

Procedure Name:	Whistleblowing Procedure
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Who it applies to:	Staff, Volunteers, Board members, trustees, Accredited Centre staff, CILEX learners, CILEX members and/or other associated persons
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## Whistleblowing Procedure

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#### Contents

1. What is whistleblowing? .....	2
2. What might you be concerned or worried about? .....	2
3. How to raise a concern .....	2
3.1 CILEX Staff and Volunteers .....	2
3.2 CILEX Board and Committee Members, Other Associated Persons .....	3
3.3 CILEX Accredited Centre staff and CILEX Learners .....	4
3.5 Members of the public .....	6
4. Our assurances to you .....	7
4.1 Your Safety.....	7
4.2 Your Confidence .....	7
5. Protection and support for whistle-blowers.....	7
6. How we will handle the matter .....	8
7. If you are unhappy with the response .....	9
7.1 CILEX Accredited Centre staff, CILEX Learners .....	9
8. Malicious use .....	10
APPENDIX A- an example based on an actual experience .....	11

# 1. What is whistleblowing?

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

## 2. What might you be concerned or worried about?

You may have concerns about what is happening in the workplace. Usually these concerns are easily resolved. However, when they are about potential unlawful conduct, financial wrongdoing such as money laundering activity, dangers to the health and safety of an individual or the environment, or harassment or bad behaviour, it can be difficult to know what to do.

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 you to raise your concerns 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 or personal harassment and bullying policy. If you are aggrieved about your personal position, the Grievance Procedure is available to you.
- For the public: through our Complaints Procedure which can be found on the CILEX website ([www.CILEX.org.uk](http://www.CILEX.org.uk)).

## 3. How to raise a concern

### 3.1 CILEX Staff and Volunteers

In addition to the policy and procedures laid down in this document, paid workers are protected under the Public Interest Disclosure Act 1998.

#### Option One

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

**Option Two**

If you feel unable to raise the matter with your line manager, or whatever reason, you may contact the Group Privacy Officer ([privacyofficer@CILEX.org.uk](mailto:privacyofficer@CILEX.org.uk)).

**Option Three**

If you feel that you cannot discuss the matter with any one 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**

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](http://www.protect-advice.org.uk); Telephone: 020 3117 2520; Email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

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 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 you want independent advice at any stage, please contact Protect.

## 3.2 CILEX Board and Committee Members, Other Associated Persons

Please note that the Public Interest Disclosure Act 1998 is applicable to paid workers only. If you are not a paid employee of CILEX, the key options are available to you.

**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](mailto: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](mailto: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 you want independent advice at any stage, please contact Protect.

### 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 line 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.

CILEX works with the independent whistleblowing charity '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 by email at [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk) (Website: [www.protect-advice.org.uk](http://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](mailto: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 you want independent advice at any stage, you should contact a whistleblowing charity such as Protect.

#### 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 line 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 you want independent advice at any stage, you should contact a whistleblowing charity such as Protect.

CILEX works with the independent whistleblowing charity '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 by email at [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk) (Website: [www.protect-advice.org.uk](http://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](mailto: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 initial acknowledgement within five working days to confirm that we have received your disclosure. Depending on the circumstances, we may refer you to our whistleblowing partner- Protect.

CILEX will normally ask a whistle-blower to provide evidence to support the disclosure if the whistle-blower has them. Anonymous 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.

### 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 line 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 you want independent advice at any stage, you should contact a whistleblowing charity such as Protect.

CILEX works with the independent whistleblowing charity '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 by email at [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk) (Website: [www.protect-advice.org.uk](http://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](mailto: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 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 our Whistleblowing partner- Protect

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

## 3.5 Members of the public

### **Option One**

In the first instance, members of the public should raise their concerns about CILEX with the CILEX Group Privacy Officer ([privacyofficer@CILEX.org.uk](mailto:privacyofficer@CILEX.org.uk)).

### **Option Two**

Alternatively, you may wish to contact an independent whistleblowing charity such as Protect.

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 which provides advice and others who are concerned about wrongdoing in an organisation but are unsure what to do. 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 by email at [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk) (Website: [www.protect-advice.org.uk](http://www.protect-advice.org.uk)).

## 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 in good faith; 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.

### 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 whistle-blower'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 whistle-blower 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 anonymously. 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.

## 5. Protection and support for whistle-blowers

We will support whistle-blowers who raise genuine concerns about CILEX under this policy in good faith, even if those concerns turn out to be mistaken. The following rules therefore apply in relation to whistle-blowers:

- Whistle-blowers must not suffer any detrimental treatment as a result 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 retaliate against whistle-blowers 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 operations.

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 whistle-blower on the action being taken in response to a disclosure. However, depending on the nature of the disclosure, it may not be possible for CILEX to inform a whistle-blower of the outcome of the disclosure.

CILEX will support the whistle-blower 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 him/her and whether your further assistance

may be needed. The person handling the matter will write to you summarising your concern 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 feedback 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 on the basis of its own merits.

## 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/uksi/2014/2418/pdfs/uksi\\_20142418\\_en.pdf](http://www.legislation.gov.uk/uksi/2014/2418/pdfs/uksi_20142418_en.pdf)

### 7.1 CILEX Accredited Centre staff, CILEX Learners

Should a whistle-blower be dissatisfied about the actions taken by CILEX in response to a disclosure, a whistle-blower 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 in good faith and where you reasonably believe that the information disclosed, and any allegation contained in it are substantially true.

If any disclosure is made in bad faith (for instance, in order 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 Bye-Law 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.

# 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.