

Witness name: John Bartlett

Statement No: WITN11190100

Dated: 25 April 2024

THE POST OFFICE HORIZON IT INQUIRY

First Witness Statement of John Bartlett

on behalf of Post Office Limited in the Post Office Horizon IT Inquiry

1. I, John Bartlett, of 100 Wood Street, London, EC2V 7ER, say as follows:

A. Introduction

2. I am John Bartlett, Director of Assurance and Complex Investigations (A&CI), Post Office Limited ("POL" or "Post Office"). I joined Post Office in February 2022 and was appointed as Head of the Central Investigations Unit which was the previous name for A&CI. Under both team titles I had, and continue to have, responsibility for the Speak Up team within Post Office. Speak Up is a frequently used and our preferred label for activity that used to be referred to as whistleblowing, although in various Post Office documents 'whistleblowing' is still used. This is my first witness statement to the Inquiry. Whilst I was not employed at Post Office during the period in question (the "Relevant Period"), given my role in directing and overseeing the Speak Up function, I am the appropriate person to give this witness statement on behalf of Post Office as I am acquainted with Post Office's current policies and practices that govern

the Speak Up function's work and have previous experience of managing whistleblowing issues in other arms-length and commercial bodies.

3. This witness statement has been prepared in response to a request made by the Post Office Horizon IT Inquiry (the "Inquiry") pursuant to Rule 9 of the Inquiry Rules 2006, dated 6 February 2024 ("Rule 9(50)"). Question 4 of the Rule 9(50) asks Post Office to explain the following over the Relevant Period (exhibiting any relevant documents):

Any written procedures and policies specifying how whistleblowing was to be treated within Post Office Limited and any other relevant organisations including the required escalation and reporting process within the Board or involving the Board.

4. The facts in this witness statement are true, complete and accurate to the best of my knowledge and belief. I have sought to include within this witness statement evidence relating to matters or issues detailed in the Rule 9 request insofar as the relevant facts are within my own knowledge. The Rule 9 request also sought evidence relating to matters and issues that are not within my knowledge. As a result, where my knowledge has been informed by another person or by documents that I have reviewed for the purposes of preparing this witness statement, I will specifically acknowledge the identity of the individual concerned or the nature of the documents. Where I refer to specific documents in this witness statement, copies of those documents have (where possible) been produced to the Inquiry.

5. I have been assisted in preparing this witness statement by Burges Salmon LLP and Fieldfisher LLP (together "**BSFf**"), who act on behalf of Post Office in the Inquiry (other external advisers also act for Post Office) and external counsel.

B. Structure of this witness statement, definitions and background

6. This witness statement is set out in the following sections:
- (a) Section A (paragraphs 2 to 5) is a general introduction.
 - (b) Section B (paragraphs 6 to 12) sets out the structure of the statement, definitions and high level background.
 - (c) Section C (paragraphs 13 to 73) provide a summary of the history of Post Office's whistleblowing policies that have been identified as part of the review work for responding to question 4 of R9(50).
 - (d) Section D (paragraphs 74 to 118) set out the required escalation and reporting process within the Board or involving the Board.
7. The policies and procedures within Post Office which address whistleblowing have developed over the Relevant Period. As outlined above, it is currently referred to within Post Office as "Speak Up." This covers both the act of whistleblowing (the "Speak Up report") and the policies/procedures that relate to it. I have seen documents from 2010 onwards using the phrase "Speak Up". I use the terms interchangeably throughout this witness statement as appropriate to the time period of the document which I am referring to.
8. My experience with whistleblowing started in around 2007 when I worked at the Financial Services Authority ("FSA"). I worked there for around three and a half

years. I worked in the private sector from around 2011 – 2017. Between 2011 and 2015, I worked at a Swiss global testing, inspection, standards, and certification company called Société Générale de Surveillance (normally referred to as SGS), as the Global Head of Investigations. Part of my role involved engaging with whistleblowers themselves and then investigating their reports or overseeing the engagement and investigations. Between 2015 and 2017 I worked for the Royal Bank of Scotland in the Sensitive Investigations Unit as an Investigations Director where part of my duties involved being part of a working group on whistleblowing and I also managed the staff member who oversaw the development of the whistleblowing function. From around 2017 - 2022, I worked at the Pension Regulator as Head of Enforcement Investigations. As part of that role, I provided oversight and guidance in the management of significant whistleblowing reports and reporters.

9. Some reporters providing certain types of information (often referred to as “disclosures”) through a Speak Up function are afforded protection by law. The statutory basis for protected disclosures arises from the Public Interest Disclosure Act 1998 (“PIDA 1998”). It applies to England, Scotland and Wales¹. amended the Employment Rights Act 1996 (“ERA 1996”) to protect workers from detrimental treatment by their employer where they make a protected disclosure. In order to qualify as a protected disclosure the disclosure must be a “qualifying disclosure” as defined at s.43B ERA 1996, being any disclosure of information which in the

¹ Northern Ireland has different legislation: Public Interest Disclosure (Northern Ireland) Order 1998. I understand that this is broadly similar to PIDA 1998; however, an analysis of the differences between the legislation is beyond the scope of this Rule 9 request.

reasonable belief of the worker making the disclosure is made in the public interest and tends to show one or more of the following:

- (a) that a criminal offence has been committed, is being committed or is likely to be committed;
- (b) that a person has failed, is failing or is likely to fail to comply with a legal obligation to which he is subject;
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur;
- (d) that the health or safety of any individual has been, is being or is likely to be endangered;
- (e) that the environment has been, is being or is likely to be damaged; or
- (f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

10. The legislation in place that protects whistleblowing does not impose a positive obligation on employers to encourage whistleblowing, implement a whistleblowing policy or govern what an employer should do if a disclosure is received. It also only provides protection to certain categories of people, 'workers', who raise concerns relating to specific topics, risks or situations. It protects workers from detriment caused by virtue of them making the disclosure. Postmasters are not - and have never been - 'workers' and so are not protected by the legislation. During the Relevant Period, however, Postmasters were sometimes explicitly included within the Policy and sometimes at other times, they were excluded because they were not 'workers' but appear to have been able to make reports as a matter of practice. Where Post Office has been able to identify the position, I have set this out at Part C below.

11. Over time the attitude towards whistleblowing has shifted, such that whilst legislation does not specifically require employers to have a whistleblowing policy, it is now considered best practice to do so. In my experience, these policies often go beyond the protections afforded to reporters under the narrow requirements of PIDA 1998. There may be other protections for reporters who do not fall within these categories under other policies or procedures, for example employment codes of conduct.

12. Employers have been assisted by guidance issued by various government departments and organisations with recommendations on what is considered best practice, for example, the Department for Business Innovation and Skills' 'Whistleblowing: Guidance for Employers and Code of Practice' dated March 2015 [POL000423670].² These types of guidance documents do not have any statutory force. However, I note that via the Shareholder Relationship Framework Document [POL00362299], Post Office is obliged to "*have regard to the principles contained*" in the 'Whistleblowing: Guidance for Employers and Code of Practice'.³

C. Summary of whistleblowing policies during the Relevant Period

13. From review of the materials that Post Office has been able to identify as part of the searches carried out in responding to this request, I have compiled the following versions of whistleblowing policies over the Relevant Period:

² Department for Business Innovation and Skills' 'Whistleblowing: Guidance for Employers and Code of Practice' dated March 2015 Whistleblowing: Guidance for Employers and Code of Practice (publishing.service.gov.uk).

³ Page 24, Shareholder Relationship Framework [POL00362299]. The Framework Document was entered into between Post Office, the Department for Business, Energy and Industrial Strategy ("BEIS") and BEIS's representative, UK Government Investments Limited ("UKGI" or the "Shareholder's Representative") and took effect on 1 April 2020. It is not legally binding (save as to confidentiality obligations).

Date	Policy	Reference
02.08.2010	Royal Mail Group Policy, 'G07 Employee Confidential Disclosures'	POL00423202
30.04.2012	Post Office, Speak Up Policy'	POL00030609
27.04.2016	Post Office Whistleblowing Policy (v1.4)	POL00423366
10.06.2016	Post Office Whistleblowing Policy (v1.5)	POL00413463
22.09.2016	Post Office Whistleblowing Policy (v1.6)	POL00423394
11.08.2018	Post Office Group Policies - Whistleblowing Policy (1.7)(draft)	POL00423611
21.08.2017	Post Office Group Policies - Whistleblowing Policy (v1.8)	POL00423576
25.09.2017	Post Office Group Policies - Whistleblowing Policy (v2)	POL00423451
July 2018	Post Office Group Policies - Whistleblowing Policy (v2.1)	POL00423579

July 2018	Post Office Group Policies - Whistleblowing Policy (v2.2)	POL00423578
20.09.2018	Post Office Group Policies – Whistleblowing Policy (v3)	POL00423461
July 2019	Post Office Group Policies - Whistleblowing Policy (v3.1)	POL00423613
June 2019	Post Office Group Policies - Whistleblowing Policy (v3.2)	POL00423584
July 2019	Post Office Group Policies - Whistleblowing Policy (v3.3)	POL00423581
July 2019	Post Office Group Policies - Whistleblowing Policy (v3.3)	POL00423602
19.09.2019	Post Office Group Policies – Whistleblowing Policy (v4)	POL00423603
April 2020	Post Office Group Policies - Whistleblowing Policy (v4.1)	POL00423604

June 2020	Post Office Group Policies - Whistleblowing Policy (v4.2)	POL00423585
July 2020	Post Office Group Policies - Whistleblowing Policy (v4.3)	POL00423586
27.07.2020	Post Office Group Policies – Whistleblowing Policy (v5)	POL00030903
March 2021	Post Office Group Policies - Whistleblowing Policy (v5.1)	POL00423594
March 2021	Post Office Group Policies - Whistleblowing Policy (v5.3)	POL00423596
March 2021	Post Office Group Policies - Whistleblowing Policy (v5.4)	POL00423590
14.05.2021	Post Office Group Policies – Whistleblowing Policy (v6)	POL00413444
May 2021	Post Office Group Policies – Whistleblowing Policy (v6.1)	POL00423610

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14. The policies listed in this table appear to me to be final versions. Where Post Office has identified drafts, I have referenced them below if I think they are illustrative, but I have not included them in the table so that it is clear to the Inquiry which ones are the final versions. Whilst I was not employed by Post Office when these historic policies were in place, I have read the policies and comment on their content as follows.

1996-2009

15. From a review of documents identified as part Post Office's response to Rule 9(50), Post Office has sought to understand where responsibility for whistleblowing rested during the pre-separation period.

16. Post Office does not hold a single repository of historic policies and procedures in relation to whistleblowing over the Relevant Period. In seeking to understand and be able to explain to the Inquiry the procedures over the Relevant Period, Post Office has run searches to try and identify potentially responsive material. It has been able to identify very limited information about the period prior to separation in 2012.

17. Version 1 of Post Office's Employee Disclosure Policy is dated October 2005 [POL00423192]. It is noted as having first been issued in October 2005. Post Office has not been able to identify any policies pre-dating this for either Royal Mail Group or Post Office. The policy sets out:

- (a) The definition of an “employee disclosure” and how such a concern may come about;
- (b) The policy itself including reference to Royal Mail Group and its Code of Business Standards;
- (c) The guidelines as to how a report can be made, to whom and how it should be handled including the outcome;
- (d) Disciplinary penalties for those found to have acted in an unethical or unlawful manner as a result of the report or for anyone using the policy where they are shown to have used it deliberately, maliciously or mischievously to lay false or misleading information.
- (e) Where to access additional further information.

18. Version 2 of a Royal Mail Group Policy entitled 'G07: Employee Confidential Disclosures' dated 2 August 2010 [POL00423202] indicates that version 1 was created on 28 July 2006. Version 2 states that it applies to Post Office. Post Office has not been able to locate version 1 of this policy and so has not been able to confirm whether this policy applied to Post Office between 2006 and 2010. However, from review of other materials (as set out below) it does appear that Royal Mail Group's policy did cover Post Office staff during this time. It therefore appears that Post Office had its own policy but also was subject to Royal Mail's policy on whistleblowing during this period.

19. An email called 'focus online issue 32/06' dated 24 October 2006 [POL00423150] was an update issued within Post Office (as it was 'to' "Post Office Ltd (all)") about Royal Mail's whistleblowing procedures.⁴ It states that:

"The Employee Disclosure policy and guidelines have been reviewed and updated following a recent audit of Royal Mail Group policies and procedures. This policy is an important part of making the company a good place to work and helps to protect its reputation in the community and marketplace.

The employee disclosure (often called "Whistleblowing") policy enables employees to raise concerns about inappropriate behaviour (e.g. behaviour linked to criminal activity, fraud, conflicts of interest or health and safety breaches). In most instances colleagues should be able to raise these issues through their line manager or other routes such as the Security and CSR helplines. The employee disclosure policy concerns those occasional situations where a colleague feels these routes cannot be used, or the matter is so serious that it needs escalating to a senior level of management.

As long as a disclosure is made in 'good faith', the policy protects and allows colleagues to make disclosures in a confidential manner. In return Royal Mail Group is responsible for investigating a complaint and, where appropriate, taking effective remedial action.

Details of the updated policy and guidelines and who to contact to raise a concern have been posted on Royal Mail Group's Intranet site."

⁴ Focus online issue 32/06 [POL00423150].

20. This document appears to confirm that, at this time, all Post Office related whistleblowing reports were logged with Royal Mail and that Royal Mail investigated and actioned them. It is not clear whether, at this time, Royal Mail liaised with Post Office about these complaints or handled them centrally.

21. A copy of the Royal Mail Group intranet page refers to Post Office staff and contacts in relation to queries under the policy [POL00423195]. I note that the date of the document on the e-Disclosure platform is June 2010 but the webpage itself states that the page is effective from 28 July 2007 and that the page was last updated in October 2006. This appears to support the understanding that the Royal Mail policy applied to Post Office from 2006 when it came into effect.

