



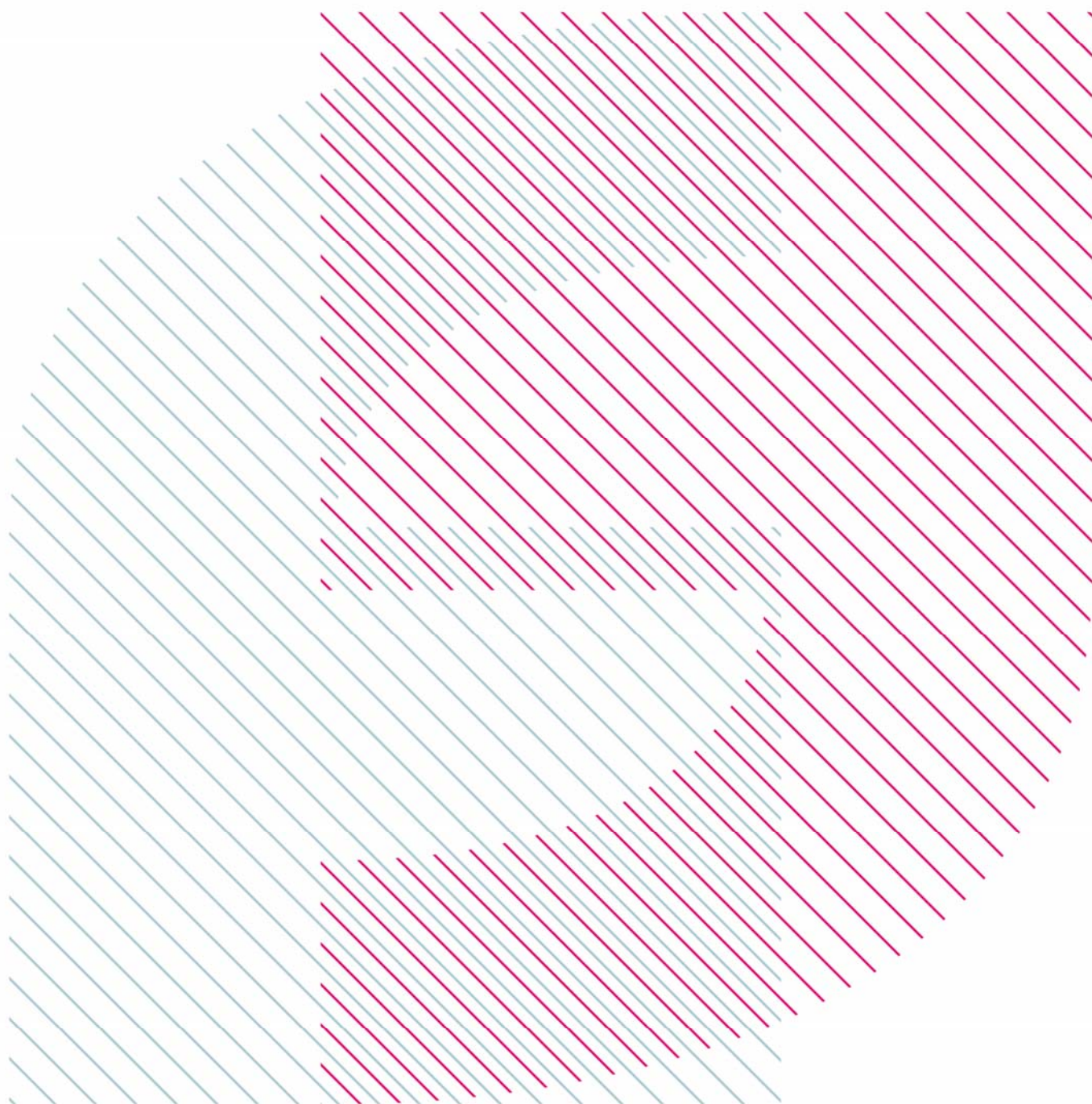
# Whistleblowing policy and procedure

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## Policy on a page

<b>Why we need a policy</b>	We are committed to the highest standards of openness, probity and accountability. Whistleblowing is when an individual brings information about a wrongdoing to the attention of their employer or relevant organisation. This policy explains how concerns can be raised, and our commitment to investigate and take corrective action where necessary.
<b>What the policy covers</b>	<p>The policy sets out:</p> <ol style="list-style-type: none"> <li>1. Introduction (section 1)</li> <li>2. Purpose (section 2 )</li> <li>3. Responsibility for Policy (section 3)</li> <li>4. Whistleblowing disclosures (section 4)</li> <li>5. How to make a disclosure (section 5)</li> <li>6. Confidentiality and anonymity (section 6)</li> <li>7. Investigation (section 7)</li> <li>8. Outcome (section 8)</li> <li>9. Protection and support for whistleblowers (section 9)</li> <li>10. Reporting outcomes (section 10)</li> <li>11. Contacts (section 11)</li> <li>12. FAQ's (section 12)</li> </ol>
<b>The essentials that you need to know</b>	<ol style="list-style-type: none"> <li>1. All staff (including contractors and casual/temporary staff) who are aware of possible wrongdoing have a responsibility to disclose that information.</li> <li>2. We guarantee that anyone who discloses perceived wrongdoing will be provided with the full protection of the law.</li> <li>3. You can raise a concern: <ul style="list-style-type: none"> <li>• in person or in writing through a line manager, any other manager or LeO's Legal Manager, who is the designated 'Whistleblowing Officer';</li> <li>• with the Chief Ombudsman if the concern is about the Legal Manager;</li> <li>• with the Chair of the Audit and Risk Assurance Committee ("ARAC"), if the concern is about the Chief Ombudsman; or</li> <li>• you can also raise the matter with any member of OLC Board including the Chair of the OLC Board.</li> </ul> </li> <li>4. A fair and impartial process will be followed to investigate any concerns of wrongdoing.</li> </ol>
<b>Where you can get help and advice</b>	Any member of the Management Team or member of OLC Board can advise on all aspects of this policy.

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## 1. Introduction

