

HR Policies and Procedures Manual

Whistleblowing Policy

Name of Policy	Whistleblowing Policy
Authorising group	Human Resources
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Policy author/owner	Head of HR/Chief Operating Officer

Register of amendments	Date
This policy has been updated to be in line with current best practice.	01/07/2020
This policy has been reviewed and is in line with current best practice.	15/06/2023

Executive summary

The declaration of disclosures of any inappropriate behaviour or practices within the Foundation should be raised by employees without fear of any detrimental treatment.

The policy sets out what a qualifying disclosure is and gives guidance about what to do if you have concerns and the sanctions that may be imposed for failing to comply with the policy.

1.0 Policy aim

Whistleblowing is when an individual knows, or suspects, that there is some wrongdoing occurring within an organisation and alerts the employer or the relevant authority accordingly.

The Public Interest Disclosure Act 1998 protects workers who raise legitimate concerns ('blow the whistle',) about specified matters; from being dismissed by the Foundation or being subjected to detrimental treatment or victimised by either the Foundation or work colleagues as a result, provided certain criteria are met. The Act makes provision about the kinds of disclosure which may be protected, the circumstances in which such disclosures are protected and the persons who may be protected.

This policy aims to assist us in the early identification of any inappropriate behaviour or practices within the Foundation and to provide a clear procedure for individuals to report to us any wrongdoing at work which they believe has occurred or is likely to occur.

It aims to ensure everyone feels confident and able to raise any reasonable concern in the knowledge that it will be taken seriously, through offering protection to those who make a protected disclosure either during their employment and also after this has ended, and enable them to take action in respect of any victimisation.

The Foundation's policy is to support workers who raise protected disclosures. Workers must not victimise, subject to detrimental treatment or retaliate against a worker who has made a protected disclosure.

Workers are protected provided they reveal information of the right type (known as a 'qualifying disclosure') and they reveal that information to the right person and in the right way (known as making a 'protected disclosure').

This policy is not contractual but sets out the way in which we plan to manage such issues. The Foundation reserves the right to vary, amend or withdraw it at any time.

This policy applies to all workers and officers of the organisation as well as casual and/or agency workers. It does not apply to self-employed contractors although we ask everyone who works with us to comply with the principles of this policy and to raise any concerns so that these can be appropriately investigated.

Any protected disclosures made by ex-employees or workers after the termination of their employment/contract will be dealt with under this policy. In such cases, we would normally ask that the individual sets out the details of their concern in writing and we will then respond in writing, having undertaken such investigation as we deem to be appropriate.

2.0 General Principles

- Workers should be aware of the importance of eliminating fraud, misconduct, bribery or other wrongdoing at work. They are encouraged to report anything they become aware of that is illegal or unlawful.
- Workers will not be victimised, subjected to a detriment or dismissed for making a protected disclosure under this procedure.
- Victimisation of a worker, or subjecting them to any form of detrimental treatment or retaliation (including bullying and harassment), for raising a protected disclosure under this procedure will not be tolerated by the Foundation, is a disciplinary offence and, where appropriate, will be dealt with under the Foundation's disciplinary procedure. Depending on the seriousness of the offence, it may amount to gross misconduct and could result in the worker's summary dismissal or termination of engagement.
- Workers should be aware that they can also be held personally liable for any act of victimisation or detrimental treatment of another worker on the ground that they made a protected disclosure.
- Workers should immediately draw the attention of their line manager to suspected cases of victimisation or detrimental treatment related to either themselves or another worker having made a protected disclosure.
- Covering up someone else's wrongdoing is also a disciplinary offence. Workers should never agree to remain silent about a wrongdoing, even if told to do so by a person in authority such as a line manager.
- An employee's right to make a protected disclosure under this procedure overrides any confidentiality provisions in their contract of employment.
- Finally, maliciously making a false allegation is a disciplinary offence.

3.0 Responsibilities

The overall responsibility for implementing the effectiveness of this policy rests with the Board of Trustees who will be informed periodically by monitoring led by the Audit, Investment and Risk Committee.

