executive Committee. In this case, you can email to the Group Privacy Officer (privacyofficer@cilex.org.uk) and include in the subject "attention Board Chair".

Please indicate if you want to raise the matter in confidence so they can make appropriate arrangements.

Option Three

If you are not comfortable with using any of the options set out above, you may wish to contact the independent whistleblowing charity Protect.

Protect promotes accountability and good practice in the workplace by helping to ensure that concerns about wrongdoing or bad behaviour are properly raised and addressed. Protect operates a confidential helpline who provide advice free of charge to employees and others who are concerned about wrongdoing in an organisation but are unsure what to do.

If you are unsure whether to use this procedure or want independent advice at any stage, please contact Protect.

It is recommended that if you are considering raising a whistleblowing concern to keep an ongoing log of events with dates and times and other information that may be

⁴ [Whistleblowing for employees: What is a whistleblower - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

⁵ [Work and employment law advice | Acas.](https://www.acas.org.uk)

relevant in an investigation.

3.3 CILEX Accredited Centre staff and CILEX Learners

3.3.1 CILEX Accredited Centre staff

If you work at a CILEX accredited centre which delivers CILEX qualifications, you may want to raise your concern with your employer first e.g., through your Manager. If you do not consider that this is appropriate, you could approach senior management within your organisation.

If you consider that a concern you have raised internally has not been appropriately addressed or you do not want to raise your concerns internally, you may want to make a disclosure to someone outside your organisation.

Key examples of whistleblowing disclosures may include:

- a worker for a centre making a disclosure about that centre's malpractice and/or maladministration.
 - a learner making a disclosure about a centre's malpractice and/or maladministration.
- a) Unless you are reporting a whistleblowing disclosure relating to a CILEX qualification, we recommend that you contact a whistleblowing advice line.

Protect is an independent whistleblowing charity. 'It 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.

- b) If you work at a CILEX Accredited Centre and your concern relates to the delivery of a CILEX qualification, the CILEX contact details for making a whistleblowing disclosure in relation to CILEX qualifications are: the CILEX Group Privacy Officer (privacy@cilex.org.uk).

It is important to remember that, if you are employed, as a whistleblower you are protected by law - 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 a whistleblowing charity such as Protect.

It is recommended that if you are considering raising a whistleblowing concern to keep an ongoing log of events with dates and times and other information that may be relevant in an investigation.

3.3.2 CILEX Learners

- a) Unless you are reporting a whistleblowing disclosure relating to CILEX or to CILEX Law School (CLS), you may want to raise your concern with your Employer first e.g., through your Manager. If you do not consider that this is appropriate, you could approach senior management within your organisation. If you consider that a concern you have raised internally has not been appropriately addressed or you do not want to raise your

concerns internally, you may want to make a disclosure to someone outside your organisation. We recommend that you contact a whistleblowing advice line.

It is important to remember that, if you are employed, as a whistleblower you are protected by law - 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 a whistleblowing charity such as Protect.

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.

b) The CILEX contact details for making a whistleblowing disclosure in relation to CILEX qualifications are:

The CILEX Group Privacy Officer (privacy@cilex.org.uk).

The preferred method of receiving whistleblowing disclosures is in writing (by post or email) detailing the following information, where possible:

- Name;
- CILEX Learner and/or Membership number(s);
- Study Centre/Provider;
- Your contact details;
- Details of the people/organisation involved;
- Report of the issues raised;
- CILEX qualifications affected;
- Any supporting evidence/documentation.

If you choose to make a whistleblowing disclosure to CILEX and have provided contact details, we will send you an acknowledgement within five working days to confirm that we have received your initial disclosure. Depending on the circumstances, we may refer you to Protect.

CILEX will normally ask a whistleblower to provide evidence to support the disclosure if the whistleblower has them. Anonymous⁶ whistleblowing disclosures will be considered by CILEX although it may not always be possible to investigate or substantiate anonymous disclosures.

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.

It is recommended that if you are considering raising a whistleblowing concern to keep an ongoing log of events with dates and times and other information that may be relevant in an investigation.

⁶ Anonymity means the identity of the person reporting a concern is hidden from everyone. Confidentiality means to hide identity from the public.

3.4 CILEX Members

- a) If you are a CILEX Member, you may want to raise your concern with your Employer first e.g., through your Manager. If you do not consider that this is appropriate, you could approach senior management within your organisation. If you consider that a concern you have raised internally has not been appropriately addressed or you do not want to raise your concerns internally, you may want to make a disclosure to someone outside your organisation.

