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London Pensions Fund Authority  
**Whistleblowing Policy  
& Procedure**

August 2020



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# London Pensions Fund Authority

## Whistleblowing Policy & Procedure

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### 1. Scope of the policy

- 1.1 This policy applies to all officers, employees, contractors, and other workers at London Pensions Fund Authority (LPFA). It also covers suppliers and other third parties which provide services to LPFA under a contract with it.
- 1.2 Since the establishment of the Local Pensions Partnership Ltd (LPP Group), the implementation and delivery of many of the LPFA's functions have been outsourced to the LPP Group, but the LPFA remains responsible for this policy and for ensuring that LPFA or its key suppliers operate effective anti-fraud policies.

### 2. Introduction

- 2.1 The Public Interest Disclosure Act (the "Act") came into force on 2 July 1998 and introduced specific rights into Part IV of the Employment Rights Act 1996. Its aim is to ensure that concerns about potentially illegal or dangerous activities or forms of malpractice are raised and not covered up. It is however, worth noting that, pursuant to the Enterprise and Regulatory Reform Act 2013, such disclosures will only be protected if they are made in the public's interest and therefore, mere complaints about individual employment contracts and minor complaints will not be protected.
- 2.2 Workers are often the first to realise that there may be something seriously wrong within LPFA. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to LPFA. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 2.3 LPFA is committed to the highest possible standards of openness, probity and accountability. LPFA does not condone illegal or dangerous activities or malpractice. It expects all its workers to maintain the same standards in everything they do. In line with that commitment, LPFA expects its workers and others that it deals with to report any wrongdoing by LPFA or its workers which has occurred or is likely to occur and which falls short of these business principles to come forward and voice those concerns internally within LPFA.
- 2.4 LPFA recognises that a worker may not always feel comfortable about discussing their concerns internally, especially if they believe that LPFA itself is responsible for the wrongdoing. This policy is designed to ensure that workers are confident that they can raise any concerns they may have internally in the knowledge that LPFA will take them seriously, treat them as confidential and take reasonable steps to protect them. No action will be taken against a worker who makes a report under this policy unless they made their allegations in bad faith.

### 3. Aim of the policy

- 3.1 This policy aims to:
  - (a) Enable and encourage workers to feel confident in raising genuine concerns about possible wrongdoing at work without fear of reprisal.
  - (b) Provide workers with avenues for them to raise their concerns. Reassure workers that their concerns will be dealt with seriously and effectively by LPFA internally.
  - (c) Ensure that workers receive feedback on their concerns and that they are aware of how they may pursue them further if they are not satisfied.
  - (d) Allow LPFA to take action against any worker who makes allegations in bad faith and/or publicly discloses information when it is unreasonable for them to do so.
  - (e) Reassure staff that they will be protected from possible reprisals or victimisation if you have made any disclosure in good faith.
- 3.2 It is particularly important to state that this policy is separate from LPFA's Grievance Policy and Procedure, which relates to general concerns which a worker may have about their own personal circumstances. A whistleblowing policy is designed to ensure that concerns about possible illegal or dangerous activities or forms of malpractice are brought swiftly to management's attention. These may not necessarily be related to the whistleblower's area of work.

### 4. Disclosures under the Act

- 4.1 The Act covers cases where the worker making the disclosure has serious concerns falling into certain specified categories. This policy is designed to be used to raise such concerns, which are in the public interest. Examples of serious misconduct, impropriety or malpractice which may prompt such a disclosure are:
  - (a) A criminal offence (including fraudulent and corrupt behaviour, e.g. theft, fraud or malpractice).
  - (b) A failure to comply with legal obligations or LPFA's Policies and Codes of Practice.
  - (c) A miscarriage of justice.
  - (d) A danger to health and safety.
  - (e) Damage to the environment.
  - (f) A concealment or destruction of evidence in respect of any of the above.

## 5 Confidentiality

- 5.1 If you report a disclosure to LPFA under this policy, your concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness. If you agree to this, you will be offered advice and support from one of the three groups mentioned below (clause 6.4). Concerns can be raised anonymously – and the LPFA has an external reporting line to facilitate this. It may, however, not be possible to investigate the concern without specific information.
- 5.2 LPFA will comply with privacy legislation and will endeavour to ensure that any documents or report which it discloses do not contain your personal information unless you have consented or there is a legal obligation to disclose it.

However, you should be aware that:

- a) The nature of the matter reported may mean that it cannot be investigated without it becoming apparent who the informant is.
- b) If a crime may have been committed, it may be necessary to involve the police and, subsequently, the criminal justice system.
- c) If you provide a written statement, this may have to be disclosed under any disciplinary procedures arising out of the investigation.