22. A Post Office Limited Internal Audit & Risk Management Report dated February 2008 [POL00423152] refers to an "RMG Whistleblowing" policy being available for "*suspected wilful non-compliance*". The Post Office Compliance Framework from February 2009 also refers to the G7 RMG Whistleblowing Policy and also the "Post Office Limited Employee Disclosure" policy [POL00423153]. Again, these documents are supportive of Royal Mail Group's policy applying to Post Office.

23. I have been shown a document called "Employee Disclosure Guidelines" [POL00423196]. I understand that the document is called "Employee Disclosure Guidelines 06-07-25v8 SP.doc" on the e-disclosure platform. The text in this document is different to the text in the G7 policy document referred to above. The document appears to provide further detail about the process for handling a PIDA 1998 complaint once received including who should receive it, investigate it and

reporting about the outcome. There is reference within the document to Post Office and a specific telephone number for Post Office employees to use so it appears that it did apply to Post Office. Post Office has not been able to identify any further information about the guidelines.

2010

24. As outlined above, version 2 of a Royal Mail Group Policy entitled 'G07: Employee Confidential Disclosures' is dated 2 August 2010 [POL00423202] (the "**RMG Policy**"). The RMG Policy owner was the Group Executive Committee (GET)⁵. It states that the RMG Policy applies to "*all business units within RMG including Post Office Ltd.*"⁶ Version 2 of the RMG Policy states that the whistleblowing policy objective was corporate transparency and the provision of a route for staff to raise concerns and that they were protected from reprisal in doing so.⁷

25. The RMG Policy defines workers as "*employees and others contracted personally to perform work on behalf of RMG*".⁸ As a result, I understand that Postmasters and their staff would not have been able to access this route to raise concerns under the Policy. Post Office has not been able to identify whether as a matter of practice they did make reports via this route at this time and/or whether these were investigated anyway. The RMG Policy confirms that anonymity was available and that good faith reporters would not suffer detriment. The RMG Policy includes the following detail:

⁵ Page 1, Royal Mail Group Policy 'G07: Employee Confidential Disclosures', Version 2, dated 2 August 2010 [POL00423202].

⁶ Page 3, Royal Mail Group Policy 'G07: Employee Confidential Disclosures', Version 2, dated 2 August 2010 [POL00423202].

⁷ Page 2, Royal Mail Group Policy 'G07: Employee Confidential Disclosures', Version 2, dated 2 August 2010 [POL00423202].

⁸ Page 2, Royal Mail Group Policy 'G07: Employee Confidential Disclosures', Version 2, dated 2 August 2010 [POL00423202].

- a. it references and quotes the heads of qualifying reports protected by PIDA 1998, including miscarriages of justice;
- b. it states that contact is to be made within 5 working days of a report being received; it provides the Speak Up email address;
- c. it states that RMG Internal Audit & Risk Management is responsible for the policy and process, reporting to the RMG ARC and RMG General Executive Committee, chairing a RMG working group to ensure serious claims are investigated, and managing the “hotline” contract; and
- d. it establishes a phone, web and email reporting process for PIDA-type reporting and states that it is part of a group of reporting lines including Bullying & Harassment Helpline, Security Helpdesk, Corporate & Social responsibility Helpdesk, and Ask Adam (a suggestions email address).

26.A Royal Mail document called 'RMG Speak Up Hotline Internal Audit & Risk Management (IA&RM) High Level Process (draft)' [POL00423380] confirms that the Speak Up hotline (run by InTouch) was launched on 2 August 2010.⁹

27.The Fraud, Commercial and Information Security Review 2009/2010 for Post Office [POL00423197] refers to a new project in relation to whistleblowing being undertaking for launch during 2010/11. Gary Thomas, Project Manager within the Security Team, led this project and prepared a project document entitled 'Security Project Initiation Document (SPID)' [POL00423201], dated 25 March 2010, which focused on introducing a business wide whistleblower policy and establishing a

⁹ Royal Mail Group Speak Up Hotline Internal Audit & Risk Management (IA&RM) High Level Process (draft)[POL00423380].

single point of contact to 'whistle blow'¹⁰. The aim of the project specifically states that the contact should be accessible to everyone including directly employed Post Office Ltd Staff, Franchisees, Sub-Postmasters and their respective staff.

28. He prepared a project plan [POL00423199] aiming to 'introduce a fit for purpose robust "Whistleblower" Policy via Group and External benchmarking and to meet the necessary FSA guidelines and requirements'¹¹. It appears that the intention was that this would be benchmarked against other whistleblower policies and processes across the Royal Mail Group. The SPID is referenced in a report produced by the Security department, "Security 4 Weekly Report 09/04/2010" [POL00423194], in which it states in a whistleblowing bullet point that it is an up-coming whistleblowing activity.¹²

29. The project plan laid out actions taken to achieve a *"fit for purpose robust "Whistleblower" Policy via Group & External benchmarking and to meet the FSA guidelines and requirements"*¹³. The project start date was 5 April 2010 and the end date was 24 December 2010. It appears that there was some updating to this project plan as it progressed [POL00423200]. A draft document entitled 'Whistleblower (Speak Up) In Post Office Ltd' dated June 2010 states that *"in accordance with best practice, Post Office proposed to now adopt its own Employee Confidential Policy & helpline"* [POL00423204]¹⁴. An updated draft of this document dated August 2010

¹⁰ Page 3, Security Project Initiation Document (PID) [POL00423201].

¹¹ Project Plan [POL00423199].

¹² Page 3, Security 4 Weekly Report 09/04/2010 [POL00423194].

¹³ Project Plan [POL00423199].

¹⁴ Whistleblower (Speak Up) In Post Office Ltd, June 2010 [POL00423204].

[POL00423205] includes a process map for how a disclosure would be dealt with.¹⁵

As outlined below, it does not appear that this project was completed.

30. It appears that the Post Office Security team project was put on hold in September 2010 as a result of Royal Mail's work on a new "Speak Up" policy [POL00423203]. The Royal Mail Employee Confidential Policy [POL00423202],¹⁶ Speak Up Hotline FAQs, process map [POL00423209]¹⁷, example form, and disclosure record were finalised at the end of July 2010 and circulated by Royal Mail to the Group, including Post Office [POL00423674]. Post Office has not been able to identify a copy of the original email which attached copies of the Speak Up Hotline FAQs, disclosure record or example form.

31. It does not appear that further consideration was given to a Post Office specific policy until early 2011 when Wayne Griffiths (Security Programme Manager) wrote a paper about the current position and what might need to take place in order for Post Office to have its own policy [POL00423206]. The paper anticipates that a new policy would be available to all employees including Agent's staff within the Network. It anticipates that Grapevine (see also paragraph 61), a Post Office owned and managed service which had been operational since January 2007 could run the service. The Post Office internal fraud reporting process document dated 6 October 2011, highlights Grapevine was already in use in relation to internal fraud and/or security breaches [POL00423247]. The Policy refers those who wish to make a "Speak Up" report to

¹⁵ Whistleblower (Speak Up) In Post Office Ltd, August 2010 [POL00423205].

¹⁶ Employee Confidential Policy [POL00423202].

¹⁷ Process map [POL00423209].

the RMG line and states that *“although this service isn’t a bona fide Whistleblower’ line, callers are still covered by [...] PIDA.”*

32. It does not appear from a review of the RMG policies that Grapevine was used for receiving reports prior to this and the number provided for Post Office staff in the G7 policy also does not refer to Grapevine. It is therefore not clear whether or not this was a new suggestion or an existing process. A draft policy was also written but it is not clear how this was progressed internally within Post Office [POL00423207].

33. An email from Wayne Griffiths (Security Programme Manager) dated 6 October 2011 refers to the “full blown whistleblower line” being run by the Group through its “Speak Up” policy [POL00423210]. It therefore appears that Royal Mail Group’s policy continued to govern Post Office’s Speak Up function. One of the attachments to this email is a process for internal fraud reporting using Grapevine which states that the process envisages that those making reports would be covered by PIDA 1998 [POL00423218]. Another attachment is the process map which refers to re-routing being possible to the RM Speak Up Line run by In Touch [POL00423221]. This process continued post separation and version 2 of the process is dated February 2013 [POL00423241].

34. The Royal Mail Group draft Code dated August 2011 states that it is applicable to all Group companies and sets out the values and business standards expected of those working within the Group [POL00423676]. It sets out what someone should do if they have a concern in relation to whistleblowing and refers to the Speak Up (whistleblowing) policy. The reporting line is again stated to be run by Intouch. An

email dated 11 June 2013 from Georgina Blair (Regulatory Risk Business Partner) to Jessica Madron (Principal Lawyer, Post Office) responds to a discussion about whether or not the speak-up line should be made available to subpostmasters by stating that *"we had an RMG-provided line in place and available to the whole network for three years so I think we've grappled with some of these issues before."* [POL00423252] This arguably supports the understanding that the InTouch line was available to agents (including Subpostmasters) at this time.

35. A document called 'Schedule 1' appears to set out what Royal Mail (the 'provider') policies and procedures would apply to Post Office (the 'recipient') on separation [POL00423265]. It states: *"F. Provider to continue to provide current 'Speak Up' employee disclosure line together with all associated support (including provision of management information ("MI")). G. Provider to provide support relating to transition to the new Recipient specific employee disclosure line, including delivery of historical MI to the extent that such historical MI is held manually or can be produced using standard reports only. Service End Date: 31/03/2013"*¹⁸.

2012

36. In April 2012, Post Office implemented Version 1 of its 'Speak Up Policy' dated 30 April 2012 and effective from 1 April 2012 [POL00030609]. It applies to *"all colleagues of the Post Office"* and defines workers as *"colleagues and others who are contracted to personally perform work on behalf of the Post Office, can raise concerns in confidence and if required, anonymously about serious malpractice in*

¹⁸ Page 4, Schedule 1 [POL00423265].

the organisation in the knowledge that concerns will be acknowledged and action taken where appropriate"¹⁹. I infer from this section that Postmasters, and their staff, were *not* included within the scope of this policy.

37. The policy starts by stating that "*the Post Office is committed to conducting business with the highest standards of honesty, integrity and openness where our colleagues feel able to raise concerns internally*"²⁰. The policy statement is as follows: "*The Speak Up Policy sets out the process by which workers, i.e. colleagues and others who are contracted to personally perform work on behalf of the Post Office, can raise concerns in confidence and if required, anonymously about serious malpractice in the organisation in the knowledge that concerns will be acknowledged and action taken where appropriate. Any worker who raises a legitimate concern in good faith under this process will not in any way be liable to disciplinary action or loss of benefits, rights or prospects as a result of their action. Disciplinary action may be taken against any worker who is shown to have used these procedures to make malicious or misleading allegations*"²¹.

38. The main topics within this policy are:

- (a) Confidentiality and protection of workers;
- (b) Underpinning legislation;
- (c) When concerns should be raised;
- (d) How concerns should be raised; and

¹⁹ Page 2, Post Office Speak Up Policy, Version 1, 30.04.2012 [POL00030609].

²⁰ Page 1, Post Office Speak Up Policy, Version 1, 30.04.2012 [POL00030609].

²¹ Page 2, Post Office Speak Up Policy, Version 1, 30.04.2012 [POL00030609].

(e) How concerns will be dealt with.

39. The policy states that in the first instance workers should raise concerns with their line manager or a senior HR manager, but if that is not possible the worker can contact a confidential line run by InTouch MSC Ltd. The policy states that access to the reporting line could be made by phone or via an online web service: a telephone number and weblink is provided. I note that the InTouch weblink provided is www.intouchfeedback.com/royalmail: I infer from this that Post Office was sharing Royal Mail's InTouch platform. It states that InTouch would treat concerns in complete confidence and that contact details do not need to be provided, but that withholding contact details may reduce the business' ability to conduct the investigation. It states that all calls to the Speak Up line would be acknowledged within five working days and that the investigations would be made by people with appropriate authority who have the technical and professional knowledge for the particular case. The policy also specifies Post Office's bullying and harassment helpline, and under the heading 'Grapevine', provides a telephone number by which to report crime relating to the Post Office.

40. In 2012, Grapevine continues to be referred to in documents provided by Post Office to postmasters such as its "Post Office Security – Top Ten Tips" although I note that this reference is specifically stated to be about "suspicious activity" as opposed to whistleblowing [POL00423230]. Post Office has conducted searches to identify whether anything further was provided to Postmasters at this time about Grapevine. Whilst no specific material communicating Grapevine as a dedicated whistleblowing

tool for Postmasters at this time has been found, there is reference in an email exchange in September 2012 between Wayne Griffiths (Security Programme Manager) and Georgina Blair (Regulatory Risk Business Partner) whereby Wayne Griffiths (Security Programme Manager) notes on 28 September that *“you may recall that I instigated a watered down 'Internal Fraud' line as part of the Grapevine portfolio, and we do get a trickle of calls through on that”* [POL00423677]. Further, in an email to Joe Connor (Head of HR Services) of 7 February 2013 [POL00423679], Georgina Blair states *“however, these requirements apply to all the investigations that we carry out at the moment. For example, there is no difference between a case of internal fraud reported through the disclosure line, through Grapevine, or directly to a line manager, as all are different methods of whistleblowing. An allegation of misconduct by a sub-postmaster, reported by a member of his staff, could equally be reported by a call to NBSC, in person to the area sales manager or by post to Kevin Gilliland”*. In addition, in an email to Keith Rann (Head of Supply Chain) on 5 April 2013 [POL00423232] Georgina Blair writes that *“Speak Up is intended to function as a complementary line to Grapevine – if a worker is uncomfortable calling Grapevine because of fears of being identified he can phone the Speak Up line which as an independent third party offers the caller greater confidentiality, but the business’s action as a result of the call should be the same, so it would seem to make sense to ask the third party provider to call Grapevine if urgent action is required.”* The emphasis on the differentiator being the urgency of the matters appears to support the view that Grapevine continued to be viewed as a reporting line for situations needing more immediate attention. See also paragraphs 59, 60, 61, 62 and 92 for further information on Grapevine as a whistleblowing tool.