It is important to remember that, if you are employed, as a whistleblower you are protected by law - 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 a whistleblowing charity such as Protect.

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.

- b) The CILEX contact details for making a whistleblowing disclosure in relation to your CILEX membership are:

The CILEX Group Privacy Officer (privacy@cilex.org.uk).

The preferred method of receiving Whistleblowing disclosures is by email detailing the following information, where possible:

- Name.
- CILEX Membership number.
- Contact details.
- Details of the people/organisation involved.
- Report of the issue.
- Any supporting evidence/documentation.

If you choose to make a whistleblowing disclosure to CILEX and have provided contact details, we will send you an initial acknowledgement within five working days to confirm that we have received your disclosure. Depending on the circumstances, we may refer you to Protect.

CILEX will normally ask a whistleblower to provide evidence to support the disclosure if the whistleblower has them. Anonymous whistleblowing disclosures will be considered by CILEX although it may not always be possible to investigate or substantiate anonymous disclosures.

It is recommended that if you are considering raising a whistleblowing concern to keep an ongoing log of events with dates and times and other information that may be relevant in an investigation.

4. Our assurances to you

4.1 Your Safety

The CILEX Board and the Chief Executive of CILEX are committed to the Whistleblowing Policy.

If you are a member of staff, and you raise a genuine concern under this Policy, you will not be at risk of exposure, of losing your job, suffering any form of retribution, ridicule or any harassment or victimisation as a result. Providing you are acting honestly; it does not matter if you are mistaken. You will always be treated with respect. If you think you are being treated unfairly because of raising concerns, it is important that you make us aware of this so that we can take action to protect you.

A risk assessment will be conducted by the relevant person receiving the concern to assess any possible risk of victimisation at the start of the process. This will be reviewed throughout, at the end of the investigation and a six month follow up prior to the completion of the investigation will be carried out. The review period can be extended if deemed necessary. CILEX will do everything in its power to mitigate any risk of victimisation and will ensure that anyone reporting a concern feels supported and protected. If it is discovered that the whistleblower is indeed experiencing retaliation as a result of their disclosure, this will be deemed a disciplinary matter.

4.2 Your Confidence

Once a concern has been raised, all parties will conduct the matter as confidential, except where disclosure becomes legally necessary or mutually agreed. We will not tolerate the harassment or victimisation of anyone raising a genuine concern.

CILEX will undertake to keep a whistleblower's identity confidential where asked to do so, although we cannot guarantee this, and we may need to disclose your identity to:

- the Police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud).
- the Courts (in connection with court proceedings).
- another person to whom we are required by law to disclose your identity.

A whistleblower should know that he or she may be identifiable by others due to the nature or circumstances of the disclosure.

If the individuals with whom you have raised a concern in confidence should ever breach that confidence, that breach will be investigated and, in the case of CILEX staff, will be considered under the Disciplinary Policy and Procedure.

Given how your confidentiality will be managed, this Policy may not be appropriate for concerns to be raised anonymously⁷. If you do not tell us who you are, it may be impossible for us to investigate the matter. We may not be able to protect your position, as we will not know your identity and we will not be able to give you feedback.

⁷ Methods of dealing with a request for anonymity could include communicating by anonymous telephone calls or using a depersonalised email address.

4.3 Rights of the Accused Person

The Accused should be informed as soon as possible unless this would jeopardise the investigation. The Accused can object and has rights to access and rectify the data if it is incorrect.

5. Protection and support for whistleblowers

We will support whistleblowers who raise genuine concerns about CILEX under this Policy, even if those concerns turn out to be mistaken. The following rules therefore apply in relation to whistleblowers⁸:

- Whistleblowers must not suffer any detrimental treatment such as victimisation, retaliation, being treated unfairly or being dismissed, because of raising a genuine concern. If you believe that you have suffered any such treatment, you should revisit the options above and seek advice or reassurance. If the matter is not remedied, and you are a CILEX staff member, you should raise it formally using our Grievance Procedure.
- No one must threaten or retaliate⁹ against whistleblowers in any way.

If CILEX becomes aware that a member of staff is involved in such conduct, they may be subject to disciplinary action.

6. How we will handle the matter

CILEX is responsible for investigating allegations of wrongdoing or maladministration about the Institute, its staff, or its operations⁹. Not all disclosures will be major issues at their initial stages; what may seem a trivial incident could still require disclosure.

Therefore, once a concern has been raised with CILEX, it will not be possible to prevent the concern being investigated by subsequently withdrawing the allegation, unless evidence is provided that shows the allegation to be invalid.