3.1 Workers

It is the responsibility of all workers to raise any concerns that they might have about malpractice or misconduct within the workplace using the procedure set out below.

Everyone, irrespective of their job or seniority, is required not to subject any other employee or worker to any detrimental treatment, nor harass or bully such an individual on the basis that they have raised a concern under this policy. They are also required not to encourage others to do so nor to tolerate such behaviour. Disciplinary action, including dismissal, may be taken against any employee found guilty of such behaviour. In addition, any individual who has victimised a colleague may be personally liable for any such victimisation.

It is also the responsibility of all workers to truthfully contribute to and inform any workplace investigations into disclosures. The Foundation will

take all steps to ensure that those contributing to investigations are protected from victimisation or detrimental treatment in any way.

3.2 Line Managers

Line managers are responsible for ensuring that all staff are aware of this procedure and their rights and obligations within it. Line managers should encourage a positive open working culture for employees to express easily their concerns and to take those concerns seriously.

Line managers are responsible under this policy for receiving disclosures and for ensuring these are referred to the Chief Operating Officer (COO) or, where the allegations concern the COO, to the Chief Executive Officer (CEO).

3.3 Human Resources

The Head of Human Resources is responsible for supporting the individual making the disclosure (if necessary), ensuring that matters are handled in line with the organisation's policies and procedures and that all reasonable steps are taken to ensure that the individual making the disclosure and any witnesses are protected from recriminations.

3.4 Chief Operating Officer

The COO, or in a disclosure where the COO is implicated, the CEO, is responsible for undertaking any whistleblowing investigations or for ensuring the investigation of such investigations by another party such as a Trustee or an external investigator as appropriate.

3.5 Board of Trustees

Members of the Board of Trustees are responsible under this policy for receiving disclosures by exception (for example when the allegations concern the Chief Executive Officer (CEO)) and where they do this, for ensuring these are addressed.

4.0 Qualifying Disclosures

Certain kinds of disclosure qualify for protection. These are disclosures of information which a worker reasonably believes are made in the public interest and tend to show one or more of the following relevant failures is either happening now, took place in the past, or is likely to happen in the future:

- A criminal offence, including offences such as theft, fraud or acts of bribery
- A failure to comply with, or the breach of, a legal obligation
- A miscarriage of justice
- A breach, or potential breach, of health and safety legislation
- Damage to the environment
- Deliberate covering up of information tending to show any of the above five matters.

Only disclosures of information that fall within one or more of these six categories qualify for protection.

The belief held by the worker must be reasonable, but it need not be correct. It might be discovered subsequently that the worker was in fact wrong or mistaken in their belief, but they must show that it was a reasonable belief to hold in the circumstances at the time of disclosure.

The worker must also reasonably believe that their disclosure is made in the public interest. It will therefore not include disclosures which can properly be characterised as being of a personal rather than a wider public interest, for example a disclosure about a breach of the terms of an employee's own contract of employment. In these circumstances, workers should use the Foundation's Grievance procedure.

5.0 Protected Disclosures

For a qualifying disclosure to be protected, a worker needs to make it to the right person and in the right way. There are a number of methods by which workers can make a protected disclosure, but the Foundation always encourages all workers to raise any disclosure internally in the first instance.

Workers are protected if they make a qualifying disclosure to either:

- The Foundation, or
- Where they reasonably believe that the relevant failure relates solely or mainly to the conduct of a person other than the Foundation or any other matter for which a person other than the Foundation has legal responsibility, to that other person.

Workers are encouraged to raise any qualifying disclosures that they may have by following the disclosure procedure set out below.

If the individual does not follow the procedure set out below, the protection against detriment will not apply. Disclosing information in an inappropriate way (e.g. by contacting the media) could result in disciplinary action being taken, which could include dismissal.