41. The policy laid out responsibilities for the Executive Team, as follows:

- (a) To approve the Speak Up policy; and
- (b) To ensure that resources were made available within the Post Office as required.

42. The responsibilities of the Risk and Compliance Team is also set out, as follows:

- (a) The development and maintenance of the Speak Up Policy;
- (b) The development and maintenance of the framework and associated high level processes;
- (c) Coordinating the receipt of cases from the Post Office's helpline provider and reporting back on progress and outcomes;
- (d) Reporting incidents and outcomes to ARC and to CEC;
- (e) Chairing a working group consisting of the subject matter experts, to ensure that serious claims are effectively investigated; and
- (f) Contractual management of the third party helpline provider.

43. As stated at paragraph 37 above, whilst Post Office had its own policy, it appears that Post Office was continuing to use Royal Mail's Speak Up service at this time, as the agreement with Royal Mail upon separation was that this could continue until 31 March 2013. I note that in email chains between Georgina Blair (Regulatory Risk Business Partner) and various others in May 2012 discussion was ongoing about setting up a Post Office specific disclosure line and Speak Up service [POL00423232].²²

²² Email chain between Georgina Blair and others dated May 2012 [POL00423232].

44. On 5 October 2012, Georgina Blair (Regulatory Risk Business Partner) explained in an email to Susan Crichton that [POL00423233]:

“The 'Speak Up' line is provided by a third party, In Touch (MCS) Ltd - calls are taken 24/7 and there is also a web reporting function. In Touch send call reports ('disclosures') to a dedicated RMG e-mail address (I think there is also some level of encryption).

A small team (approx 4 managers) in RMG Internal Audit have a rota for checking the mailbox, and prioritise the disclosures in order of severity. Most disclosures are sent out to nominated people within the business units, and as Susan says most calls relate to grievances or bullying and harassment complaints. Internal Audit operate a tracker (a simple excel spreadsheet) to keep track of who is responsible for investigating each disclosure, and to record the results of each investigation. Limited feedback is given to callers (generally along the lines of 'Thank you for your call; the matter is being investigated.')

A quarterly report on calls received is prepared for the ARC.

This line is available to POL under an existing TSA until 31 March 2013. Very few calls are currently received on POL matters, as the line is not well publicised.”

45. The policy suggests that Post Office had a decentralised approach to whistleblowing at this time, without a dedicated Speak Up team interacting with reporters or a dedicated team of investigators. It appears that the Risk and Compliance team became the operational owners of the administration and governance of Speak Up related activity.

2013

46. As set out in version 1 of the Speak Up policy, it appears that following separation from Royal Mail Group in 2012, Post Office instructed InTouch Ltd to provide the Speak Up service for Post Office. A Project Initiation Document dated 19 February 2013 [POL00423238] shows Susan Crichton as the Sponsoring Director supporting the standing up of the third party Speak Up service provider to be separate to RMG's service and that it was to be in place by 31 March 2013.²³

2014

47. An email from Risk Business Partner Georgina Blair on 30 October 2014 states: '*we have had very few whistleblowing reports over the last year. There was one at the beginning of the year – I was not terribly close to it, but my boss, Dave Mason, was more involved and should be able to advise you on the governance*' [POL00423681].²⁴ In the same email it was stated that the number on Post Office's whistleblowing policy and on the intranet was Royal Mail's, not Post Office's – it was noted that this was a mistake (because Post Office previously shared the line with Royal Mail) and required updating.

48. An email chain dated 17 November 2014 between Larissa Wilson (Company Secretarial Assistant), Sarah Hall (Financial Controller), Georgina Blair (Regulatory Risk Business Partner), David Mason, Sarah Long, and Alwen Lyons discussed several questions posed by the external auditors, EY, as part of their half-year audit work [POL00423256].²⁵ One of these was to request a copy of the whistleblowing

²³ Page 1, Project Initiation Document [POL00423238].

²⁴ Email from Georgina Blair dated 30 October 2014 [POL00423681].

²⁵ Email chain dated 17 November 2014 [POL00423256].

policy and another to request a report on the use of the whistleblowing hotline for the half-year up to September 2014. This email chain also records that ARC did not review the whistleblowing policy in February 2014. This request demonstrates that the external auditors were actively seeking to engage with, and provide scrutiny to, whistleblowing matters as part of their work. Post Office has not been able to identify any additional documents in the time available for providing this response which demonstrate how Post Office responded to this request, if at all.

49. I have seen a *draft* version (0.1) of a Whistleblowing Policy by Georgina Blair (Regulatory Risk Business Partner) [POL00423254] dated 17 February 2014. It specifies that the policy would apply to "*Post Office employees and others who are contracted to personally perform work on behalf of Post Office. This policy does not apply to agents, operators and their assistants*".²⁶

2015

50. In an email dated 1 April 2015 from Georgina Blair (Regulatory Risk Business Partner) to Jane MacLeod, a summary of the then current whistleblowing arrangements was attached [POL00423292]²⁷ The document states that:

- (a) The existing policy was in need of a refresh.
- (b) A revised policy had been drafted which "*covers employees, contract workers etc. but **not** subpostmasters (agents & operators)*".
- (c) A decision was required on whether Post Office should have a Whistleblowing Officer.

²⁶ Page 4, Draft version (0.1) of a Whistleblowing Policy dated 17 February 2014 [POL00423254].

²⁷ Email chain from Georgina Blair to Jane MacLeod dated 1 April 2015 [POL00423292].

- (d) InTouch's contract began in 2013 and would run for three years. Reports can be made by telephone (speaking to an operator or leaving a message) or web portal, and Post Office has access to reports through a case management portal.
- (e) The Speak Up line is used very poorly (an average of one call every six months, and the last call was a misdirected call relating to a Royal Mail matter). Awareness of the line is very low, and a communications plan was due to be rolled out in April.
- (f) There needed to be clarification of who owned the whistleblowing policy (as HR had historically been unwilling to own it).
- (g) The Speak Up line was mistakenly not included in the Risk and Compliance Committee's ("RCC") budget.
- (h) There would be discussions to explore whether Grapevine or other lines could be used as alternative channels – previously this had been considered unsuitable due to perceived lack of independence.
- (i) The document states that one outstanding issue was: *"whether to extend the line to agents – this has been considered in the past and decided against because of practical difficulties when dealing with other companies' employees and because protection under PIDA does not extend to sub postmasters and their assistants"*.

51. There appears to have been a Post Office Whistleblowing Investigations Procedure in 2015 [POL00423329]. This procedure set out the procedure that would be followed including decision as to whether to carry out an investigation and the form. The Whistleblowing Officer (at this time Jane MacLeod) was stated as being the person who would take that decision.

52. In an email chain dated 29 July 2015, it is recorded that discussions had been had with Kings Security (the operator of Grapevine) to see if they could provide a comparable whistleblowing service to the Speak Up line²⁸ [POL00423293]. Kings Security had stated that they could, but that they would need to develop new services and processes. Georgina Blair (Regulatory Risk Business Partner) stated that: *"in the meantime I have also checked with the existing provider, In Touch Ltd, to see if we could agree a revised fee based on a revised number of expected users (when we set the line up and so the prospective suppliers all quoted on that basis). If we restrict the line to POL employees, contractors and agency workers (which is the approach recommended by Nisha and Jessica) In Touch can provide the service for £9,720 p.a. (as opposed to their current fee of £22,300 p.a.). In Touch are able to switch to the new revised fee from 1 August, if we confirm that we want to do this"*. Jane MacLeod responded as follows: *"... this seems a no-brainer and we should stay with In Touch but on the revised basis. From your email below, I understand that In Touch currently provide a service for £22,300 pa and we currently owe them £7,444 for the period 1 April to 1 July. They have agreed to de-scope the service for a reduced fee of £9,720 p.a which would be effective from 1 August provided we give them notice immediately. Please go ahead and make the necessary arrangements"*. Georgina Blair (Regulatory Risk Business Partner) confirmed with InTouch that Post Office wanted to run the restricted service (excluding Postmasters) in an email chain in July 2015²⁹ [POL00423294].

²⁸ Email chain dated 29 July 2015, [POL00423293].

²⁹ Email chain between Georgina Blair and Intouch dated July 2015 [POL00423294].

53. During this time, Post Office continued working on the draft whistleblowing policy and

I have seen various revisions to the draft, worked on by Georgina Blair and Nisha Marwaha (Employment Lawyer). I note that version 0.4 of the draft [POL00423327] states that *"the term 'Worker' is used throughout this policy to refer to Post Office employees, officers, consultants, contractors, casual workers and agency workers. This policy applies to Workers; it does not apply to Subpostmasters (i.e. agents, operators) and their assistants"*.³⁰

54. Post Office tracked whistleblowing reports from at least June 2015 including details of the reporter and subject type. It appears that Postmasters and their agents made reports, and these appear to have been investigated under the whistleblowing procedures which shows that policy may not have reflected practice.

55. I have seen a document called 'Internal Audit Risk and Compliance Committee Report, September 2015' [POL00423307]. This contains an update on an internal audit on Financial Crime, with two of the key findings having a potential link to Speaking Up, being *"staff are not clear on where and how to report suspicions or concerns"* and *"effective mechanisms to prevent and detect fraud and corruption are not incorporated into policies, procedures and systems."* One of the findings in the longer form report relates to *"roles and responsibilities with respect to financial crime risk management"*, with an action to *"develop framework of anti-fraud policies and procedures across the business...[and]...raising awareness of fraud risks and developing mechanisms to maximise the opportunities for fraud risk reporting...[as*

³⁰ Page 4, Draft Whistleblowing Policy, Version 0.4, [POL00423327].

well as]...responding to Speak Up and other concerns raised with management.”

Another of the findings was on “*reporting of suspicious activity and investigation processes,*” where it is noted that “*the Risk team is responsible for the development and maintenance of the Speak Up Policy, framework and high level processes to support it. We noted that a framework has not yet been developed and staff awareness of high level process has not been tested. There is also no formal link into the Head of Security – Fraud Risk team (responsible for investigation of suspicions). However, there is a proposal to move the monitoring of the Speak Up (whistleblowing) line to Grapevine for business efficiency purposes.*” There are also some ‘maintenance’ observations regarding the “*number within the Speak Up Policy was for RMG rather than PO...the script used was for RMG...[and]...the intranet page and Speak Up Policy offers an online web reporting service, however the link referred users to the RMG portal rather than PO.*” A lack of formal training to support the Policy, the Policy’s location on the intranet, no overall GE owner, the Policy not applying to all and no reported suspicions of fraud via the hotline in the past 18 months were also all observations made.

2016

56. On 5 May 2016, an executive summary decision paper [POL00423355] was prepared to update the Risk and Compliance Committee on the operation of whistleblowing procedures in Post Office over the past year³¹. The paper concludes with the following update:

(a) The whistleblowing policy has been updated and is presented for approval.

³¹ Executive summary decision paper dated 5 May 2016 [POL00423355].

- (b) The whistleblowing procedure is operating but needs to be publicised more.
- (c) Seven reports were received which was more than last year, where a total of three were received.
- (d) Implementation of the updated policy will require training and awareness activities. ARC will be updated on the operation of the policy and procedures annually in March.

There was also a review of the RCC terms of reference [*POL00423383*] which noted that no whistleblowing report was provided in 2015/16 and that the next one would be provided in May 2016.

57. Post Office finalised a revised whistleblowing policy in April 2016 (v1.4) [*POL00423366*],³² with minor amendments made in June (v.1.5) [*POL00413463*]³³ and then September 2016 (v.1.6) [*POL00423394*].³⁴ As version 1.6 appears to have been the last version, and was effective from 19 May 2016, I set out below a summary of the content of that version:

- (a) The GE Sponsor is Jane MacLeod (General Counsel), the Policy Owner & Policy Implementor Nisha Marwaha (Employment Lawyer), and the Policy Approver RCC / ARC. It is stated that ARC has a standing agenda item for whistleblowing. It is also stated that the General Counsel is accountable to the Board and the principal employment lawyer is accountable to the General Counsel, and that the *"General Counsel provides an annual summary of reports made via the Speak*

³²Post Office Whistleblowing Policy (v1.4), 27.04.2016, [*POL00423366*]; I note that this version of the policy was approved by ExCo on 5 May 2016 and ARC on 19 May 2016. Subject to minor amendments, it is substantially the same as v.1.6.

³³ Post Office Whistleblowing Policy (v1.5), 10.06.2016 [*POL00413463*].

³⁴ Post Office Whistleblowing Policy (v1.6), 29.09.2016 [*POL00423394*].

Up line and other known instances of Whistleblowing to (i) the Post Office Board and the Post Office Management Services Board as appropriate, and (ii) the Post Office Board Audit and Risk Committee... any serious concerns reported by Whistleblowing will be escalated by the Whistleblowing Officer to the Chairman of the Post Office Board Audit and Risk Committee".³⁵ Review and assessment of compliance with the policy is stated to sit with the RCC.³⁶

(b) The policy states that the General Counsel was the policy owner with *"overall accountability to the Group Executive and the Board for ensuring that Post Office has appropriate controls in place to meet its Whistleblowing obligations"*. It states that ARC considers whistleblowing as a regular agenda item and *"the Post Office board is updated on a regular basis"*³⁷. It states that *"the Board is kept abreast of relevant matters relating to the Whistleblowing by reports from its committees including its ARC committee"*³⁸.

(c) The purpose of the policy was to: *"encourage the reporting of suspected wrongdoing and/or dangerous practices...within Post Office, to make it easier for management to address those concerns and therefore avoid serious accidents, fraud, regulatory breaches, financial impropriety and/or reputational damage"*³⁹.

(d) The aims of the policy are as follows: *"(1) to encourage staff to report matters as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that confidentiality will be respected, (2) to provide staff with guidance as to how to raise those concerns, and (3) to reassure staff that they*

³⁵ Page 11, Post Office Whistleblowing Policy (v1.6), 29.09.2016[POL00423394].

³⁶ Page 11, Post Office Whistleblowing Policy (v1.6), 29.09.2016[POL00423394].