CILEX will consider each disclosure of information sensitively and carefully and decide upon an appropriate response. CILEX may share information received in the disclosure with third parties where we consider it necessary to do so.

CILEX will investigate the matter to establish the facts in accordance with its malpractice/maladministration policies, as applicable.

Where appropriate, CILEX will update the whistleblower on the action being taken in response to a disclosure. However, depending on the nature of the disclosure, it may not

⁸ As stipulated under the Public Interest Disclosure Act 1998 (PIDA). An employer's legal duty under PIDA is to ensure that no worker suffers detriment because of their making a disclosure.

⁹ Guidance is available to those conducting investigations and is located on SharePoint under the Corporate Policies section. A template investigation report is available containing instructions on how to proceed and conduct the investigation.

be possible for CILEX to inform a whistleblower of the outcome of the disclosure where this would infringe a duty of confidence we owe to another person.

CILEX will support the whistleblower as much as possible. To this end, CILEX will:

- keep the procedure as simple as possible.
- provide ways to keep the disclosure confidential unless the name is needed for formal evidence.
- protect any staff member from any reprisal – by treating any harassment as a serious disciplinary offence.
- enable anyone who is unsure whether to use this Procedure or wants independent advice at any stage to contact Protect.

Once you have told a relevant person of your concern, that person will make an initial assessment of what action should be taken. This may include talking to another CILEX manager. Other initial action may involve an internal enquiry or a more formal investigation. You will be told who is to be the Investigating Manager, how you can contact them and whether your further assistance may be needed. The person handling the matter will write to you summarising your concern, confirming that all the details are correct and setting out how they propose to handle it. You will be informed of progress at appropriate intervals.

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 Staff Member who feels that your concern is a personal issue, it may fall more properly within the Grievance Procedure.

Once it is confirmed as a whistleblowing matter, a confidential investigation will be necessary, and you may be required to attend an investigatory meeting and/or a Disciplinary Hearing (as a Witness). Again, the Investigating Manager will explain the process. At all stages, appropriate steps will be taken to ensure that status will not be compromised in any way, be it your working environment and/or working relationships, so you are not prejudiced by the fact of the disclosure. You may bring a colleague or associate to any meetings to support you and help you explain the situation more clearly if you wish.

While the purpose of this Policy is to enable us to investigate possible wrongdoing and take appropriate steps to deal with it, we will give you as much feedback¹⁰ as we properly can. Depending on the nature of the case, it may not be possible to find an immediate solution, but your concerns will be investigated as quickly as reasonably possible. We will confirm our response to you in writing.

Please note, however, we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else. While the organisation hopes that such disclosures will never be necessary, it also recognises that it may find itself in circumstances, which are new to it. Each case will be treated based on its own merits.

¹⁰ We aim to provide feedback within 3 months of the Whistleblowing disclosure regarding the investigation and/or resolution of concerns.

7. If you are unhappy with the response

If you are unhappy with the response, remember you have various options and other bodies detailed in this procedure. Whilst we cannot guarantee we will be able to respond to all matters in the way you might wish, we will try to handle the matter fairly and properly. By using this procedure, you will help us to achieve this.

If you remain dissatisfied with the outcome under the Whistleblowing Policy and Procedure, you have the right to express your concerns to any of the relevant organisations or individuals defined as a Prescribed Person and listed under the Public Interest Disclosure (Prescribed Persons) Order 2014 or any statute or statutory instrument which subsequently supersedes this legislation at:

http://www.legislation.gov.uk/ukxi/2014/2418/pdfs/ukxi_20142418_en.pdf

Disclosure to a non-prescribed person, including the Media, is likely to result in the loss of the protections afforded to whistleblowers.

7.1 CILEX Accredited Centre staff, CILEX Learners

Should a whistleblower be dissatisfied about the actions taken by CILEX in response to a disclosure, a whistleblower is entitled to contact CILEX's Education Regulators: Ofqual, Qualifications Wales, CCEA or Ofsted about the disclosure.

8. Malicious use

The Policy will apply where a disclosure is made honestly and where you reasonably believe that the information disclosed, and any allegation contained in it are substantially true.

If any disclosure is made deceptively (for instance, to cause disruption within an organisation or to another individual), or concerns information which you do not substantially believe is true, or indeed if the disclosure is made for personal gain, then such a disclosure will be considered malicious, and action will be taken accordingly.