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1.1 The OLC is committed to the highest standards of openness, probity and accountability. Accountability and transparency requires a mechanism that allows LeO staff to voice concerns about breaches or failures in a reasonable and effective manner.

1.2 This policy provides a procedure for staff to raise concerns about a perceived wrongdoing openly, confidentially or anonymously, where there is a public interest element. It aims to help people who believe they have discovered malpractice or impropriety and to protect them from victimisation and reprisal should they raise concern in the public interest.

1.3 This is often known as 'whistleblowing', which is the reporting of information which relates to suspected wrongdoing at work, including possible unlawful conduct, fraud, risks to the public or malpractice. This is not the same as a grievance, which relates to a dispute about an employee's own employment position and has no additional public interest dimension. Grievances are handled under the separate Grievance Procedure.

1.4 Ordinarily you should discuss any concerns you have about suspected wrongdoing with your line manager or where this is not possible with your line manager's manager. This is referred to as open whistleblowing.

1.5 If you do not feel that this is possible or appropriate in the circumstances of your concern you may use the following procedure and be reassured that you can expose wrongdoing without risk to yourself.

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## 2. Purpose

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2.1 The OLC is committed to good governance within LeO and wants to create an environment in which all staff understand their responsibilities and in which Management is accountable for its actions.

2.2 We recognise that staff are often the first to realise that something may be wrong within the organisation, so staff are encouraged to raise reasonable concerns about wrongdoing at the earliest possible stage rather than wait for proof. This is known as 'whistleblowing'.

2.3 The aims of this policy are:

- To encourage staff to report suspected wrongdoing as soon as possible, safe in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected if requested.
- To provide staff with guidance as to how to raise those concerns.
- To reassure staff that they should be able to raise concerns without fear of reprisals, even if they turn out to be mistaken.