³⁷ Page 4, Post Office Whistleblowing Policy (v1.6), 29.09.2016[POL00423394].

³⁸ Page 11, Post Office Whistleblowing Policy (v1.6), 29.09.2016[POL00423394].

³⁹ Page 4, Post Office Whistleblowing Policy (v1.6), 29.09.2016[POL00423394].

should be able to raise concerns without fear of reprisals, even if they turn out to be mistaken"⁴⁰.

- (e) I note that this policy does not clearly specify who the policy applies to: the policy uses the terms "staff" and "worker" when referencing whistleblowing reporters but does not define these terms and there is no further explanation given on who falls within the scope of the policy.
- (f) The policy introduces the concept and role of a Whistleblowing Officer (WO)⁴¹ as a senior focal point for whistleblowing concerns and sets out the process in which the WO handled reports. Jane MacLeod is stated to be the WO. The policy states that all reports would be passed onto the WO, who then decided what should be investigated and by whom (and whether these investigations should be conducted by internal or external resources). It states that the investigator *"should be an individual at an appropriate level for the matter under investigation"* and without any conflicts⁴². Of note is that in the policy the reader is told that a reporter may be *"required to attend meetings to provide further information"*⁴³.
- (g) The policy defines whistleblowing, how to raise a concern, and provides contact details of the WO and the Speak Up service. In addition, it outlines the approach to confidentiality around reporters and anonymous reporting. Specifically, it notes that Post Office will make *"every effort to keep their identity secret"*⁴⁴.
- (h) In the section called 'how to raise a concern', it is noted that workers should raise a concern with their line manager, or senior HR at Post Office, or the WO directly.

⁴⁰ Pages 4-5, Post Office Whistleblowing Policy (v1.6), 29.09.2016 [POL00423394].

⁴¹ Page 7, Post Office Whistleblowing Policy (v1.6), 29.09.2016 [POL00423394].

⁴² Page 8, Post Office Whistleblowing Policy (v1.6), 29.09.2016 [POL00423394].

⁴³ Page 8, Post Office Whistleblowing Policy (v1.6), 29.09.2016 [POL00423394].

⁴⁴ Page 7, Post Office Whistleblowing Policy (v1.6), 29.09.2016 [POL00423394].

Otherwise, a worker could contact Speak Up, run by InTouch. I note that, unlike in the 2012 policy, the InTouch weblink was for Post Office: <http://www.intouchfeedback.com/postoffice> rather than Royal Mail.

- (i) The policy states that the investigator "*should consider the principles set out in Post Office's internal investigations policy and adhere to those principles wherever possible when undertaking the investigation*"⁴⁵. I also note that the policy states "*Post Office has a statutory obligation to protect Whistleblowers and will support workers who raise genuine concerns under this Policy, even if they turn out to be mistaken*"⁴⁶ but that "*If Post Office concludes that a Whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action*"⁴⁷.
- (j) The policy states that the investigator will share a copy of the investigation report with the WO and outcomes will be reported to the ARC. The policy also states that workers can make external disclosures (i.e. to the FCA) for matters related to financial services and signposts to Public Concern at Work for information on other regulatory bodies.

58. I have seen a policy called 'Post Office Group Investigations Policy' [POL00423383] v.1 dated 28 September 2016, which appears to have sat alongside the Whistleblowing Policy to give guidance to investigators⁴⁸. It states that the General Counsel has overall accountability for the policy and that ARC considers investigations and related matters as an agenda item. It states that Post Office's

⁴⁵ Page 9, Post Office Whistleblowing Policy (v1.6), 29.09.2016 [POL00423394].

⁴⁶ Page 10, Post Office Whistleblowing Policy (v1.6), 29.09.2016 [POL00423394].

⁴⁷ Page 9, Post Office Whistleblowing Policy (v1.6), 29.09.2016 [POL00423394].

⁴⁸ Post Office Group Investigations Policy dated 28 September 2016 [POL00423383].

Board was updated, as necessary. The purpose of the policy is "*to provide key principles for individuals to consider and use where necessary when conducting internal investigations*" and that it should be read in conjunction with other policies. An investigation is defined as "*the act or process of investigating someone or something*". It specifies that an investigator would need to "*identify if there are any other applicable existing Post Office procedures. For example, Whistleblowing...*"⁴⁹. It states in broad terms that investigators should identify who is responsible for the investigation, consider the sensitivity and confidentiality requirements, consider who should or should not be informed prior to commencing the investigation, and to take legal advice if required. Again, in broad terms it states that the following principles should be applied when investigating: confidentiality; fairness; objectivity; transparency; and 'decision making' which encompasses gathering information required, preparing a report and considering who needs to see the report (noting that for whistleblowing it may not be appropriate to share outcomes / findings)⁵⁰.

2017

59. During this time, senior staff from across Post Office conducted the investigations resulting from whistleblowing reports. An undated word document titled 'Whistleblowing - high level investigation process and lifecycle' [POL00423663] appears to lay out the process adopted at this time for logging reports and allegations from employees, Postmasters, Agent Assistants, or members of the public. It was acknowledged in the document that these reports did not all fall within the definition of whistleblowing, but this audience set demonstrates that Post Office intended to

⁴⁹ Page 6, Post Office Group Investigations Policy dated 28 September 2016 [POL00423383].

⁵⁰ Pages 6-7, Post Office Group Investigations Policy dated 28 September 2016 [POL00423383].

secure as much information as possible about risk. The same document describes in more detail than previously seen the stages of the Speak Up process, as follows:

- (a) Acknowledge receipt of the report;
- (b) Log report on a spreadsheet within 24 hours during the working week;
- (c) Set up a folder for each report to store documents and communications;
- (d) "Sensitive, serious or repeat" reports were sent to WO for instructions as to who should investigate; and
- (e) Consideration was to be given to a form of tick-box investigation management plan that was included in the document, including:
 - (i) How to assign a case to a business-based investigator,
 - (ii) The diarising of chasers for updates,
 - (iii) A review of the outcome of the investigation,
 - (iv) Consider the appropriateness of actions,
 - (v) Close the case,
 - (vi) Give feedback to the reporter,
 - (vii) Include in the monthly MI, and
 - (viii) Any material issues to be escalated to RCC/ARC.

60. Post Office revised its whistleblowing policy in September 2017 [POL00423451]⁵¹. I summarise below the key content:

- (a) The policy states, as in the 2016 version, that the General Counsel has overall accountability to the Board for ensuring Post Office met its whistleblowing obligations. As in the 2016 version, it states that "*whistleblowing is an agenda*

⁵¹ Post Office Group Policies - Whistleblowing Policy (v2), 25.09.2017 [POL00423451].

item for the Audit and Risk Committee and the Post Office board is updated as required"⁵². Unlike with the 2016 version, the General Counsel is also listed as the policy owner (not an Employment lawyer). It states that ARC is responsible for approving the policy and overseeing compliance, and that the Board is responsible for setting the Group's risk appetite⁵³.

(b) The core principles of the policy are set out, replicating the 'aims' of the policy as set out in 2016, and adding principles concerning oversight of the policy in line with risk appetite and a training and awareness program to ensure employees are aware of whistleblowing policy and procedure⁵⁴.

(c) It states that the policy applies to all employees in the Group and states that: "*in order to encourage reporting of wrongdoing, Post Office will, where appropriate, extend equivalent protection to Postmasters, Agent Assistants, and members of the public*"⁵⁵. In a footnote, 'employee' is defined as "*permanent staff, temporary including agency staff, contractors and anyone else working for or on behalf of Post Office*"⁵⁶. In a footnote it is stated that 'individuals' (who are raising a whistleblowing concern) are defined as: "*Postmasters, Agent Assistants, members of the public and employees (permanent staff, temporary including agency staff, contractors, consultants and anyone else working for or on behalf of Post Office)*. The statutory protections offered under the Public Interest Disclosure Act 1998 only apply to employees, however Post Office Limited will consider extending these protections to other individuals where they have acted

⁵² Page 3, Post Office Group Policies - Whistleblowing Policy (v2), 25.09.2017 [POL00423451].

⁵³ Page 14, Post Office Group Policies - Whistleblowing Policy (v2), 25.09.2017 [POL00423451].

⁵⁴ Page 3, Post Office Group Policies - Whistleblowing Policy (v2), 25.09.2017 [POL00423451].

⁵⁵ Page 3, Post Office Group Policies - Whistleblowing Policy (v2), 25.09.2017 [POL00423451].

⁵⁶ Page 3, Post Office Group Policies - Whistleblowing Policy (v2), 25.09.2017 [POL00423451].

in good faith in raising concerns"⁵⁷. From this, I understand that Postmasters were included within the scope of the policy (and given the equivalent of the protections of PIDA 1998) if they raised a whistleblowing report in good faith. I note that this is the earliest version of a Post Office whistleblowing policy that I have seen which explicitly includes Postmasters.

- (d) The policy states that Post Office is committed to respecting the confidentiality of whistleblowers, including those who wish to remain anonymous. It is noted that there was no obligation to provide personal contact information, but that not providing it may reduce Post Office's ability to conduct a thorough investigation⁵⁸.
- (e) It is stated that the WO will review concerns raised and determine the best course of action. Avenues for making a whistleblowing report are given as: the WO's email address, the Speak Up line (run by InTouch) including a phone number and the Post Office InTouch web link. It is stated that complaints can also be received from a front-line team (customer complaints, NBSC and Grapevine, either written or verbal) and that these reports, irrespective of method, would be passed onto the WO⁵⁹. I note that contact details are provided for Grapevine, NBSC, Customer Support Team and Executive Complaints Team. This is a change from the 2016 policy.
- (f) Further clarity is provided in this updated version on external disclosures and gives the contact details for Public Concern at Work and contact details for whistleblowing to the FCA, noting that POMS is FCA regulated, and Post Office

⁵⁷ Page 4, Post Office Group Policies - Whistleblowing Policy (v2), 25.09.2017 [POL00423451].

⁵⁸ Page 5, Post Office Group Policies - Whistleblowing Policy (v2), 25.09.2017 [POL00423451].

⁵⁹ Page 5, Post Office Group Policies - Whistleblowing Policy (v2), 25.09.2017 [POL00423451].

is an appointed representative of the Bank of Ireland, and therefore individuals could whistleblow directly to the FCA⁶⁰.

(g) The policy states that all investigations must be carried out in accordance with the Investigations Policy⁶¹.

(h) A section of the policy contains information on risk appetite and minimum control standards, which is an addition from the 2016 version⁶². I note the following which are listed as minimum control standards in place for whistleblowing:

- (i) Post Office has a nominated WO, and they must provide a report to the RCC and ARC at least annually. Serious concerns must be promptly escalated to the Chairman of ARC. All employees are trained on the policy.
- (ii) Speak Up line reports are confidential, email inbox has restricted access, confidentiality during the investigation must be protected and all incidents of breaches escalated to the WO.
- (iii) Training is provided to contact teams (Grapevine, NBSC, Customer Support, Executive Complaints) to identify whistleblowing and communications and awareness provided to all employees. Training is also provided to people managers on induction, annual training is provided to all staff and the Code of Business Standards must refer to the whistleblowing policy (which new joiners get on induction).
- (iv) Reporters are encouraged to provide full details and contact information, if they are able to, and cases where no further action is taken due to lack of information are monitored for trends.

⁶⁰ Page 6, Post Office Group Policies - Whistleblowing Policy (v2), 25.09.2017 [POL00423451].

⁶¹ Page 7, Post Office Group Policies - Whistleblowing Policy (v2), 25.09.2017 [POL00423451].

⁶² Pages 8 – 11, Post Office Group Policies - Whistleblowing Policy (v2), 25.09.2017 [POL00423451].

- (v) WO must annually review the effectiveness of InTouch and the processes operated by other contact teams.

61. In an email chain dated March 2017 [POL00423389] it is suggested that Post Office were taking steps to encourage Postmasters to use Grapevine as a whistleblowing service⁶³: *"Sharon is arranging for some comms to go out which reinforces that agents and agent employees (who are not strictly covered in the same way as direct employees), should report suspicions to Grapevine. We need to ensure that any potential whistleblowing calls that Grapevine receive are flagged as such, not shared with anyone else, and e-mailed each day to the whistleblowing inbox. This is accessed by Jane on a daily basis, she will then log and deal or pass to myself or the appropriate stakeholder if the matter is not strictly Whistleblowing" and "when we moved to the King's Grapevine service (back in October/November 2012), it was launched as a whistle blowing service for agents and their staff, and so it is just a case of re-invigorating this, which John can achieve easily. We already get monthly MI categorised by call types, so it will be very simple to include the data that Jane has requested"*.

62. Subject to paragraph 62 below, Post Office has not been able to identify any further materials during the time available for preparing this statement relating to the reference to Postmasters being able to access King's Grapevine in order to whistleblow or any materials evidencing that the service was moved to King's Grapevine and/or promoted as a whistle blowing service for agents and their

⁶³ Email chain between Sally Smith, Georgina Blair and others dated March 2017 [POL00423389].

staff. This comes despite various documents suggesting Grapevine may have been contracted and/or used for whistleblowing purposes (for example, a draft services agreement with POL from 2011 stating: '*The Services will extend and encompass other associated activities which will evolve over time in support of Post Office's security strategy i.e. a Whistleblower Confidential hotline etc*' but I have not located a signed copy to prove that this was taken forward). Communications regarding Grapevine tends to focus on how its security functionality can assist Postmasters in 'keeping safe' and 'tackling crime' – see for example the 2008 v2 Post Office Operations Manual [POL0043229] which provides that "*all Post Office branch staff with the information required to adopt good basic security practices to keep staff safe from harm and Post Office assets secure*". Page 35 of this manual has information on the "Grapevine Intelligence Service" which is stated as having been introduced as a new crime-fighting initiative in association with all national Police forces – it states that "*Grapevine is a single point of contact for gathering crime-related intelligence on a national local rate phone number...Front line staff can use the number to report suspicious circumstances such as the following...product or service fraud [and] suspected fraudulent activity, eg, counterfeit notes, suspicious Debit/Credit card transactions.*" Whilst the phone line is a reporting line, it is not a Speak Up line per se. However, as mentioned elsewhere in this witness statement (for example, see paragraph 31), it is unclear whether the Grapevine line was used by Postmasters at this time for the purposes of Speaking Up.