For Staff, this will constitute a disciplinary offence (Disciplinary and Dismissal Policy and Procedure) and may constitute gross misconduct for which summary dismissal is the sanction.

For CILEX Board Members, this may constitute conduct capable of bringing CILEX into disrepute resulting in the CILEX Board taking action to remove the member under Byelaw 38(5).

For CILEX Members, this may constitute a disciplinary offence (Code of Conduct) and may result in the Member being referred to CILEX Regulation Limited which may result in a disciplinary hearing and suspension or removal of membership rights.

9. Monitoring and oversight

The Corporate Compliance Manager is responsible for this Policy and will review it at 18-

month intervals or sooner if needed. The Compliance / HR Team will monitor the ongoing operation of the Policy and if you have any comments or questions, please let one of their team know.

10. Data protection

Where you provide your personal data, CILEX collects and holds personal information about you in order to investigate your concern(s). We will hold the information¹¹ you provide to us confidentially and securely on our database and use it to help us to manage and process your whistleblowing disclosure. CILEX will process your personal data in order to conduct our statutory functions. Please refer to the CILEX Privacy statement to find out how your data will be stored. In relation to whistleblowing, this will specifically enable us to consider and investigate Whistleblowing disclosures.

We will ask for your name and an email address (personal data)¹² but as previously stated, it is possible to make a disclosure anonymously if you are concerned about being identified as a Whistleblower. We treat anonymous disclosures as seriously as those made openly but if you do make a disclosure anonymously, we may not be able to investigate your concerns as effectively.

We will also ask for further information so that we can investigate your concerns which may include special category data¹³ depending on the nature of the concern.

Your information will be shared internally with CILEX Staff in relevant departments so that we can investigate and respond to your disclosure. Internal access to information processed as part of the investigation is permitted to authorised individuals only.

We may also share your information with other organisations, such as government departments, enforcement agencies and the police if we think it is necessary to do so. There may also be certain circumstances where we are required, by law, to share your information.

Your personal data will be stored securely in CILEX's case management, document management and email systems. Access to this information is strictly controlled and reviewed. CILEX will hold details of your whistleblowing disclosure, including your personal data, for 5 years.

¹¹ In accordance with the UK Data Protection legislation.

¹² Personal data is defined in the UK GDPR as: "personal data" means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person".

¹³ The UK GDPR defines special category data as personal information revealing racial or ethnic origin, political opinions, religious beliefs, trade union membership as well as biometric data and data concerning health, a person's sex life and sexual orientation.

CILEX has internal policies and controls in place to protect your data from loss, accidental destruction, misuse, or disclosure. Some of the ways in which CILEX protects your personal data include:

- implementing appropriate technical and organisational measures to protect the confidentiality, integrity and availability of personal data and information
- regular review of CILEX information assurance and security policies and procedures
- on-going training and awareness for staff on information assurance and security
- alignment with codes of conduct, security standards, and the National Cyber Security Centre (NCSC)
- regular review of security and cyber risks

CILEX is a Data Controller under data protection legislation, and we comply with the data protection principles when processing your personal information.

Under data protection legislation you have rights available to you.

You may: -

- access and obtain a copy of your personal data.
- request CILEX to rectify/change incorrect or incomplete personal data.
- request CILEX to delete/erase your personal data.
- request CILEX to restrict the processing of your personal data (in certain circumstances)
- request your personal data in a portable format.
- object to the processing of your personal data

If you wish to exercise any of these rights, please contact the Group Privacy Officer by emailing privacyofficer@cilex.org.uk.

APPENDIX A- an example based on an actual experience

Employee A had worked within a company's finance function for several years. The employee had become suspicious about explanations for irregularities in payments to a supplier. There seemed to be a wall of silence when questions about the supplier and their key contacts were raised during a routine credit control meeting.

Feeling increasingly uncomfortable about the situation, Employee A mentioned her concerns to her Line Manager, but they did not appear to take the concern seriously or agree to take any specific action/follow up.

The employee had seen and was aware of the Whistleblowing Policy and the independent hotline through internal training and communication campaigns. The helpline gave Employee A the confidence to report the issue to the Group Privacy Officer.

The company followed due process when it received the whistleblowing allegation, and the matter was investigated.

The employee was kept informed of progress and given a timescale for each stage so that she was aware of what was happening. As a result of the investigation, the contract with the current supplier was terminated and put out to retender (the incumbent supplier was not asked to tender).

The Privacy Officer kept the Audit & Risk Committee Chair informed as part of their regular reporting. Once the investigation was complete, the Committee thanked Employee A for raising the issue.