

# Whistleblowing Policy

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Purpose:	This policy sets out how an individual might raise an issue in good faith without fear of reprisal and how NALP will investigate and deal with such issues		
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## National Association of Licensed Paralegals (NALP)

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### 1. Introduction and Scope of Policy

NALP is a Membership Body for Paralegal professionals, as well as an Awarding Organisation recognised by the Office of Qualifications and Examinations (“Ofqual”) in England.

NALP promotes the role of Paralegals in the Legal Services Sector and acts as a self-regulatory body for its members. As an Awarding Organisation, NALP specialises in providing regulated qualifications to the Legal and associated sectors, in particular for Paralegals, which are respected and recognised by those professions. NALP has forged close links with the other professional bodies within the Legal and associated sectors, such as the Law Society, and is committed to ensuring the provision of the highest quality qualifications to that sector.

### 2. Scope and Purpose of this Policy

This policy applies to all staff directly employed by NALP, as well as any NALP contractors, plus approved Centres of NALP.

The aim of this policy is to set out to enable staff, including those of contractors and approved Centres, to raise concerns they may have with procedures, management or other staff, whether directly within NALP or within a contractor or approved Centre used by NALP, through the method of Whistleblowing.

This does not include complaints regarding service levels which will be handled under our Complaints Policy. Similarly, any issues raised by anonymous sources which cannot be verified as coming from a reliable source will also not be covered by this policy.

### 3. What is Whistleblowing?

Whistleblowing is the term used when an individual discloses information relating to malpractice or wrongdoing and/or the covering up of malpractice or wrongdoing. The malpractice or wrongdoing is often committed by the individual’s employer, although this is not necessarily the case.

The Nolan Second Report on Standards in Public Life recommended that a policy should be put in place which would enable staff (or other relevant individuals) to raise concerns in confidence, about fraud, malpractice, health and safety or unethical conduct within an organisation.

This policy is designed to allow all involved to act professionally and with propriety, to preserve the confidentiality of the person raising the concern and to ensure that management will properly investigate the concern(s) raised, before it enters into the public domain.

**The Whistleblowing Policy and associated procedures are not meant to be another mechanism for employees to raise private grievances about their personal employment situation. NALP's Grievance Procedure is already in place to deal with such matters.**

This policy is also not to be used to raise complaints, which are defined as an expression of personal dissatisfaction. These are covered by our Complaints Policy, which includes details about how we would deal with any issues raised by anonymous sources.

## 4. The Public Interest Disclosure Act (PIDA)

### 4.1. Protection under PIDA

If an individual has made a disclosure which is protected under PIDA:

- That individual has a right not to be subject to detriment by his or her employer because of that protected disclosure
- The individual will not breach his or her employment contract in making that protected disclosure.

'Individuals' in this scenario include employees, contractors and members of temporary agency staff working for NALP.

Protection under the legislation is a matter between the individual and their employer, therefore, unless we are the direct employer of that individual, we do not have a formal role in enforcing such protection.

### 4.2. Content of the disclosure

Protected disclosures can only be made where the information being disclosed tends to show that:

- A criminal offence has been, is being or is likely to be committed
- A person has failed, is failing or is likely to fail to comply with a legal obligation
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health and safety of an individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged, or
- Information relating to any of the above has been or is likely to be deliberately concealed

Disclosures relating to NALP and/or any of its Contractors could fall under a number of the disclosures above. Should someone believe that NALP or any of its contractors are over-stepping their regulatory boundaries, for instance providing legal advice for which

they are not regulated by the Solicitors Regulation Authority to be allowed to give, the Whistleblower should also see that regulatory bodies' own website for details on how they deal with Whistleblowing.

### 4.3. Conditions for Protection under PIDA

A disclosure by an individual may be protected under PIDA if:

- The disclosure is made in good faith
- The individual reasonably believes that the information disclosed, and any allegations he or she makes, are substantially true
- The individual reasonably believes that the disclosure relates to a matter which directly affects NALP

Matters which directly affect NALP include (but are not limited to):

- Matters relating to the security of sensitive staff or client data held by NALP
- Matters relating to the provision of advice or guidance which is outside any regulatory recognition that NALP may have
- Matters relating to third parties who are not part of NALP claiming that they are and damaging the reputation of NALP

A disclosure may not be protected under PIDA if the individual making it:

- Commits a criminal offence in making it, or
- Has received the information in the course of providing legal advice (legally privileged information)

More detailed information on PIDA can be found on the Public Concern at Work website ([www.pcaw.co.uk/law/uklegislation/htm](http://www.pcaw.co.uk/law/uklegislation/htm)).

