

IPA's Whistleblowing Policy

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Introduction

- (1) If you think a person is involved in wrongdoing in an area regulated by the IPA, you can report the matter to the IPA, and we will consider every report received.
- (2) The information we receive from whistleblowers helps us to act. As a regulator, we can only act on your concerns if you tell us about them. Whistleblowing gives the IPA a unique insight into the areas it regulates and any information you provide may help the IPA to identify potential risks. We understand that reporting a matter about your employer, a client, a family member, or another person is not a step that you will take lightly, and you may be nervous about reporting information. We appreciate that you may not be able to prove that what you say is correct and that you are only able to share information that is within your knowledge. The IPA greatly values the information that whistleblowers provide and will support whistleblowers as far as we can subject to legal and regulatory constraints.
- (3) If you would prefer to report the matter in confidence, then we will seek to protect your identity in the ways described below.

Before contacting the IPA

- (4) Before speaking to us, you should consider:
 - raising your concerns internally at your firm (if appropriate) using your firm's procedures. Many regulated firms will have a whistleblowing process in place and, if

you are able to, you may wish to follow the firm's procedures to try to resolve the matter before contacting us.

- speaking with the whistleblowing charity [Protect](#) (whose contact details are at the end of this document),
- familiarising yourself with the Public Interest Disclosure Act 1998 ("PIDA") and the employment law protections it gives to whistleblowers in some circumstances, in particular in relation to workers whistleblowing on wrongdoing in the workplace. (Depending on the subject matter, the IPA may be a "proper authority" for the receipt of information disclosed in the public interest, but the IPA is not a "prescribed person" within the meaning of s.43F PIDA. This means that a person disclosing information to the IPA will not necessarily qualify for the same employment rights under PIDA as are available when reporting to their employer.),
- some legal protections exist for whistleblowers, however the law in this area can be complicated and you may wish to obtain independent legal advice.

(5) Insolvency practitioners and other members of the IPA may wish to remind themselves of:

- their ethical duties under the Insolvency Code of Ethics (available here: <https://insolvency-practitioners.org.uk/regulation-and-guidance/>), in particular paragraphs 100 (fundamental principles), 104 (confidentiality), 390.1 to 390.20 A2 (non-compliance with laws and regulations).
- The IPA's General Whistleblowing Guidance for Members (available here: <https://insolvency-practitioners.org.uk/mp-files/ipa-whistleblowing-guidance.pdf/>)
- The IPA's Anti Money Laundering guide for members (available here: [General guidance | Insolvency Practitioners Association \(insolvency-practitioners.org.uk\)](#))
Should an IPA member have any questions regarding AML compliance, they are encouraged to seek advice by emailing amlhelpline@ipa.uk.com. Members who need to report suspicious activity relating to Money Laundering should consider the IPA's guidance here: [Reporting suspicious activity | Insolvency Practitioners Association \(insolvency-practitioners.org.uk\)](#).

(6) The IPA is not able to provide you with legal advice on what you should or should not do.

Contacting the IPA

(7) If you would like to report or discuss a matter then you can contact us (in confidence if you prefer) via email, phone call or post at:

Email - amlwhistleblowing@ipa.uk.com

Phone – 020 8152 4980 and ask to speak to the IPA's NO or Deputy

Post (send in confidence) to: Nominated Officer, Insolvency Practitioners Association, 46 New Broad Street, London, EC2M 1 JH

- (8) If you would prefer to speak with us about what has happened (or what may happen in the future) then you can speak to our NO. Please call 020 8152 4980 and ask to speak to the NO in confidence. We may be able to arrange to meet with you in person if you prefer. Please let us know if you would like to explore this option.
- (9) If you have contacted us in confidence, we will not confirm the existence (or identity) of a whistleblower to anyone outside of the IPA unless we are required to by a legal duty.