2.4 The policy applies to all employees, officers, consultants, contractors, volunteers, casual workers and agency workers.

2.5 The policy does not form part of any employee's contract of employment and it may be amended at any time.

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## 3. Responsibility for Policy

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3.1 The OLC Board has overall responsibility for approving the policy, and ARAC has responsibility for overseeing and reviewing the effectiveness of actions taken in response to concerns raised under the policy and to provide assurance to the Board.

3.2 A recipient of a whistleblowing disclosure as set out in this policy (at section 5) will, within two working days, report the content of the complaint and the proposed investigation procedure to ARAC. If a disclosure has been made confidentially, the name of the worker will not be included in this report without the worker's prior consent.

3.3 LeO's Legal Manager is the designated Whistleblowing Officer and has day-to-day operational responsibility for the policy and must ensure that anyone who deals with matters under this policy is suitably experienced or trained. The policy will be reviewed by the Legal Manager at least once a year through the governance review arrangements for policies agreed by ARAC. Where the Legal Manager has a conflict of interest in dealing with any particular disclosure raised the designated officer will be the Chief Ombudsman who may act as designated officer or appoint another person.

3.3 Staff, Board Members and everyone working on behalf of LeO are responsible for the success of the policy and are encouraged to suggest ways in which it might be improved by sending these to the Legal Manager.

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## 4. Whistleblowing disclosures

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4.1 A 'whistleblowing disclosure' is a report of information which an individual reasonably believes suggests that one of the following has occurred or may do so:

- a. a criminal offence, for example fraud, financial irregularity, improper or unauthorised use of public funds, bribery or corruption etc;
- b. someone's health and safety is put in danger;
- c. damage to the environment;
- d. a miscarriage of justice;
- e. breaking the law;
- f. covering up wrongdoing described in a-e above.



4.2. Workers who have information about suspected wrongdoing or danger in relation to our activities should report it under this policy. Workers should have a reasonable belief that raising the concern is in the public interest and should not raise malicious or vexatious matters that are not in the public interest.

4.3 The policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work where these do not have a wider public interest. In such circumstances, you should use relevant HR policies.

4.4 If you are unsure about whether anything is within the scope of this policy you should seek advice from the Legal Manager.

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## 5. How to make a disclosure

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5.1 Disclosures can be made in person or in writing through a line manager, any other manager or the Legal Manager, who is the designated 'Whistleblowing Officer'.

5.2 You can also raise the matter with any member of OLC Board including the Chair of the OLC Board. If the disclosure relates to the Legal Manager, you should raise the complaint with the Chief Ombudsman. If the complaint is against or in any way related to the actions of the Chief Ombudsman, you should raise your complaint with the Chair of ARAC, Harindra Punchihewa via email [HarindraPunchihewa@legalombudsman.org.uk](mailto:HarindraPunchihewa@legalombudsman.org.uk)

5.3 When making a disclosure under this policy, you should try to provide the following information:

- the background and any reason behind the concern;
- whether you have already raised the concern with anyone, and their response;
- any relevant dates; and
- if you have a personal interest in the matter, you must declare this when raising the concern.

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## 6. Confidentiality and anonymity

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6.1 LeO will treat all disclosures in a confidential and sensitive manner.

6.2 You are encouraged to put your name to any report you make. Disclosures made without giving your name will be considered at the designated officer's discretion but they are more difficult to investigate fully. The factors that the designated officer will take into account in deciding whether to exercise discretion to investigate disclosures made anonymously are:

- the seriousness of the issue(s) raised;
- the credibility of the concern; and

- the likelihood of being able to validate the allegation.

6.3 If you put your name to your report, you may ask that your identity be kept confidential; the recipient of your disclosure will make every effort to protect your identity.

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## 7. Investigation

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7.1 Following receipt of a disclosure, the person contacted must report the matter to the Legal Manager who will make a decision on how to proceed. If the Legal Manager is subject to a conflict of interest or if the disclosure relates to the Legal Manager, the report should be made to the Chief Ombudsman.