## 5. False or Malicious Disclosures

Should an individual raise a concern under this procedure that is subsequently found to be a deliberately false and malicious accusation, this will be viewed as a serious disciplinary matter and dealt with under NALP's Disciplinary Procedure (if the individual is an employee of NALP).

Similarly, management and staff, **both within NALP and its Contractors**, should be aware that victimising employees or deterring them from raising a concern is also viewed as a serious disciplinary offence and will be dealt with in the same manner.

### 6. Respecting Confidentiality

We will always endeavour 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)
- A Government body or Regulator, such as the Solicitors Regulation Authority
- Another person to whom we are required by law to disclose your identity

A Whistleblower should also recognise that he or she may be identifiable to others due to the nature or circumstances of the disclosure.

### 7. Raising a concern of Wrongdoing within NALP or at a Centre

An individual may raise a concern of alleged wrongdoing orally or in writing with a Director or member of the Senior Management team of NALP. If the individual is at a Contractors, they can raise it internally with their relevant manager or directly with the Director or Senior Manager at NALP.

The person receiving the concern is **not** required to adjudicate the matter in any way whatsoever. They are required to act in a professional manner and:

- remember there are two sides to every concern
- listen carefully to the concern, taking full notes as appropriate to record an oral concern or to amplify any specific points of a written one
- request and heed legitimate concerns about the employee's own safety or career
- advise the employee that the matter will be treated seriously, that it will be forwarded for investigation and that the outcome will be reported back to them as soon as possible after the investigation has been completed.

**NOTE:** No format for written concerns has been given to avoid unintentionally directing the style and content of such submissions. It is for the individual to decide the format and content of his/her submission. The individual may use the services of their trade union representative to assist them through the process (if applicable).

The person receiving the concern must forward it to the designated investigating officer as soon as possible, preferably within 24 hours, and is responsible for ensuring strict confidentiality is maintained on the subject. Any breaches of confidentiality will be treated as a serious disciplinary matter if the person formulating the concern is found to have been responsible for such a breach.

### 8. Getting Advice on How Best to Proceed

If an individual would like further advice on the best way to proceed, they should consider doing the following:

- Contact Public Concern at Work on 0207 404 6609 or by email at [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). Further information is available at Public Concern at Work's website ([www.pcaw.co.uk](http://www.pcaw.co.uk)).
- Approach your union or professional body
- Get independent legal advice

### 9. Investigation a Concern of Wrongdoing

Any allegation of wrongdoing will be investigated by a Director or member of the Senior Management of NALP.

Upon receipt of a concern the relevant Senior Manager or Director is required to:

- ascertain whether the matter is something that can be dealt with internally and/or
- whether it is a criminal matter that should be investigated by the police
- call a formal Board or Senior Management Meeting to discuss the issue (**unless** the issue raised is an allegation against a member of the Board or Senior Management Meeting)
- ensure all meetings concerning the allegations are minuted and statements from personnel assisting with the investigation are correctly documented, signed and dated
- ensure that, at the conclusion of the investigation, the evidence is reviewed by the Investigating Committee to consider whether the allegation was substantiated or otherwise. The outcome of the investigation should be notified to the person(s) under investigation and the individual who raised the concern before the outcome is brought into the public domain.

### 10. Timescale

An individual raising a concern will receive a formal acknowledgement in writing as soon as possible, preferably within 1 business day, from the designated person with whom the concern is raised. Thereafter the investigating officer is required to keep the individual informed of the investigation's progress in writing at fortnightly intervals. If the investigation becomes prolonged then in agreement with the individual, the reporting period can be extended. However, an estimated completion date of the investigation should be given to support the request to extend the reporting period.

It is a part of the investigating officer's responsibilities to be expeditious in the investigation of a concern without detriment to any persons against whom the allegation has been made. The length of time an investigation takes will depend upon the complexity of the concern being investigated.

### 11. Access to External Bodies

If NALP finds the allegation unsubstantiated, the individual has the right of access to an appropriate official external body. However, the individual must explain in writing to the investigating officer the reasons why they are unable to accept NALP's findings. NALP shall make a written response to the individual within 10 working days of the individual's submission. Should NALP's written response still not satisfy the individual, then the individual may exercise their right of external access.

An appropriate outside body to consult may be:

- Public Concern at Work
- An MP or local councillor
- A trade union or professional association
- The Office of Qualifications and Examinations (Ofqual)
- The relevant Regulatory Body (e.g. The Information Commissioners Office, Health & Safety Executive, etc.)

Individuals are reminded that they have no right of access to external bodies until the internal procedures have been fully exhausted.

### 12. Contact Information

If any individual wish to raise an issue under this policy they should put this in writing and address it in strictest confidence to:

The Compliance & Regulatory Officer

#### **National Association of Licensed Paralegals (NALP)**

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