63. Connected to this, I have seen an updated document called 'Whistleblowing Comms_v3' [POL00423388]⁶⁴. It sets out the communications to be sent to Post Office employees / workers, as opposed to agency branch staff. The update to the employees / workers gives the contact details for the Speak Up service and InTouch. The update for agency branch staff (the aim of which is to "*address regulatory requirement for branches to report concerns to the FCA*") directs agents to report whistleblowing concerns to Grapevine and gives the contact number. It also gives the details for the FCA. It appears therefore that Post Office was encouraging staff to use Speak Up / InTouch, and encouraging agents / Postmasters in branches to use Grapevine.

2018

64. Post Office revised its whistleblowing policy again in September 2018 [POL00423461]⁶⁵. It is broadly similar to the 2017 version:

- (a) In this version of the policy, the General Counsel remains policy sponsor and policy owner, responsible for oversight of the policy. Again, it states that the ARC is responsible for approving the policy and overseeing compliance (with the Board responsible for setting the Group's risk appetite).
- (b) In the minimum control standards, it continues to state that the WO must report at least annually to the RCC and ARC, and that any serious whistleblowing concerns must be promptly escalated to the Chair of the Post Office ARC⁶⁶.

⁶⁴ Whistleblowing communications, Version 3 [POL00423388].

⁶⁵ Post Office Group Policies – Whistleblowing Policy (v3), 29.09.2018, [POL00423461].

⁶⁶ Page 8, Post Office Group Policies – Whistleblowing Policy (v3), 29.09.2018, [POL00423461].

- (c) As in the 2017 version, this policy states that "*in order to encourage reporting of wrongdoing, Post Office will, where appropriate, extend equivalent protection to Postmasters, Agent Assistants, and members of the public*" and defines employee as "*permanent staff, temporary including agency staff, contractor, consultants and anyone else working for or on behalf of Post Office*"⁶⁷.
- (d) Contact details are provided for the whistleblowing email address, and the Speak Up line. It is noted that Expolink Europe Ltd (formerly InTouch) runs the reporting service and the new link to the online web portal for Expolink is provided⁶⁸.
- (e) I note that there is a minor amendment to the minimum control section, which expands who can receive confidential Speak Up line reports from just the WO, to the WO and nominated deputies⁶⁹.

2019

65. In 2019, a procedure document was prepared entitled 'Whistleblowing Process v1.0' (known as the "2019 Procedures") [POL00423657].⁷⁰ This version is the first draft and precursor to the 2020 Procedures (see paragraph 67 below). To summarise, the procedures include:

- (a) a summary of Post Office's commitment to whistleblowing;
- (b) defines a report (including examples of whistleblowing and non-whistleblowing reports) and detail on accessing and handling reports;
- (c) explains the protections available, and how to raise a report;
- (d) details the policy review process;

⁶⁷ Page 3, Post Office Group Policies – Whistleblowing Policy (v3), 29.09.2018, [POL00423461].

⁶⁸ Page 5, Post Office Group Policies – Whistleblowing Policy (v3), 29.09.2018, [POL00423461].

⁶⁹ Page 11, Post Office Group Policies – Whistleblowing Policy (v3), 29.09.2018, [POL00423461].

⁷⁰ Whistleblowing Process v1.0, [POL00423657].

- (e) names the WO as the "owner" of the Whistleblowing Policy;
- (f) includes communication and awareness plans to be published and delivered;
- (g) explains how reports inform the business of concerns and effectiveness;
- (h) includes the results of a survey conducted between 8 February – 1 March 2019 identifying certain areas that need to be addressed regarding whistleblowing communications and awareness training; and
- (i) provides an overview of the activities undertaken in relation to whistleblowing during the previous financial year.

66. In September 2019, Post Office revised its whistleblowing policy [POL00423603]⁷¹.

Again, it is broadly similar to the previous version, and I briefly summarise the content below:

- (a) There are minor amendments to the introductory wording in the core principles section, which states that: *"Whistleblowing" refers to the act of exposing potential or actual wrongdoing and/or dangerous practices by reporting it either internally within an organisation, or to an external party. A whistleblower is a person who raises a genuine concern in relation to any wrongdoing, this includes criminal activity, regulatory breaches, miscarriages of justice, damage to the environment, financial impropriety, reputational damage, any breach of legal or professional obligations, dangers to health and safety and the deliberate attempt to conceal it*⁷².
- (b) I note that this policy may expand the WO's role, by stating that the WO *"is also responsible for identifying key trends or issues, and providing assurance to the*

⁷¹ Post Office Group Policies – Whistleblowing Policy (v4), 19.09.2019 [POL00423603].

⁷² Page 3, Post Office Group Policies – Whistleblowing Policy (v4), 19.09.2019 [POL00423603].

Board that the policy is complied with" (as it was not specified in the 2018 version that this was the WO's responsibility)⁷³.

(c) The following is also an addition from the 2018 version: *"In order to encourage reporting of wrongdoing, Post Office will, where appropriate, and to the extent possible, follow equivalent principles to encourage, receive and investigate incidents of whistleblowing by Postmasters, Agent Assistants, and members of the public and will not subject any such persons to any detriment (including the termination of any contract or relationship with Post Office) for raising a genuine whistleblowing concern in an appropriate manner"*⁷⁴. Although the 2017 Policy refers to Post Office Limited extending the protections under PIDA to other individuals where they have acted in good faith in raising concerns, this is the first version of the policy I have seen which specifically mentions that Postmasters would not be subject to termination of a contract, by way of example, and that specifies Post Office would use equivalent procedures for Postmasters.

(d) I also note the following addition, which confirms that confidentiality clauses in settlement agreements do not prevent a member of staff from whistleblowing: *"Where a member of staff is subject to a Post Office settlement agreement, any clauses within it will not prevent the member of staff from whistleblowing. This should in any event be made clear by the terms of the settlement agreement itself and staff should receive independent advice in relation to those terms when entering into a settlement agreement"*⁷⁵.

⁷³ Page 5, Post Office Group Policies – Whistleblowing Policy (v4), 19.09.2019 [POL00423603].

⁷⁴ Page 4, Post Office Group Policies – Whistleblowing Policy (v4), 19.09.2019 [POL00423603].

⁷⁵ Page 4, Post Office Group Policies – Whistleblowing Policy (v4), 19.09.2019 [POL00423603].

(e) I also note that this version of the policy states that "*where a report received is anonymous, whistleblowers will not ordinarily be able to receive feedback and details of action taken by Post Office may be limited*"⁷⁶.

2020

67. Post Office revised its whistleblowing policy on 27 July 2020 [POL00030903]⁷⁷. I note as follows on its content:

(a) This version of the policy continues to specifically include Postmasters: "*In order to encourage reporting of wrongdoing, Post Office will, where appropriate, and to the extent possible, follow equivalent principles to encourage, receive and investigate incidents of whistleblowing by Postmasters, Agent Assistants, and members of the public and will not subject any such persons to any detriment (including the termination of any contract or relationship with Post Office) for raising a genuine whistleblowing concern in an appropriate manner*"⁷⁸.

(b) I note that a minor addition is made in this version to confirm that the WO will "*at the earliest opportunity*" address any victimisation against a whistleblower⁷⁹.

(c) I also note that the Speak Up weblink has been updated, as it is in this version 'Ethicspoint' provided by Navex (<http://postoffice.ethicspoint.com/>)⁸⁰.

(d) The minimum controls section is also slightly amended, to include two corrective controls for receipt and investigation of whistleblowing reports: "*The Whistleblowing Officer must escalate Whistleblowing reports to the appropriate Investigating manager for investigation to take place. The nominated*

⁷⁶ Page 6, Post Office Group Policies – Whistleblowing Policy (v4), 19.09.2019 [POL00423603].

⁷⁷ Post Office Group Policies – Whistleblowing Policy (v5), 27.07.2020 [POL00030903].

⁷⁸ Page 3, Post Office Group Policies – Whistleblowing Policy (v5), 27.07.2020 [POL00030903].

⁷⁹ Page 4, Post Office Group Policies – Whistleblowing Policy (v5), 27.07.2020 [POL00030903].

⁸⁰ Page 15, Post Office Group Policies – Whistleblowing Policy (v5), 27.07.2020 [POL00030903].

*Investigating manager responsible for conducting the investigation must report the findings back to the Whistleblowing Officer"*⁸¹.

- (e) In the definitions section, the Branch Support Centre (BSC) replaces NBSC in the 2019 version. I note that the contact number for BSC is different, but the contact email address is the same as for NBSC⁸².

68. A document called 'Whistleblowing Process' was finalised after the approval of the 2020 whistleblowing policy [POL00423530]⁸³. I summarise the key content of [POL00423530]⁸⁴. Key changes in the 2020 Procedures (signed off on 26 October 2020) as follows:

- (a) The definition of whistleblowing amends the 2019 wording to include misconduct and refers to the statutory duty on Post Office not to subject staff to any detriment or dismiss them for whistleblowing.
- (b) Qualifies the support to be provided to Postmasters, Agent Assistants and members of the public; the words "will seek to provide equivalent protection" in the 2019 Procedures are replaced with "where appropriate, and to the extent possible, follow equivalent principles."⁸⁵
- (c) Outlines the requirement to protect the confidentiality of all whistleblowers but states it may be necessary to share the whistleblower's identity with a relevant stakeholder.

⁸¹ Page 10, Post Office Group Policies – Whistleblowing Policy (v5), 27.07.2020 [POL00030903].

⁸² Page 14, Post Office Group Policies – Whistleblowing Policy (v5), 27.07.2020 [POL00030903].

⁸³ Post Office Whistleblowing Process (v2), October 2020 [POL00423530].

⁸⁴ Post Office Whistleblowing Process (v2), October 2020 [POL00423530].

⁸⁵ Post Office Whistleblowing Process (v2), October 2020 [POL00423530].

- (d) Post Office's General Counsel is named as having overall accountability to the Board of Directors for the implementation of controls ensuring that Post Office meets its whistleblowing obligations.
- (e) Briefly covers accessing the Speak Up Line and EthicsPoint portal, though does not provide step-by-step guidance. The EthicsPoint portal replaces the Speak Up portal referred to in the 2019 Procedures.
- (f) Individuals are able to make whistleblowing reports via calls to the BSC Executive Correspondence team (when they were previously made to NBSC); and
- (g) NAVEX Global (formerly Expolink Europe Limited) and InTouch MCS Ltd are contracted to provide the external reporting telephone hotline and web portal.

69. The 2020 Whistleblowing Process document also states as follows:

- (a) The whistleblowing log spreadsheet (located on the whistleblowing teams site) must be constantly updated and ensure a clear audit trail for each report⁸⁶.
- (b) Each report must be reviewed to determine priority. If considered sensitive, serious, repeat (potential trend), this would be referred to the Whistleblowing Officer for guidance on who should undertake the investigation. Once the appropriate business unit had been identified, then the report would be assigned to the relevant Group Executive (GE). In most cases, the GE member would then appoint the relevant person within their area to conduct the investigation⁸⁷. It is stated that some types of reports can go to a Senior Manager, rather than GE member, including: reports of fraud / theft (to go to assigned to the Head of Security;); reports of Postmasters contractual breaches (to go to Head of

⁸⁶ Page 10, Post Office Whistleblowing Process (v2), October 2020 [POL00423530].

⁸⁷ Page 11, Post Office Whistleblowing Process (v2), October 2020 [POL00423530].

Security, Safety and Loss Prevention); and reports of bullying / harassment (to go to Employee Relations and Policy Director).

- (c) Appendix C records the results of the survey which ran from 8 February to 1 March 2019. 93% of respondents understood the meaning of whistleblowing; 52% said they did not know or were not sure where the whistleblowing policy was; 93% understood they should contact Speak Up service if they could not approach their line manager; 96% knew what Speak Up service was; 79% knew that whistleblowing reports would be passed to the WO; and 96% said that Post Office was committed to respecting confidentiality and anonymity. However, various quotes from respondents state that there was confusion as to the difference between Speak Up and whistleblowing, and that there was still fear of detrimental treatment, which prevented reports being made⁸⁸.

70. It is noted that the Postmaster Support Guide published in July 2020 [POL00423558] [POL00423507, slide 20] (with metadata showing a date of 12 June 2020) refers Postmasters to the Speak Up line. In March 2021, Post Office introduced a Postmaster Onboarding Policy, which also refers to the whistleblowing line [POL00423559].

2021

71. A Whistleblowing Working Group was also established by the Group General Counsel in January 2021, in his capacity as Whistleblowing Officer, in order to review the policies and procedures and make any changes with appropriate sign off then

⁸⁸ Pages 23 – 28, Post Office Whistleblowing Process (v2), October 2020 [POL00423530].

taking place. I understand that the working group was disbanded when this work concluded. I note from a spreadsheet called 'Whistleblowing working group actions and updates' dated 2 February 2021 [POL00423689] that key actions taken by the Working Group are summarised below:⁸⁹

- (a) Consideration was given to ensure alignment between the Whistleblowing Policy, the Postmaster Complaints Policy and the Group Investigations policy.
- (b) The creation of a centralised Postmaster Complaints dashboard which captured MI about complaints from Postmasters via various channels. This was viewed alongside the Whistleblowing MI dashboard to ensure Postmaster complaints requiring whistleblowing investigation were captured within whistleblowing reporting. A dedicated dashboard for Postmaster whistleblowing was also contained within the Whistleblowing Dashboard.
- (c) The creation of a Whistleblowing Champion role by the appointment of a Non-Executive Director to that role to replace the Group General Counsel as Whistleblowing Officer. This was intended to mitigate against any conflict of interest arising from his dual roles.
- (d) An external whistleblowing advocate organisation, Protect,⁹⁰ ran a training workshop attended by Post Office's General Executive team, senior managers, and the whistleblowing team in January 2021, and a new module on whistleblowing was developed and rolled out to Post Office employees on 15 March 2021.
- (e) Improvements to communications within Post Office and to Postmasters were made, highlighting available access to whistleblowing.

