

CIC Approved Inspectors Register (CICAIR) External Whistleblowing Policy Statement



CICAIR Limited, 26 Store Street, London, WC1E 7BT
T: 020 7399 7403 E: cicair@cic.org.uk

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1.0 About this Policy Statement

1.1 The aims of this policy statement are:

- To encourage any member of the public and/or any individual who interacts with, or is employed by, or works with any individual and/or organisation regulated by us (an 'Approved Inspector') to report to CICAIR Ltd ('us', 'we'), as soon as possible, any suspected wrongdoing/serious misconduct and/or risk to the public which is carried out by an individual or organisation regulated by us. For example, this might be where an individual or company who or which is regulated by us, is involved in any malpractice. You can report your concerns to us in the knowledge that your concerns will be taken seriously and investigated as appropriate, and that your confidentiality will be respected;
- To provide individuals with guidance as to how to raise those concerns; and
- To reassure individuals that they are able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

2.0 What is Whistleblowing?

2.1 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers in the workplace. To make a protected disclosure in accordance with whistleblowing legislation an individual must reasonably believe the following; -

- That they are acting in the public interest; and,
- That the disclosure tends to show past, present or likely future wrongdoing in one or more of the following categories:
 - criminal offences (this may include, for example, types of financial impropriety such as fraud);
 - failure to comply with any legal or professional obligation or regulatory requirements;
 - miscarriages of justice;
 - danger to health and safety;
 - damage to the environment; and/or
 - the deliberate concealment of any of the above matters.

2.2 A **Whistleblower** is a person who raises a genuine concern relating to any of the above.

3.0 Reporting a Whistleblowing Concern

3.1 We are committed to the highest standards of openness, probity and accountability and encourage individuals to report to us genuine concerns about malpractice at the earliest practicable stage. Malpractice within the construction industry is taken very seriously. If you have any genuine concerns related to suspected wrongdoing or danger affecting any activities carried out by those we regulate within the construction industry (a **whistleblowing concern**) you should, as soon as practicable, report it in confidence under this policy.

- 3.2 Before speaking to us you may also wish to consider (if appropriate) raising your concerns internally at your own organisation, or following our [complaints process](#), in the event that the concern is covered by our complaints protocol.
- 3.3 Whilst we are unable to give you any legal advice, organisations who can help and may be able to support you include:
- the whistleblowing charity [Protect](#);
 - trade bodies and unions;
 - [ACAS](#); and/or
 - [Citizens Advice](#)
- 3.4 If you know, or suspect, that an Approved Inspector, an individual or company regulated by us is involved in dishonest or serious misconduct, contact Karen Holmes, CICAIR Registrar on 0207 399 7422 or send an email to kholmes@cic.org.uk to make a report to us. For all other matters, you can contact us via telephone on 0207 399 7403 or send an email to cicair@cic.org.uk.
- 3.5 There is no prescribed format in which a report needs to be made. If we investigate the matter, we will need to gather all relevant evidence and the more information and supporting evidence you are able to provide to us the better.
- 3.6 We will endeavour to make reasonable adjustments, in particular to accommodate and support any disability or impairment, in order to receive, investigate and respond to any concern.
- 4.0 **Confidentiality**
- 4.1 We will deal with all reports sensitively. Information is usually provided to us openly. However, if you want to raise a concern confidentially, please let us know at the outset and we will make every effort to protect your identity. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you before revealing your identity.
- 4.2 In some cases, we will need to discuss with you whether you are prepared to be identified at some stage. For example, depending upon the situation, we may have difficulty in taking enforcement or disciplinary action without formally and openly relying upon evidence from you.
- 4.3 We do not encourage individuals to make disclosures anonymously. Proper investigation may be more difficult if we cannot obtain further information from the Whistleblower. However, anonymous disclosures may be made to us and we will investigate them as far as possible under the circumstances.
- 4.4 Equally, sometimes people wish to make a report on a no names basis, without providing the identity of the individuals involved. This can sometimes be a useful way to discuss our approach to matters on a hypothetical basis; however, we cannot take action on the information and so do not class this as a formal report.
- 4.5 If you are also regulated by us and are concerned about whether you yourself may be investigated for your own part in any wrongdoing, reporting the issues and co-operating with us could constitute significant mitigation. This is particularly so where issues are reported to us at an early stage. Late reports could, however, also constitute mitigation. We would rather

Approved Inspectors and others working in the construction industry provided information late than not at all. Although we cannot guarantee that we will not take any action against you, bringing the information to us is likely to help your position considerably.

4.6 Conversely, if you assist in covering up, colluding in or concealing potential wrong-doing of which you have knowledge, such aggravating factors will always be taken into account in the outcome of any case against you.

5.0 Investigation and Outcome

5.1 We will aim to keep the Whistleblower informed of the progress of any investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving the Whistleblower all specific details of the investigation or any disciplinary action taken as a result. The Whistleblower should treat any information about the investigation as confidential.

5.2 Whistleblowing reports to us usually relate to the conduct of regulated individuals, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In such circumstances please discuss with us whether it would be appropriate to report the matter to us.

6.0 Protection and Support for Whistleblowers

6.1 Whistleblowers must not suffer any detrimental treatment as a result of raising a whistleblowing concern. Detrimental treatment includes but is not limited to dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. You must not threaten or retaliate against Whistleblowers in any way and we will not tolerate the victimisation of an individual who has made a report to us in the public interest.

7.0 Data Protection

7.1 Whilst organisations will need to give consideration to the General Data Protection Regulation (UK GDPR), we consider that you are unlikely to breach the provisions of the UK GDPR if you are disclosing information which enables us to discharge our regulatory function. We recognise it may not always be possible to seek an individual's consent to disclose their personal data. However, specific provision is made in the UK GDPR for disclosing information where: *processing is necessary for the performance of a task carried out in the public interest*. Further, we are entitled to request and to see personal data in pursuance of our statutory obligations as a regulator.

7.2 We will comply with our obligations under the UK GDPR when handling your personal data. We may share information with relevant organisations, including but not limited to other regulators, the police, or other law enforcement offices, where appropriate and if we are legally allowed to do so. However, we will not reveal your identity without firstly informing you. We may encourage you to contact these other organisations directly. We always protect the identity of our Whistleblowers. While we might have to share the information you have provided, we would not disclose that this originated from a Whistleblower, unless we are legally obliged to do so.

7.3 The Information Commissioner's Office (ICO) is the authority responsible for upholding information rights in the UK. If you are considering reporting a matter to us but are unsure of your obligations under the UK GDPR then in addition to contacting us you should also have

reference to the detailed guidance on complying with data protection law available on the [ICO website](#).