## 6. Whistleblowing procedure

### 6 Raising a concern

- 6.1 In most cases, you should raise any concerns you may have internally within LPFA. You may do so in person, by telephone or in writing. If you wish to make a written report, you are invited to use the following format:
- (a) The background and history of the concern (giving the relevant, names, dates and places).
  - (b) The reason(s) why you are particularly concerned about the situation.
- 6.2 The earlier you express your concern, the easier it is to take action. Although you are not expected to prove the truth of an allegation beyond doubt, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 6.3 Any matters not covered by the Act or, therefore, this policy, will be dealt with by using LPFA's Grievance Policy and Procedure, Anti-Harassment and Bullying Policy or statutory reporting procedures (as appropriate).
- 6.4 There are three groups of possible people that you should raise your concerns with. This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing:

#### (a) Your line manager, or the LPFA Monitoring Officer:

If appropriate, you should discuss your concerns with one of the above (which, in the case of a non-employee worker, shall mean their main contact within LPFA) in the first instance. The person you report it to must then record the matter and report it to the Chief Executive Officer (CEO) of LPFA.

#### (b) The CEO:

If you feel it is inappropriate to raise your concerns with your line Manager or Monitoring Officer in the first instance or where your concerns are about actual or suspected fraud or any other areas falling within LPFA's Fraud etc Prevention Policy, you must report them immediately to the CEO. They will then record the matter and report it to the Chair of Audit and Risk Committee.

#### (c) The Audit & Risk Committee Chair:

If you feel it is inappropriate to raise your concerns directly with anyone who is part of the day-to-day management of LPFA, then you can contact the Chair of LPFA's Audit & Risk Committee directly.

- 6.5 As many of the operational functions are outsourced to the LPP Group, you may invite a professional association representative or workplace colleague from the LPP Group (as well as colleagues from LPFA) to be present during any meetings or interviews in connection with the concerns you have raised. You may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. You must expressly make anyone that you share your concerns with aware that they are subject to the same duty of confidentiality in respect of it as you are. Furthermore, that neither you nor they must approach the individuals involved in your disclosure (whether to "tip them off" or otherwise) or attempt to investigate the matter by yourselves.
- 6.6 If you are unhappy about the speed or conduct of any further action taken or the way in which your concerns have been resolved, you should refer the matter to a Board Member of LPFA.
- 6.7 If, at any stage in the procedures, you are unsure about what to do and would like to obtain advice and guidance, you may do so from:

Internal Contacts	External Contacts
<b>Officer</b> Robert Branagh, CEO of LPFA, (020 7369 6006)	Protect, (020 7404 6609), <a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a> . It is an independent charity staffed by lawyers which offers confidential free legal and practical advice on how people can raise concerns about malpractice at work.
<b>Non-Executive</b> Christina Thompson, Chair of Audit & Risk Committee, (020 7369 6088)	Any professional associations and trade unions of which you are a member.

- 6.8 The LPFA would urge you to exhaust the internal processes set out above but, in exceptional or urgent circumstances, it might be appropriate for you to contact an external person or body. A list of potentially appropriate people can be found below at 'External Reporting'.

## 7. Procedure for dealing with disclosures

- 7.1 LPFA will respond to your concerns. Do not forget that testing out your concerns initially is not the same as either accepting or rejecting them.