⁸⁹ POL Whistleblowing working group actions and updates dated 2 February 2021 [POL00423689].

⁹⁰ Protect, <https://protect-advice.org.uk/>.

- (f) Enhanced project management around whistleblowing reports was created to track and monitor postmaster reports.

72. Post Office assessed its whistleblowing arrangements using a self-assessment tool from Protect. The benchmarking report is dated 18 February 2021 [POL00423542] and it gave Post Office a score of 46% overall. In respect of Post Office's written policies and procedures, Post Office received a score of 86% with no specific recommendations for improvement⁹¹. A summary of the other scores is set out as follows:

- (a) Accountability: 61%
- (b) Review and reporting: 59%
- (c) Communications: 30%
- (d) Training: 8%
- (e) Operations: 36%
- (f) Support and protection: 41%
- (g) Recording and investigation: 56%
- (h) Resolution and feedback: 18%

73. The changes to the policy were set out in the policy review section of the 'Whistleblowing Policy Review & Report' [POL00423545], dated 30 March 2021, to ARC. It is stated in this report that: "*whilst the policy and process were intended to cover employees and the protections afforded to them under the law, reports have historically been received from postmasters, their teams, customers and the general*

⁹¹ Page 8, Protect Whistleblowing Report [POL00423542].

*public, and these reports have always been investigated and managed under the whistleblowing policy". It is also stated that "to date, Post Office has not had any material reports, or found evidence of significant or material (or disclosable) wrongdoing through the whistleblowing channel"*⁹².

74. I note the content of the 14 May 2021 policy [POL00413444] as follows:

- (a) The policy states that *"the MLRO & Head of Financial Crime and the Group Compliance Director have overall accountability to the Board of Directors to oversee that a positive whistleblowing culture is proactively encouraged throughout Post Office and the current arrangements are challenged and assessed for areas of continuous improvement. The Policy Sponsor and Owner are accountable for the implementation of controls ensuring Post Office meets its Whistleblowing obligations. Whistleblowing is an agenda item for the Audit and Risk Committee and the Post Office Board is updated as required"*⁹³.
- (b) The policy introduces the Whistleblowing Procedures to be used in conjunction with the policy: *"the Policy and associated procedures for use by those handling whistleblowing reports (the "Whistleblowing Procedures") (set out in this document where relevant) are proportionate to the risks and complexity of the Group"*⁹⁴. A footnote states that the Procedures would be provided internally to those handling Whistleblowing reports. The Core Principles are also amended to include: *"Post Office will treat Whistleblowing disclosures consistently, fairly, appropriately and professionally"*⁹⁵.

⁹² Page 5, Whistleblowing Policy Review and Report dated 3 March 2021 [POL00423545].

⁹³ Page 3, Post Office Group Policies – Whistleblowing Policy (v6), 14.05.2021 [POL00413444].

⁹⁴ Page 3, Post Office Group Policies – Whistleblowing Policy (v6), 14.05.2021 [POL00413444].

⁹⁵ Page 3, Post Office Group Policies – Whistleblowing Policy (v6), 14.05.2021 [POL00413444].

- (c) The definitions of employee and staff are brought into the body of the text, in the definitions section, as follows: "*Employee*" and "*Staff*" means an individual who has entered into or works under (or, where the employment has ceased, worked under) a contract of employment or any other relevant contract, as defined in sections 230(2) and (3) of the Employment Rights Act 1996, with Post Office or the Group or is defined as a "worker" under section 43K Employment Rights Act 1996"⁹⁶. In the Application section, the policy confirms that the policy applies to staff and also (as in the previous versions) "*in order to encourage reporting of wrongdoing, Post Office will, where appropriate, and to the extent possible, follow equivalent principles to encourage, receive and investigate incidents of Whistleblowing by Postmasters (whether limited companies, partnerships, limited liability partnerships or individuals), Agent Assistants, and members of the public*"⁹⁷.
- (d) The definition of whistleblowing is clarified (in line with legislation) and the section on how to report is expanded, to include the contact details of Post Office's main reporting mechanisms plus Grapevine, BSC, Customer Support Team and Executive Correspondence Team, which was previously in the definitions section. Notably, the policy includes a section which clarifies that the whistleblower does not need to provide evidence for Post Office to look into the concerns raised and clarifies that reports can be made openly, confidentially or anonymously (noting that "*without certain details, it may not be possible to*

⁹⁶ Page 4, Post Office Group Policies – Whistleblowing Policy (v6), 14.05.2021 [POL00413444].

⁹⁷ Page 4, Post Office Group Policies – Whistleblowing Policy (v6), 14.05.2021 [POL00413444].

investigate a report as thoroughly and/or provide feedback on the progress or outcome of the investigation")⁹⁸.

- (e) The policy includes a section on the difference between whistleblowing and other complaints, with examples of both⁹⁹.
- (f) Another significant addition to this policy is the section on the Whistleblowing Champion (a Non-Executive Director), who has *"responsibility for ensuring and overseeing then integrity, independence and effectiveness of this Policy and procedures on Whistleblowing including those policies and procedures intended to protect Whistleblowers from being victimised because they have made a disclosure that constitutes Whistleblowing"* and responsibility for overseeing:
 - (i) A positive whistleblowing culture is proactively encouraged throughout Post Office.
 - (ii) The current arrangements are challenged and assessed for areas of continuous improvement and best practice.
 - (iii) Whistleblowers are always supported and protected when raising a concern.
 - (iv) Barriers to speaking up are uncovered and addressed.
 - (v) The Whistleblowing team, senior managers and leaders receive training on the importance of Whistleblower support.
 - (vi) Root cause analysis is undertaken for all cases and issues, so that continual improvements can be made in the relevant areas¹⁰⁰.

⁹⁸ Pages 5 – 6, Post Office Group Policies – Whistleblowing Policy (v6), 14.05.2021 [POL00413444].

⁹⁹ Page 6, Post Office Group Policies – Whistleblowing Policy (v6), 14.05.2021 [POL00413444].

¹⁰⁰ Page 8, Post Office Group Policies – Whistleblowing Policy (v6), 14.05.2021 [POL00413444].

- (g) The policy confirms that the management of reports sits with the Money Laundering Reporting Officer and Head of Financial Crime, via the Whistleblowing Manager (and deputies) who receive all reports raised regardless of channel. It states that the Whistleblowing Manager is responsible for the policy, identifying key trends and issues, and providing assurance to the Board the policy is complied with¹⁰¹.
- (h) It states, as the previous versions did, that investigations will be carried out in line with the Investigations Policy which "*sets out specific Whistleblowing considerations for investigations*". It states that, in respect of anonymous reports, feedback will not ordinarily be given but that it could be sought through a telephone appointment or by using an anonymous email address¹⁰².
- (i) Further information is given in the External Disclosures section, which includes sources of advice (Government, Trade Unions, and ACAS), and provides contact details for the Prudential Regulation Authority which can accept whistleblowing reports, in addition to the FCA¹⁰³.
- (j) The new roles of Whistleblowing Champion and Whistleblowing Manager is added into the minimum controls section. Also new minimum controls are included in respect of line managers and support available to whistleblowers:
- (i) Employees and staff should be made aware of the multiple ways to disclose a report (and that they can be anonymous);
 - (ii) Training must be provided to line managers on induction as manager and on appointment to Post Office; and

¹⁰¹ Page 8, Post Office Group Policies – Whistleblowing Policy (v6), 14.05.2021 [POL00413444].

¹⁰² Page 8, Post Office Group Policies – Whistleblowing Policy (v6), 14.05.2021 [POL00413444].

¹⁰³ Pages 9 - 10, Post Office Group Policies – Whistleblowing Policy (v6), 14.05.2021 [POL00413444].

(iii) Feedback should be taken from reporters throughout the investigation to monitor that they feel supported and protected by Post Office¹⁰⁴.

75. Again, whilst this is beyond the relevant timeframe for this Rule 9 request, I briefly note for completeness that a number of changes to the Speak Up function have been made since June 2021. These include:

- (a) Post Office's first dedicated Whistleblowing Manager was recruited in May 2021, with two dedicated investigators joining the team in late 2021. Protect conducted a second assessment of Post Office's whistleblowing function, which reported a score of 80% on 30 November 2021 [POL00423615]¹⁰⁵.
- (b) In August 2021, KPMG undertook a review of Post Office's investigations process to establish whether its decentralised model was effective, especially in relation to high-risk cases and to consider the best model for investigations going forward [POL00423697]¹⁰⁶. This included investigations originating from whistleblowing information. The review found that there was limited central oversight and a lack of overarching consistency over how investigations are undertaken and recorded within Post Office. This observation was applicable to investigations that were commenced due to receiving information from a whistleblower or whistleblowers. A number of recommendations were made to introduce a centralised approach to investigations, triaging, and consistency in reporting.
- (c) In September 2021, following this review, GE approved the setting up of the CIU and following my appointment in February 2022 as the Head of CIU, the

¹⁰⁴ Page 16, Post Office Group Policies – Whistleblowing Policy (v6), 14.05.2021 [POL00413444].

¹⁰⁵ Protect Report dated 30 November 2021 [POL00423615].

¹⁰⁶ KPMG Investigations Process Review [POL00423697].

whistleblowing function and its three staff migrated from Financial Crime to CIU.

I report to the Group Legal Director.

(d) In November 2021, a further self-assessment using Protect was completed. The report, dated 30 November 2021, gave Post Office a score of 80% [POL00423615]¹⁰⁷.

D. Escalation and Reporting Processes within the Board or involving the Board

76. This section of the witness statement addresses escalation and reporting processes within the Board or involving the Board. Escalation in this context means the way that a serious incident / report would be communicated up within the business to appropriately senior level of management. Reporting in this context refers to data and management information gathered on whistleblowing reports (rather than the act and process of making a whistleblowing report).

77. As explained in Ms Scarrabelotti's First, Second and Third witness statements to the Inquiry, Post Office has limited corporate records for the period prior to 2012. As such, my comments on escalation and reporting processes in this Section D are mainly restricted to the period following separation in 2012.

D1 Whistleblowing Responsibilities

78. I first set out the Board and Strategic Executive Group ("SEG") level committees that have whistleblowing responsibilities, as follows.

¹⁰⁷ Protect Report dated 30 November 2021 [POL00423615].

Board

79. I have seen the Board Terms of Reference from January 2013 [*POL00362127*], which state that (amongst other things) the Board is collectively responsible for establishing a proper governance framework to manage and monitor risk. Approval of Group policies, which includes the whistleblowing policy, is specifically reserved for Board decision. I have also seen the Board Terms of Reference from February 2015 [*POL00362178*] which continues to state that the Board is responsible for the approval of Group policies, including the whistleblowing policy. Further versions of the Board Terms of Reference have also been reviewed [*POL00362191*] and [*POL00423415*]. On the face of it, they appear undated, however, the metadata contained within Relativity indicates that they are dated July 2016 and November 2018, respectively. These versions continue to state that the Board has overall responsibility for the approval of governance policies, including the whistleblowing policy. The Board Terms of Reference state that the Board may delegate authority for some of its responsibilities to a Board Committee and this is indicated with an asterisk; the responsibility which mentions whistleblowing does not contain an asterisk.

80. As part of the searches undertaken for this witness statement, Board minutes and meeting packs have been reviewed. There are some references within the minutes of the Board to it noting the minutes of ARC meetings which contained whistleblowing updates (as set out below). It is also noted that notwithstanding paragraph 78 above, the ARC appears to have taken on responsibility for reviewing the whistleblowing policy annually (see paragraph 82 below).

Audit and Risk Committee ("ARC")

81. The ARC is a committee of the Post Office Board formed post separation in 2012.

The Group Chief Executive, the Group Chief Financial Officer, the Group General Counsel, the Head of Risk, the Director of Compliance, and the Head of Internal Audit are permanent invitees of the ARC. The external auditors and any internal audit co-source partners may attend all or part of any ARC meeting at the invitation of the ARC Chair. As a minimum, the external auditors will attend to present their external audit plan for approval and to present their reports.

82. I have seen ARC Terms of Reference from March 2014 [*POL00362136*], which state that it will oversee the RCC's activities and receive summary reports as appropriate and will *"review with the internal auditors and the external auditors the results of any review of the compliance with the Company's codes of ethical conduct and similar policies including whistleblowing"*¹⁰⁸. It states that the ARC will *"ensure lines of communication are maintained with the Board"*¹⁰⁹. In the Appendix it states that the ARC will review the Ethics and Code of Conduct and whistleblowing policy each February¹¹⁰. I have also seen the ARC Terms of Reference from September 2015 (which I believe to be a final version, although it is not entirely clear from the face of the document) [*POL00423345*], which continue to state that the ARC will oversee the RCC's activities and receive summary reports as appropriate; ensure lines of communication are maintained with the Board; and will review with the internal auditors and the external auditors the results of any review of the compliance with

¹⁰⁸ Page 5, ARC Terms of Reference dated March 2014 [*POL00362136*].

¹⁰⁹ Page 2, ARC Terms of Reference dated March 2014 [*POL00362136*].

¹¹⁰ Page 6, ARC Terms of Reference dated March 2014 [*POL00362136*].

the Company's codes of ethical conduct and similar policies including whistleblowing.¹¹¹ The ARC Terms of Reference from April 2020 [POL00423503] were further slightly amended, with key content as follows:

- (a) *"Review with the internal auditors and the external auditors the results of any review of the compliance with the Company's codes of ethical conduct and similar policies including whistleblowing"*¹¹².
- (b) *"Review at least annually the adequacy and security of the Company's arrangements for its employees and contractors to raise concerns, in confidence, about possible wrongdoing in financial reporting, regulatory breaches or other matters. The Committee shall determine that these arrangements allow proportionate and independent investigation of such matters and appropriate follow up action"*¹¹³.
- (c) *"The Chair shall report formally to the Board on its proceedings after each meeting on all matters within its duties and responsibilities and shall also formally report to the Board on how it has discharged its responsibilities"*¹¹⁴.
- (d) *"Monitor the Risk and Compliance Committee activities and receive summary reports as appropriate"*¹¹⁵.