What to include in a whistleblowing report

- (10) It will help us to understand and consider your report if the information you provide to us includes the following:
- your name and contact details (reports can be made anonymously if you prefer - see below),
 - the nature of the suspected wrongdoing,
 - the names of the parties, firms and/or individuals suspected to be involved,
 - how long the suspected wrongdoing has been going on for,
 - the location(s) where the wrongdoing is occurring,
 - the impact (or risk) caused by the wrongdoing,
 - any supporting documents or evidence which you are able to share with us, and
 - any other information you consider relevant.
- (11) We do not encourage whistleblowers to proactively obtain any more information from any source, whatever the circumstances, as this might break the law. However, we may ask whistleblowers some questions to ensure we have understood their concerns and to clarify or follow up on the information they have already given us.

Anonymity of whistleblowers

- (12) It is helpful if you are able to provide us with your contact details (an email address or phone number for example), however, it is not mandatory, and you can choose to remain anonymous if you prefer. We will accept and consider information and reports from you whether you wish to remain anonymous or not, though it is usually helpful for contact details to be provided in order to assist us with any resulting investigation.
- (13) If a whistleblower chooses to provide their name and/or contact details to us, we will store any information about that whistleblower securely and we will limit access by IPA staff to that information on a need-to-know basis.
- (14) We will not confirm the existence (or identity) of a whistleblower to anyone outside of the IPA unless we are required to by a legal duty.

What the IPA will do with the information provided

- (15) Whistleblowing reports are handled in confidence by the IPA staff on a need-to-know basis. Your details, if you choose to provide them, are held on a secure database.
- (16) IPA staff who receive whistleblowing information will create a record and/or report of your concerns. IPA staff will endeavour to focus on the concerns raised and not the

identity of the person who reported them. Reports may be anonymised to remove references to the identity of any whistleblower. Reports may be shared with relevant IPA staff on a need-to-know basis, for example, to decide on and to implement next steps. Reports will also be held on file as intelligence, which may be reviewed by IPA staff in the future.

- (17) The IPA will consider how the information provided by you may relate to former, current or proposed work by the IPA. We may need to contact relevant insolvency practitioners (or their firms) to investigate any allegations made against them. As above, if you have contacted us in confidence, we will not confirm the existence (or identity) of a whistleblower to anyone outside of the IPA unless we are required to by a legal duty.
- (18) If appropriate, the IPA may also share information with other authorities such as regulators (including but not limited to the Insolvency Service and Recognised Professional Bodies within the meaning of the Insolvency Act 1986), the police and the National Crime Agency ('NCA'). Although the IPA may have to share the information provided, we will seek not to disclose that the information originated from a whistleblower (or their identity) unless we are legally obliged to.
- (19) We may also suggest that you report your concerns directly to other authorities or regulators.
- (20) Whether we are able to provide you with an update on the steps taken by the IPA in relation to the information you have provided may depend from case to case. While you may request an update from the IPA, we may only be able to confirm that our work is ongoing, and we may be limited in the information we can provide to you due to confidentiality or legal restrictions.
- (21) The IPA's Privacy Notice is available at: <https://insolvency-practitioners.org.uk/ipa-privacy-notice/>

Disciplinary Proceedings

- (22) Where disciplinary proceedings are instigated and result in findings against insolvency practitioners, these are usually made public. Although the outcomes of cases may be published, we will not confirm the existence (or identity) of a whistleblower to anyone outside of the IPA unless we are required to by law.

Sources of help and Legal Advice

- (23) There are various organisations which may be able to provide you with support, such as:
- "Protect", the independent whistleblowing charity offers a confidential helpline. Their contact details are:

Helpline: 0203 117 2520

Email: info@protect-advice.org.uk

Website: <https://protect-advice.org.uk/contact-protect-advice-line/>

- “ACAS”, whose website is available here: <https://www.acas.org.uk/>
- “Citizens Advice”, whose website is available here:
<https://www.citizensadvice.org.uk/>

(24) Some legal protections exist for whistleblowers. You may wish to obtain independent legal advice. The IPA is not able to provide you with legal advice or guidance on what you should or should not do.

If you have more questions about our process, or are ready report it to us, you can contact us via the contact details set out under the heading “Contacting the IPA”.