- 7.2 The action taken in response to a disclosure will depend on the nature of your concern. By way of example, the matters you raise may result in one or more of the following:
- (a) No action required.
  - (b) Action being taken under other LPFA policies and/or procedures.
  - (c) An internal investigation under this policy.
  - (d) A referral to the police.
  - (e) A referral to LPFA's external auditors.
  - (f) An independent inquiry.
- 7.3 Where you make a disclosure in accordance with this policy, the following procedure will apply:
- (a) You will usually be asked to provide a written statement describing the precise nature of your allegations.
  - (b) The person you report it to will make a detailed record of it and send it to the CEO/Board Member.
  - (c) Within ten working days of your concern being notified to him or her, the CEO or Board Member will write to you:
    - (i) acknowledging that your concern has been received;
    - (ii) indicating how LPFA proposes to deal with the matter;
    - (iii) giving an estimate of how long it will take to provide a final response;
    - (iv) telling you whether any initial enquiries have been made;
    - (v) supplying you with any relevant information on staff support mechanisms, and
    - (vi) telling you whether any further initial enquiries will take place and if not, why not.
  - (d) All initial enquiries deemed necessary will be undertaken to decide whether any further action is required and, if so, what form it should take.
  - (e) A decision as to whether any further action is required and, if so, what, will be taken.
  - (f) The CEO or Board Member of LPFA (as applicable) will write to you within five working days of making that decision. In their letter, they will provide any necessary information on who the matter has been referred to and details of who you should contact if you have any further questions.
- 7.4 Where further action is required under this policy in relation to a worker's complaint, this will typically, in the first instance, take the form of an internal investigation. The internal investigator will be the CEO or a Board Member of LPFA (as appropriate on a case by case basis). However, LPFA may instead decide to arrange for a suitably qualified independent professional to undertake the investigation. The investigations will be conducted without regard to the length of service, position, title or relationship to LPFA of the person(s) suspected.
- 7.5 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, LPFA will seek further information from you.
- 7.6 During the investigation, you may need to be called upon for interview. You will also be given appropriate updates of progress made during the investigation, whilst bearing in mind the need to respect the confidentiality of other workers as well.
- ## 8. Once the investigation is complete
- (a) You will be given a prompt and thorough explanation about the result of the investigation and any action LPFA is likely to take as a result of it.
  - (b) As any allegation under this policy is likely to be of a serious nature, an appropriate report will usually be submitted to the Board of LPFA immediately upon completion.
  - (c) LPFA accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.
  - (d) Any action which the investigator decides is required will be taken.
- 8.1 LPFA recognises that there may be matters which cannot be dealt with internally and external authorities may need to become involved (such as the police). Where this is necessary, LPFA reserves the right to make such a referral without your consent.
- 8.2 LPFA will take steps to minimise any difficulties which you may experience as a result of raising a genuine concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, LPFA will arrange for you to receive advice about the applicable procedure.
- ## 9. The Responsible Officer
- 9.1 The CEO has overall responsibility for the maintenance and operation of this policy. The CEO maintains a record of concerns raised with the day to day management of LPFA and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary on them to the Audit & Risk Committee and Board of LPFA.

## 10. Other issues

10.1 External reporting – Disclosures to the press will not be considered reasonable. They may constitute gross misconduct and will be treated as a disciplinary matter in accordance with LPFA's Disciplinary Policy and Procedure.

10.2 This policy is intended to provide you with an avenue within LPFA to raise concerns. LPFA hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside LPFA, there are several external people to whom it may be reasonable to make a whistleblowing disclosure (depending upon the exact circumstances of the disclosure) and these are listed below. You must ensure that the body you make a disclosure to is made aware of the confidentiality of the information which you provide them.

- Protect
- Your trade union
- LPFA's external auditors
- The Commissioners of HM Revenue & Customs
- The Information Commissioner
- The Director-General of Fair Trading
- The Police
- The Director of The Fraud Squad
- The Serious Fraud Office
- The Environmental Agency
- Local Authorities responsible for the enforcement of Health & Safety legislation
- The Health & Safety Executive
- The Pensions Regulator
- The Secretary of State for Trade & Industry
- Other relevant bodies prescribed by legislation. <http://www.legislation.gov.uk/ukxi/1999/1549/made> Protect will be able to advise you who else you can contact.

10.3 If you raise your concerns outside of LPFA, you should ensure that it is to one of these prescribed contacts. A public disclosure to anyone not on the prescribed list could take you outside the protection of the Act and of this policy.

10.4 If you have a genuine reason for making your disclosure, you should feel confident in bringing forward your concerns. LPFA recognises that the decision to report a concern can be a difficult one to make. If you reasonably believe what you are saying to be true, you should have nothing to fear. Accordingly, if you make an allegation in good faith but it is not confirmed by the investigation, no action will be taken against you.

10.5 However, if it should become clear that the procedure under this policy has not been invoked in good faith this may constitute gross misconduct and will be treated as a disciplinary matter in accordance with LPFA's Disciplinary Policy and Procedure.

10.6 LPFA will not tolerate any worker being subjected to a detriment as a result of their making a disclosure under this policy in good faith. In the event that any worker believes that they have been subject to a detriment by anyone within LPFA for this reason, they must inform the CEO of LPFA immediately. Appropriate action will be taken to protect them from any reprisals. Disciplinary action may also be taken against the person concerned.

10.7 Similarly, if anyone should try to discourage a worker from coming forward to express a genuine concern, LPFA will treat this as a disciplinary matter.

For more information, please contact:  
[corporate@lpfa.org.uk](mailto:corporate@lpfa.org.uk)