

Whistleblowing Policy

This policy sets out how we deal with reports of misconduct or risk to the public¹ which we receive from the public, members of the regulated community, employees of CILEx Authorised Entities and CILEx members.

It aims to:

- (i) outline the protections that may be available to a whistleblower, and
- (ii) describe how we handle disclosures from whistleblowers.

CILEx Regulation encourages responsible, prompt and lawful reporting of concerns to protect consumers from behaviour which is reckless or dishonest, or otherwise puts consumers at serious risk.

1. What is meant by whistleblowing?

i) Whistleblowing is 'making a disclosure in the public interest' which, in the reasonable belief of the whistleblower, raises concerns that a criminal offence has been committed, there has been a failure to comply with a legal obligation or a miscarriage of justice (see further s.1 Public Interest Disclosure Act 1998).

ii) The independent charity **Protect (tel: 020 3117 2520; <https://protect-advice.org.uk/>)** provides confidential advice about how to raise a concern about potential wrongdoing.

2. How CILEx Regulation will approach whistleblowing disclosures

i) We will support and protect you if, as a whistleblower, you raise a concern with us in good faith.

ii) We will consider each concern which is made to us sensitively and carefully.

iii) We will treat the information you provide as confidential and won't disclose it without lawful authority. As part of an investigation, we may need to disclose some information to the individual or practice concerned. We will discuss this with you, but you should let us know at the outset if there is any specific information that you don't want us to share.

¹ A whistleblower is protected by law if they report any of the following: a criminal offence; someone's health and safety is in danger; risk or actual damage to the environment; a miscarriage of justice; the company is breaking the law; or they believe someone is covering up wrongdoing. Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law.

iv) If you prefer, you can contact us anonymously, but this will make it more difficult for us to carry out an investigation. It will also mean we are unable to tell you about any steps we have taken.

v) We will discuss whether you should also consider reporting suspected wrongdoing through the channels available to you at your firm. If your concerns relate to possible breaches of sections 327, 328 and 329 of the Proceeds of Crime Act 2002 at your firm, your money laundering reporting officer (MLRO) may also be best-placed to determine what to do with the information.

vi) The CILEx Regulation Enforcement Rules set out the options available to us and how we determine the appropriate action to take in the circumstances.

vii) You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always. The wrongdoing you disclose must be in the public interest. This means it must affect others, eg the general public. As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'.

viii) The duty to disclose overrides any other duties (e.g. confidentiality), but it does not override legal privilege (i.e. communications between a professional legal adviser and their client for the purpose of obtaining legal advice).

ix) If you have had some involvement in the wrongdoing, the fact that you have made the disclosure and cooperated in any investigation is likely to be taken into account in your favour in determining any appropriate action.

x) You are not protected under Public Interest Disclosure Act 1998 if, in disclosing the information, you commit a criminal offence.

3. How to make a whistleblowing disclosure to CILEx Regulation

i) by email to: info@cilexregulation.org.uk

ii) by post to: Investigations Manager (Ref PIDA), CILEx Regulation, Kempston Manor, Kempston, Bedford MK42 7AB

iii) or call 01234 845768.

iv) We will use your personal information to process your complaint and to check on the level of service we provide. See the CILEx Privacy Policy to find out more about how we process your data.

v) If you consider the concern you have raised to be unlawful, you should also contact the police.

4. Complaints

i) You may also wish to refer to the CILEx Regulation's complaints procedure. <https://cilexregulation.org.uk/complaints/>.