7.2 If it appears to the recipient (the Legal Manager or the Chief Ombudsman) that the disclosure is actually a grievance properly handled under the Grievance Policy, the recipient will bring the disclosure to the attention of the Head of People Strategy and Services and the matter will be dealt with under the Grievance Policy. Otherwise the following provisions will apply:

7.3 The Legal Manager (or Chief Ombudsman) will lead the investigation or appoint an investigation manager and/or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter including external investigators. The investigation must be conducted thoroughly and impartially in line with LeO's values and customer service principles.

7.4 The investigation manager will be responsible for:

- sending a written acknowledgement of the disclosure to the reporting worker .
- ensuring the worker is aware of and understands this policy;
- protecting the identity of the worker, where possible;
- informing the person/people against whom the disclosure has been made as soon as possible - but not at a time or in such a way as to impede a thorough and full investigation;
- ensuring the allegation is investigated as quickly as possible without affecting the depth and quality of the investigation;
- protecting the effective operation of the organisation to the extent possible in the circumstances of the case;
- consider whether internal or external auditors, or the Police, need to be involved;
- keeping the worker informed in writing of the progress of the investigation and its likely timescale;

7.5 Usually you will be offered an interview in confidence as soon as possible after the initial disclosure in order for an initial assessment to be carried out. You can be accompanied by another member of staff for support at the interview.

7.6 We will give you feedback about how we intend to deal with the disclosure made. This may be the Legal Manager or the person you reported the concern to. You may be invited to attend additional meetings in order to provide further information.

7.7 However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

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## 8. Outcome

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8.1 The investigator(s) may make recommendations in the report to the Legal Manager (or the Chief Ombudsman) for change to enable us to minimise the risk of future wrongdoing and may also recommend disciplinary action or a wider investigation.

8.2 The Legal Manager will submit the report and recommendations of the investigator to the appropriate person or body, who will consider the investigator's report and may accept the recommendations in whole or in part and arrange for the Legal Manager to put arrangements in place to implement the recommendations. The Legal Manager will submit the report to the Chair of ARAC. If considered more appropriate the investigator's report may be referred to the OLC Board who will then consider the report and may accept the recommendations in whole or in part. The OLC Board may direct the Legal Manager to put into effect arrangements for implementing the recommendations.

8.3 If you are dissatisfied with the outcome, you may raise your concern with the Chief Ombudsman, if you are further dissatisfied you may raise this with the Chair of OLC and if you remain dissatisfied you may raise with the Ministry of Justice which is the government department responsible for LeO.

8.4 If you need further help or advice you can obtain this from the charity Protect (formerly Public Concern at Work) which has a confidential helpline and website offering guidance on whistleblowing. Details are at the end of the document in the contacts section.

8.5 The OLC recognises the rights of people to make disclosures to prescribed persons such as the Health and Safety Executive and the National Audit Office, or, where justified, elsewhere. A full list of these prescribed bodies or persons can be found on the [gov.uk](https://www.gov.uk) website.



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## 9. Protection and Support for whistleblowers

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9.1 It is understandable that those making disclosures are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise reasonable concerns under this policy, and no action will be taken if the investigation does not confirm the allegation made.

9.2 Anyone making a disclosure must not suffer any detrimental treatment as a result of making a disclosure. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with making a disclosure. If you believe that you have suffered any such treatment, you should inform the Whistleblowing Officer, the Legal Manager, immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

9.3 LeO will not tolerate any harassment or victimisation of staff raising concerns in the public interest. You must not threaten or retaliate against anyone raising a concern in any way. If you are involved in such conduct you may be subject to a disciplinary process.

9.4 During an investigation into a disclosure, every effort will also be made to protect staff and/or other persons cited within the disclosure, and steps may include:

- not identifying those concerned before any investigation of the disclosure has been completed, except where there is a legal obligation to do so, or to a professionally qualified lawyer to get legal advice or unless not identifying them would be prejudicial to the investigation; and
- in some cases, moving anyone involved from the area of work concerned whilst the investigation is being carried out.