83. The meeting of ARC on 13 November 2012 refers to there being an intention to review the whistleblowing policy on an annual basis [POL00423234].

¹¹¹ Page 4, ARC Terms of Reference dated September 2015 [POL00423345].

¹¹² Page 4, ARC Terms of Reference dated April 2020 [POL00423503].

¹¹³ Page 4, ARC Terms of Reference dated April 2020 [POL00423503].

¹¹⁴ Page 6, ARC Terms of Reference dated April 2020 [POL00423503].

¹¹⁵ Page 3, ARC Terms of Reference dated April 2020 [POL00423503].

84. By way of example, a Post Office Speak Up Policy was presented to the ARC in February 2013. The Policy was noted by the Committee who requested a report on the issues raised at the end of 2013-2014, with any significant matters highlighted in the interim [POL00423141].¹¹⁶

85. The Board meeting minutes dated 23 January 2013 [POL00021510] refer to page 8 of the Corporate Governance Review which states¹¹⁷:

'(e) The Chairman of the ARC asked that the Company's "whistle-blowing" arrangements be reviewed at the ARC and not the Executive Risk and Compliance Committee, and that the ARC terms of reference be changed to take this into account.'

86. I have reviewed ARC Minutes and Meeting Packs that have been made available to me. In addition to the above, whilst I do not summarise every document, I set out below a brief overview of the documents from ARC that I have seen that touch upon whistleblowing, to illustrate the type of whistleblowing information and documents that were received by the ARC:

Pre-separation:

87. Post Office has been able to identify limited copies of its own Audit Committees minutes prior to separation. It has not been able to locate any minutes of the Audit Committee as part of the work for this request for Rule 9(50) which refer to whistleblowing.

¹¹⁶ Page 22, ARC Agenda and papers dated 13 February 2013 [POL00423141].

¹¹⁷ Page 8, Post Office Board meeting minutes dated 23 January 2013 [POL00021510].

88. In any event, and as outlined above at paragraph 20, during this period it appears that whistleblowing complaints were handled by Royal Mail centrally as opposed to by Post Office. In relation to reporting Royal Mail Board minutes dated 6 April 2004 [POL00423145] and 5 October 2004 [POL00423146] demonstrate that the whistleblowing function was delegated to its Audit and Risk Committee (the “RMG ARC”)¹¹⁸ and that reporting took place within that forum in the first instance [POL00423143]; [POL00423144], [POL00423147], [POL00423148], [POL00423149] [POL00336006]. There is reference in the RMG ARC minutes from 14 June 2010 to an update from across the Group on whistleblowing, so it appears as though there was Group reporting to Royal Mail about this topic [POL00423198]. From minutes of the Board meeting on 5 October 2005, the RMG ARC reported to the Board on matters including updates on policies, procedures and reporting [POL00423146].

Post-separation:

89. The following is a chronological summary of those references to Speak Up at the ARC that I have found for the period post-separation:

- (a) November 2012 - The pack for the ARC meeting on 13 November 2012 [POL00423234] includes a reference to the “provision and management of Speak Up arrangements for POL” as a proposed scope for the 2012/13 Internal Audit & Risk Management Plan.

¹¹⁸ Page 86, Royal Mail Board minutes dated 5 October 2004 [POL00423146].

(b) February 2013 – The pack for the ARC meeting on 13 February 2013 [POL00423141] includes a copy of the Post Office Speak Up Policy effective from 1 April 2012¹¹⁹. The minutes for that meeting [POL00423673] record: *‘Susan Crichton explained the changes to the Post Office’s Speak Up Policy (Whistleblowing) and the plan to communicate to Staff in April. The policy was noted by the Committee who requested a report on the issues raised at the end of 2013-2014, with any significant matters highlighted in the interim’*.¹²⁰ These minutes were noted by the Post Office Board in its meeting of 21 May 2013 [POL00145327].¹²¹

(c) May 2016 – The meeting pack for the ARC meeting on 19 May 2016 contains a copy of the whistleblowing policy for approval [POL00423509].¹²² The minutes of that meeting [POL00423368] record that ARC asked that the whistleblowing policy be amended to include exposing ‘potential’ wrongdoing, and that the list of example be extended to include money laundering and terrorism. Taking into account the input from the ARC, the policy was approved¹²³. These minutes were noted by the Post Office Board in its meeting of 29 September 2016 [POL00021544]¹²⁴.

¹¹⁹ Page 22, ARC Meeting Pack, 13 February 2013 [POL00423141].

¹²⁰ Page 2, ARC Meeting Minutes, 13 February 2013 [POL00423673].

¹²¹ Page 6, Post Office Board meeting minutes dated 21 May 2013 [POL00145327].

¹²² Page 295, ARC agenda and pack for meeting of 19 May 2016 [POL00423509].

¹²³ Page 5-6, ARC meeting minutes dated 19 May 2016 [POL00423368].

¹²⁴ Page 1, Post Office Board minutes dated 29 September 2016 [POL00021544].

(d) May 2017 – The meeting pack for the ARC meeting on 18 May 2017 [POL00423390] contains a whistleblowing report [POL00423669], which notes that four incidents had been reported during the preceding year¹²⁵. The minutes of that meeting [POL00423409] record that Jane MacLeod presented the whistleblowing report and noted that four reported incidents was very low but explained that individuals used other processes to register issues¹²⁶. Ms MacLeod also said that a communication had been sent out to advertise the help line. ARC asked whether the help line was available to postmaster assistants and Ms MacLeod said that two recent incidents had been registered by postmaster assistants. ARC noted the report, and the minutes specifically record: *‘The ARC recognised that 4 incidents was very low but accepted that the Executive were doing all the right things to promote the support’*¹²⁷.

(e) March 2018 - Updates were contained within a Financial Crime Risk Update (which was noted), including the volume of reporting, that regular communications were planned, and an overview of recent cases. The audit plan refers to the scope of the whistleblowing process in Q4 [POL00423412].

(f) May 2018 – As per the March update, this was contained within the Financial Crime Risk Update, with no significant updates, and it being noted that a poster was being developed [POL00423413]. A poster about Speak Up dated 19 April

¹²⁵ Page 272, ARC pack for meeting of 18 May 2017 [POL00423390].

¹²⁶ Page 11, ARC meeting minutes dated 18 May 2017 [POL00423669].

¹²⁷ Pages 11-12, ARC meeting minutes dated 18 May 2017 [POL00423409].

2018 appears to have been created and it is likely given the date that this is the poster referred to in the update [POL00423483].

(g) July 2018 – The minutes of the ARC meeting on 31 July 2018 [POL00021457] record that the report indicated no systemic issues¹²⁸. Ms MacLeod added that there was a process for all reports received, which were all investigated, and none appeared to be systemic issues. The minutes record that: *'TC asked whether we have analysis of closed cases to understand the nature of the issue and what the outcome was, and JM confirmed what we do. JM noted that though the Whistleblowing line we also get bullying complaints which are passed to HR for resolution. If there is a complaint against an agent, it is referred to the Network team. JM noted that allegations of fraud are addressed through our BAU process. There are mostly low level with no particular themes and no individual cases that are likely to result in reputational damage. PV noted that all incidents of bullying and harassment or sexual harassment are reported to her and dealt with appropriately. PV encourage staff to speak up and be objective and noted that there has been a single serious issue.'* The minutes further record that the whistleblowing report was taken as read and that the whistleblowing policy was approved¹²⁹.

(h) October 2018 – The update was contained within the Compliance Report, with no material issues being highlighted and the initiation of a Review of the Code of Business Standards being noted [POL00423414].

¹²⁸ Page 6, ARC meeting minutes dated 31 July 2018 [POL00021457].

¹²⁹ Pages 6-7, ARC meeting minutes dated 31 July 2018 [POL00021457].

(i) January 2019 - The update was again contained within the Compliance Report, which cited no material issues, a satisfactory audit rating, and action relating to communications [POL00423423]. The internal audit report for the January 2019 meeting rated the whistleblowing process as “satisfactory” and outlined three areas as “P2” [POL00423417].

(j) The three areas which were identified as P2 were that:

- a. There was an absence of a mechanism to confirm and measure staff awareness of the whistleblowing arrangements and to gauge the success of awareness campaigns;
- b. There was no targeted training provided to staff who are responsible for investigating whistleblowing reports;
- c. There was a lack of root cause analysis and action plans to address recurring cases.

(k) March 2019 – The update was contained within the Compliance Report, with no material issues being reported, and news of a survey being conducted to understand levels of awareness within the business [POL00423454].¹³⁰

(l) May 2019 – The update was contained within the Risk, Compliance and Audit Report, with no material issues identified, an analysis of the February survey

¹³⁰ Page 46, POL ARC Agenda and pack for 25 March 2019 [POL00423454].

being undertaken, and confirmation of the organisation working to improve its service [POL00422968].¹³¹

(m) July 2019 – The pack for the ARC meeting on 29 July 2019 [POL00423508] includes a Risk Management and Compliance Report, which states that the ARC received an update on whistleblowing.¹³² The Whistleblowing review for 2018-19 provides an overview of the financial year [POL00423583] and the Appendix provides a summary of whistleblowing reports received in 2018-19 [POL00423582]. It includes reference to the origin of the reports including those made by or about Postmasters or Agent Assistants. The ARC recommended that going forward the infrastructure to support whistleblowing be extended to third parties. The minutes of that meeting [POL00423466] record that the ARC noted the update.¹³³

(n) September 2019 – The update contained within the Risk, Compliance and Audit Report noted no significant issues, and the planned communications [POL00423464].¹³⁴

(o) November 2019 – The update was contained within the Risk, Compliance and Audit Report, with no significant issues being raised, and new planned communications being noted [POL00423684].¹³⁵

¹³¹ Page 298, POL ARC Agenda and pack dated 29 May 2019 [POL00422968].

¹³² Page 5, ARC pack for meeting dated 26 July 2019 [POL00423508].

¹³³ Page 9, ARC meeting minutes dated 26 July 2019 [POL00423466].

¹³⁴ Page 52, POL ARC Agenda and Pack dated 23 September 2019 [POL00423464].

¹³⁵ Page 62, POL ARC Agenda and Pack for 25 November 2019 [POL00423684].

(p) January 2020 – The pack for the ARC meeting on 28 January 2020 contained a Risk, Compliance and Audit Report [POL00423468], which contained the following 'Whistleblowing Update':

'34 Due to the number of reports received recently from Agent assistants, we are currently working with the Communications team to identify ways to raise awareness of the importance of whistleblowing to our agents and ensure they understand that whistleblowers are protected by law to stop them being treated unfairly or losing their job because they "blew the whistle".

35 Expolink Europe Ltd currently provide our Whistleblowing Speak Up service, however, the contract has expired. During the contract renewal discussions, Expolink were acquired by Navex Global Ltd, and they advised that they are not prepared to sign a novation in relation to Expolink, but would migrate Post Office onto a contract with Navex Global. It has been agreed internally, supported by Legal, and with the supplier to proceed with the new contract, which would see Post Office migrated onto a new platform with additional services. This is expected to be completed by financial year end'¹³⁶.

The minutes of that meeting [POL00423505] state that the ARC noted that update¹³⁷.

¹³⁶ Page 82, ARC pack for meeting of 28 January 2020 [POL00423468].

¹³⁷ Page 7, minutes of ARC meeting dated 28 January 2020 [POL00423505].

(q) May 2020 – The update contained within the Risk, Compliance and Audit Report confirmed the new contract with Navex Global and noted an increase in reporting in March [POL00401577].¹³⁸

(r) July 2020 – The pack for the ARC meeting on 27 July 2020 [POL00423510] contains an annual whistleblowing report¹³⁹. That report noted that, amongst other things:

- (i) A process document had been created to provide guidance on how to deal with whistleblowing reports received via all channels.
- (ii) A Financial Crime Policy Assurance Framework had identified no deficiencies or major flaws in the application of the whistleblowing policy across Post Office.
- (iii) A new contract with Navex Global to provide whistleblowing services had been completed and Post Office migrated onto their new reporting platform.
- (iv) In the preceding year, there had been six communications published in relation to whistleblowing to raise awareness of the reporting channels and protections and encourage reporting. Additionally, some workshop sessions had been held at the Employee Engagement Conference to explore ethical values and 'doing the right thing.'

¹³⁸ Page 18, POL ARC Agenda and Pack dated 19 May 2020 [POL00401577].

¹³⁹ Page 22, pack for ARC meeting dated 27 July 2020 [POL00423510].

- (v) The annual policy review had led to minor amendments to clarify wording and definitions within the overview and minimum control standards sections.
- (vi) There had been a slight decrease in whistleblowing reports from 43 to 41. Most reports related to individuals in the network, although there had been an increase in reports relating to colleagues in Post Office's supply chain cash centres.
- (vii) The most popular reporting channel was the Speak Up line. The most common complaint related to fraud and most allegations were against Postmasters.
- (viii) There had been some delays in investigation caused by Covid-19 lockdown, but these could now be fully investigated.

The pack also contained a Risk, Compliance and Audit Report, which contained a whistleblowing update¹⁴⁰. The update notes that (i) the migration to the new Navex Global Ltd platform was completed in May, and further communications and awareness were planned for the summer; (ii) there had been a slight decrease in new reports in Q1 2020/21, with 8 reports received, and there continued to be a number of reports against employees at non-customer facing sites; and (iii) two branch-related investigations remained on hold due to Covid-19 restrictions, but that these would be progressed. It also contained a summary of whistleblowing reports received in 2019-20 [POL00423589]. This report reflected that there were 41 reports received and 43 closed. The majority of

¹⁴⁰ Page 133, Pack for ARC meeting dated 27 July 2020 [POL00423510].

reports (14) were about branches. Three of the reports were made by Postmasters in the year 2019-20 which was a decrease of one report on the previous year (where 4 were made).