6.0 The Disclosure Procedure

In the event of a worker wishing to make a qualifying disclosure, they should take the following steps:

1. They should, in the first instance, report the situation in writing to their line manager. If the worker does not wish to contact their line manager or they reasonably believe their line manager to be involved in the wrongdoing, they can instead raise it in the first instance with any other member of the Senior Leadership Team or, exceptionally, a nominated member of the Board of Trustees

2. Such disclosures should be made promptly so that investigation may proceed and any action taken expeditiously.
3. All qualifying disclosures will be treated seriously. The disclosure will be promptly investigated and, as part of the investigatory process, the worker will be interviewed and asked to provide a written witness statement setting out the nature and details of the disclosure and the basis for it. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate a disclosure, the Foundation must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the disclosure. The Foundation reserves the right to arrange for another manager to conduct the investigation other than the manager with whom the worker raised the matter.
4. Once the investigation has been completed, the worker will be informed in writing of the outcome and the Foundation's conclusions and decision as soon as possible. The Foundation is committed to taking appropriate action with respect to all qualifying disclosures which are upheld.
5. Workers will not be penalised for raising a qualifying disclosure even if it is not upheld, unless the complaint was both untrue and made with malice.
6. Once the Foundation's conclusions have been finalised, any necessary action will be taken. This could include either reporting the matter to an appropriate external government department or regulatory agency and/or taking internal disciplinary action against relevant members of staff. If no action is to be taken, the reasons for this will be explained to the worker.
7. If, on conclusion of the above stages, the worker reasonably believes that appropriate action has not been taken, they may then report the matter to the proper authority. The legislation sets out a number of prescribed external bodies or persons to which qualifying disclosures may be made. See section 8.0 Further Guidance for more information.

7.0 Data Protection

The Foundation is committed to protecting the privacy and security of your personal information.

Our Privacy Notice describes how we collect and use personal information about employees during and after their working relationship with us, in accordance with the Data Protection, Privacy and Electronic Communications Regulation (UK-GDPR), the Data Protection Act 2018 and the General Data Protection Regulation (UK GDPR). If you require further details as to how your personal data is processed, we ask that you refer to this document, which is incorporated into this policy by reference.

Additional fair processing information can be found in the Data Protection Policy and our Data Retention Policy.

It is your responsibility to familiarise yourself with our data processing policies and notices set out above. If you have any queries regarding the processing of data by the Lloyds Bank Foundation, please contact the Head of HR.

It should be noted that inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with our Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under our Disciplinary procedure.

Human Resources and all managers holding any formal or informal records or letters in relation to these processes are responsible, at the end of process, to sift records, file those to be retained securely and destroy superfluous, irrelevant and unnecessary material.

On receipt of a formal grievance or appeal, we may decide that an investigation is necessary. The amount of investigation required will depend on the nature of the grievance. It may involve interviewing and taking statements from you and/or witnesses or reviewing relevant written records and information. You are required to take part in the investigation as necessary. Where witnesses are interviewed, we aim to keep their identity confidential where appropriate, but we cannot guarantee this.

The investigation may take place before and/or after the grievance or appeal meeting, depending on the individual circumstances.

Employees who are interviewed as part of an investigation are reminded of the need to maintain confidentiality; failure on the part of employees to do so may be considered a disciplinary offence.

It may be the person hearing the grievance or appeal who carries out the investigation, or they may decide to appoint an independent Investigating Officer.

An investigation report, which may include witness statements, may be made available to you as part of the grievance or appeal process.

8.0 Further Guidance

At any time, an employee may seek guidance on this policy from the following:

- Line Manager
- Chief Operating Officer
- Chief Executive
- Human Resources.

Confidential advice can be obtained 24 hours per day from the Employee Assistance Programme (currently BHSF Rise: telephone 0800 2851538).

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any workplace wrongdoing. The Foundation always encourages all workers to raise their concerns directly in the first instance, rather than externally, enabling issues to be dealt with promptly and speedily. It is therefore hoped that it will not be necessary for workers to alert external organisations. However, in very serious circumstances, or following an internal report which has not been addressed, we recognise that it may be appropriate for a worker to report their concerns to an external body, such as a regulator. The government has prescribed a list of appropriate bodies for such external reporting: for example, the Environment Agency and the Health and Safety Executive. A full list is available from an independent charity called Public Concern at Work, who can be contacted by e-mail at whistle@pcaw.org.uk.