9.5 Staff who make disclosures in the public interest have access to the LeO employee assistance programme. All records relating to disclosures, subsequent investigation and actions taken must be managed in compliance with the Data Protection Act 2018 and LeO's Retention and Disposal Policy.

9.6 You can also obtain confidential advice from Protect (formerly Public Concern at Work). This is an independent charity and is a leading authority on public interest whistleblowing.

9.7 The Chair of OLC Board will consider whether any form of public reporting through its Board and/or Committees is appropriate.

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## 10. Contacts

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10.1 Protect (formerly Public Concern at Work) 020 3117 2520 or [www.pcaw.org.uk](http://www.pcaw.org.uk)

10.2 LeO's Legal Manager, Taranjit Hayre:

- At Edward House personally or in writing marked "Official Sensitive to be opened by addressee only" By telephone 0121 245 3088
- By post at Edward House, Quay Place, Birmingham, B1 2RA marked "Official Sensitive to be opened by addressee only" By email to [taranjit.hayre@legalombudsman.org.uk](mailto:taranjit.hayre@legalombudsman.org.uk) marked "Official Sensitive Whistleblowing Policy"

10.3 Board Member:

- At Edward House personally or in writing marked "Official Sensitive to be opened by addressee only"
- By Post at Edward House, Quay Place, Birmingham, B1 2RA marked "Official Sensitive to be opened by addressee only"
- For the ARAC Chair, by email to [HarindraPunchihewa@legalombudsman.org.uk](mailto:HarindraPunchihewa@legalombudsman.org.uk) marked "Official Sensitive Whistleblowing Policy" By email to the Board Secretary [kay.kershaw@legalombudsman.org.uk](mailto:kay.kershaw@legalombudsman.org.uk) marked "Official Sensitive Whistleblowing Policy FAO [name Board member]"
- The names of the Board members are on the LeO external website

10.4 Chief Ombudsman

- At Edward House either personally or in writing marked "Official Sensitive to be opened by addressee only"
- By Post at Edward House, Quay Place, Birmingham, B1 2RA marked "Official Sensitive to be opened by addressee only"
- By email to [Paul.McFadden@legalombudsman.org.uk](mailto:Paul.McFadden@legalombudsman.org.uk) marked "Official Sensitive Whistleblowing Policy"

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## 11. FAQs

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### 11.1 Can I raise a concern confidentially?

Yes

### 11.2 Can I make a disclosure anonymously?

It is best to identify yourself, whether openly or in confidence, as this makes it easier to investigate a report and take appropriate action. It may not be possible to protect or reassure a person making a report if we do not know who you are. If you have concerns about disclosing your identity before you make a whistleblowing disclosure you can contact Protect (formerly Public Concern at Work) for advice.

### 11.3 What Information should I provide?

It is helpful to provide supporting evidence such as dates, times and names although this is not required under the legislation and we encourage concerns to be raised as soon as possible.

### 11.4 Is a complaint or grievance different from whistleblowing?

Anyone raising a concern does not usually have a personal interest in the outcome and tend not to be affected directly. Whistleblowing occurs where there is suspected wrongdoing that affects others. A complaint about how you have been treated at work should normally be raised under the relevant HR policy and not under this policy.

### 11.5 Can a whistleblowing concern relate to my own employment terms?

In July 2013, the whistleblowing legislation was changed to require a worker making a disclosure to have a reasonable belief that the disclosure was made “in the public interest”. Therefore it cannot be about an individual’s own employment contract and their personal situation. Any personal concerns should be raised with your line manager and we will look at them under LeO’s HR policies.

Whistleblowing disclosure must relate to a wider interest, for the organisation or a number of workers. This does not mean there is an actual public interest but whether the person raising a concern reasonably believes them to be in the public interest.