(s) July 2020 – The minutes of the ARC meeting [POL00401601] noted that the ARC had approved the whistleblowing policy¹⁴¹.

(t) November 2020 – An update contained within the Compliance and Audit Report noted the procurement of consultancy work with Protect, as well as an initiative to work with Postmaster complaints to ensure a centralised view of Postmaster concerns [POL00423518].

(u) January 2021 – The update contained within the Compliance and Audit Report noted that the Protect contract had commenced, and that the GE and SMs were to receive training [POL00423685].

(v) March 2021 – The pack for the ARC meeting on 30 March 2021 [POL00423690] contains a whistleblowing report¹⁴², the executive summary of which states:

Post Office is able to demonstrate that it has good policies and procedures in place which have been followed. Post Office's Whistleblowing Team have reviewed past whistleblowing reports for evidence of subsequent 'detriment' to the reporters which found no

¹⁴¹ Page 2, POL ARC minutes for meeting on 27 July 2018 [POL00401601].

¹⁴² POL ARC meeting pack dated 31 March 2021 [POL00423690].

evidence of 'detriment'. In addition, Herbert Smith Freehills LLP (HSF), working with the Whistleblowing Team, have performed an additional analysis of HR records for Post Office employees, including those in directly managed branches, that have made a whistleblowing report. HSF found that (1) in all but one case there was no evidence of detriment to the particular whistleblowing reporters, and (2) in the remaining case, they were unable to form a definitive view based on the HR records that were available for their review and without taking further steps, for example by interviewing the whistleblowing reporter who is no longer a Post Office employee. Whistleblowing engagement including training needs particular attention, together with operational improvements which are being addressed in April and May 2021.

As a result of the review of whistleblowing policy, processes and culture, there are a number of recommended enhancements to improve and mature these areas, including the creation of a Non-Executive Board Director Whistleblowing Champion.

(w) In summary, the 'Report' section notes:

- (i) A number of improvements had been made since 2017, including enhancing Post Office policy and procedures, raising awareness, developing monthly management information, and regular reporting to RCC and ARC. However, it was recognised more could be done to improve the maturity of the Post Office approach. Accordingly, as part of its review, Post Office had approached Protect, a UK whistleblowing charity for support. This included a self-assessment and industry

benchmarking of the regulatory requirements, current industry best practice and Protect's Code of Practice, and a training workshop which was attended by some GE members and senior managers.

- (ii) The monthly MI pack on whistleblowing had been updated to provide more granular data on issues raised by or about Postmasters. A review had also been undertaken to ensure there was sufficient understanding across teams that interacted with and captured those issues.
- (iii) It was agreed there should be a dedicated Whistleblowing Manager within the Compliance Team to manage whistleblowing and assist in the conduct of investigations. External recruitment for that role was nearing completion and it was hoped to have this in place by May. Additionally, Zarin Patel had agreed to become the newly-created NED Whistleblowing Champion, subject to ARC approval.
- (iv) Migration of the external Speak Up line to the new Navex Global EthicsPoint platform had been completed, and all enhancements implemented.
- (v) A new module had been developed in SuccessFactors and was being undertaken by all employees for completion by April.¹⁴³

(x) In summary, the 'Conclusions and Recommendations' section notes:

- (i) Post Office had a good policy and incidents had been managed in accordance with it, although further work on engagement, including training and operational improvements was needed. In particular: *'Whilst*

¹⁴³ POL ARC meeting pack dated 31 March 2021 [POL00423690]. I note the report states '1st April 2020', but given the report is dated 30 March 2021 it is likely that this is intended to refer to April 2021.

*the policy and process were intended to cover employees and the protections afforded them under the law, reports have historically been received from postmasters, their teams, customers and the general public, and these reports have always been investigated and managed under the whistleblowing policy. Improvements to communications and awareness have been made in recent years, but the lack of training for all employees and, in particular, line managers needs addressing.'*¹⁴⁴

(ii) It had been identified prior to the Protect self-assessment that a training and communications programme was needed in 2020/21 and this had been budgeted for, although it had been hampered by Covid and the loss of the role supporting this work.

(iii) The following were key recommended activities in 2021/22:

1. *'Continue to work with Protect to identify improvements and enhancements'*
2. *'Provide the monthly whistleblowing MI pack to all GE members to ensure visibility'*
3. *'Quarterly meetings with the Whistleblowing Champion to review cases and activities, together with monthly meetings with the postmaster and customer complaints teams to ensure that complaints or issues they receive that are in fact whistleblowing, are appropriately identified and investigated.'*

¹⁴⁴ Page 13, POL ARC meeting pack dated 31 March 2021, [POL00423690].

4. *'Work with the People Function and L&D to enhance on-boarding and line manager training relating to whistleblowing'*
5. *'Review and update the Whistleblowing Team's procedures, including those relating to the whistleblower and mechanisms to obtain feedback from whistleblowers'*
6. *'A programme of continual communication and awareness, including refreshing posters for office locations as staff return to work locations following Covid'*
7. *'Update Settlement Agreements to remove potential ambiguity'*
8. *'The Protect self-assessment benchmarking should be undertaken again in June 2021 and annually thereafter to test and demonstrate improvements achieved from planned activities'*¹⁴⁵

(y) The minutes of the ARC meeting on 30 March 2021 [POL00423672] note that the paper was taken as read, and that the following points were highlighted:

- *'The major changes were that Zarin Patel, as an independent Non-Executive Director, was to be appointed as Post Office's Whistleblowing Champion and a new dedicated whistleblowing manager was being recruited. The policy has been updated to reflect these changes and to align with the Investigations Policy.'*

¹⁴⁵ Pages 13-14, POL ARC meeting pack dated 31 March 2021, [POL00423690].

- *The Policy has also been externally reviewed by Protect.*
- *The focus in this area over the next six months was to be on training and awareness via an employee training module on SuccessFactors and working with HR to ensure whistleblowing was part of line management training.*
- *Comments have been received from Zarin Patel outside of the meeting to make some amendments to section 1.9 of the policy to clarify the wording and make clear that the Whistleblowing Champion is an independent Non-Executive Director. These amendments had been agreed prior to the meeting.*
- *It was also flagged that whistleblowing was not noted on the corporate website. Sally Smith confirmed that this had also been raised in the review along with the suggestion that whistleblowing be part of the Annual Report and Accounts. The team was considering these suggestions carefully to ensure a coordinated approach, for particular consideration with the new Whistleblowing Manager. This would be resolved within the next six months.*
- *It was agreed that this matter should be reviewed by the Committee in six months' time.¹⁴⁶*

(z) The minutes record that the Committee noted the whistleblowing review as part of its role in monitoring the adequacy and effectiveness of the Group's

¹⁴⁶ Pages 4-5, minutes of ARC meeting dated 30 March 2021 [POL00423672].

whistleblowing systems and controls, and approved the proposed amendments and the appointment of the Whistleblowing Champion.

90. September 2021: The ARC Committee received a whistleblowing report. It outlines the progress made since the March 2021 meeting and a review of the MI [POL00423672]. The Appendix to the whistleblowing report for 2020/21 [POL00423599] provides a summary of the reports received in 2020/21 together with a list of actions and progress in relation to the Speak Up space.

Risk and Compliance Committee ("RCC")

91. As I understand it, the RCC was a board level sub-committee prior to 2012. Post separation, I understand that RCC has been a standing committee of GE/SEG [POL00423347].

92. I have seen Terms of Reference for RCC from March 2014 [POL00423255], March 2015 [POL00423347], July 2016 [POL00423386] and December 2020 [POL00423520]. The March 2014 Terms of Reference state that RCC is responsible for *"developing the stewardship of risk and policy frameworks by:... receiving and reviewing compliance reports relating to:... whistleblowing"* and it is stated that RCC reported to ExCo and to ARC *"as requested"*. I note that the March 2015 Terms of Reference state that one of the committee's responsibilities is: *"Receiving and reviewing reports related to anti-money laundering, bribery / gifts & hospitality, whistleblowing, internal audit activity"*. The July 2016 Terms of Reference amends the committee's responsibilities and states it will *"review with internal auditors the results of any review of the compliance with the Company's codes of ethical conduct"*

and similar policies including whistleblowing" [POL00423386]. I note that wording from the July 2016 Terms of Reference is replicated in the December 2020 version.

In summary, the RCC will:

- (a) Review and approve for recommendation (where applicable) to the ARC all papers and decisions prior to submission to the ARC.
- (b) Review and approve for recommendation to the ARC Key Group Policies.
- (c) Review with the internal auditors the results of any review of the compliance with the Group's codes of ethical conduct and similar policies including whistleblowing.
- (d) Ensure the timely and appropriate reporting to the GE, the ARC, and Board (as requested).
- (e) Minutes of the RCC will be noted at the ARC.

93. I have reviewed RCC Minutes and Meeting Packs that have been identified as containing material relating to whistleblowing. I do not summarise every document, but instead set out below a brief overview of the documents from RCC that I have seen that touch upon whistleblowing, to illustrate the type of whistleblowing information and documents that are received by RCC:

- (a) 21 January 2015: I have seen Minutes from the RCC [POL00423573] (which state the meeting date was 21 January 2015, but is dated 16 March 2015), which include a 'whistleblowing update': "*The committee received an update on recent whistleblowing activity. The committee noted that call levels were very low and that marketing of the whistleblowing line is needed*", with an action to "*Prepare and implement a communications plan to raise awareness of the whistleblowing*

line" to be led by Arnout van der Veer. The stated update is as follows: "Comms plan has been drafted. The Speak Up (whistleblowing) policy is being reviewed and once signed off comms plan will be implemented". In the meeting pack for this meeting, the Risk and Annual Committee Annual Agenda is included and states that the whistleblowing report would be received and agreed in April [POL00423563].¹⁴⁷ I have been unable to locate the 2015 annual whistleblowing report and so do not know whether one was provided or not.

(b) 16 March 2015: Minutes from the RCC again note the action to *"prepare and implement a communications plan to raise awareness of the whistleblowing line"*, with an update stated as follows: *"whistleblowing framework currently under review"* [POL00423572].

(c) 1 May 2015: Minutes note again that: *"whistleblowing framework currently under review"* [POL00423297]. In the meeting pack for this meeting [POL00423564], a paper titled 'The Code: Questions for board to consider in its annual assessment process' poses a question regarding how the Board has assessed its culture and in what ways does the Board satisfy itself that the company has a speak up culture. Under 'status' it is stated that *"PO has a whistleblowing policy, code of conduct and key behaviours set out. Employees are represented by union leadership, and other representative organisations"*.¹⁴⁸ Another question in this document is: *"what are the channels of communication that enable individuals, including third parties, to report concerns, suspected breaches of law or*

¹⁴⁷ Page 11, Risk and Annual Committee Annual Agenda [POL00423563].

¹⁴⁸ Page 15, The Code: Questions for board to consider in its annual assessment process [POL00423564].

regulations, other improprieties, or challenging perspectives?". Under 'status', the document points to the whistleblowing policies as answer to this question, and under common practice, it states "*outside the formal process of whistleblowing, this is really down to culture and how open communication is being encouraged*".¹⁴⁹ Another document included in the meeting pack is called 'Appendix A: Principal Risks' lists one of the risks to Post Office as "*potential for disaffected 'whistle-blower' in high change environment triggers FCA investigation*".¹⁵⁰

(d) 6 August 2015: Minutes again note that: "*whistleblowing framework currently under review*" [POL00423370].

(e) 7 September 2015: Minutes state that the whistleblowing "*policy will be updated in line with policy framework review... comms will be tailored to requirements of policy*" [POL00423310].

(f) 5 May 2016: Minutes state that: "*JM provided an update on the whistleblowing process. JM stated that there have been no major incidents of whistleblowing during the financial year. A total of seven incidents were reported which have been investigated and closed. JM stated that in the coming financial year the whistleblowing process will be further publicised to increase awareness*" [POL00423367]. I note that 'JM' refers to Jane MacLeod. A number of documents related to whistleblowing are in the associated meeting pack [POL00423565]:

¹⁴⁹ Page 17, The Code: Questions for board to consider in its annual assessment process [POL00423564].

¹⁵⁰ Page 22, The Code: Questions for board to consider in its annual assessment process [POL00423564].

- (i) A number of policies were put to the RCC for approval (although the minutes make clear that further work was required before they would be approved). Appendix 5 of the 'Policy Approval – Summary of Policies (7) and rationale' states that a revised whistleblowing policy was to be approved by RCC and ARC in May 2016, sponsored by Jane MacLeod and owned by Nisha Marwaha (Employment Lawyer), *"to help Post Office meet its legal and regulatory internal and external obligations. To implement good practice and engender good standards in this context"*.¹⁵¹
- (ii) A document called 'Review of RCC Terms of Reference' states that *"no whistleblowing report was provided in 2015/16. One is being provided in May 2016"*.¹⁵²
- (iii) A document called 'General Control Framework' provides an update on the 'general control frameworks' project and under a section titled 'governance and feedback' it is stated that: *"a Whistleblowing policy and service is available to all staff and calls are actively followed through and appropriately reported to the Board. Similarly a Complaints procedure is available to customers, suppliers and other external stakeholders"*.¹⁵³
- (iv) A document called, 'Review of whistleblowing procedures in 2015/16' accompanied the revised whistleblowing policy for approval. As it states that the purpose of the document is to *"update the Risk & Compliance committee on the operation of the whistleblowing procedures in Post Office over the last year"*,¹⁵⁴ I understand that this document is the

¹⁵¹ Page 254, RCC Meeting Pack, 05.05.2016 [POL00423565].

¹⁵² Page 12, RCC Meeting Pack, 05.05.2016 [POL00423565].

¹⁵³ Page 43, RCC Meeting Pack, 05.05.2016 [POL00423565].

¹⁵⁴ Page 185, RCC Meeting Pack, 05.05.2016 [POL00423565].

'whistleblowing report' as required by RCC's Terms of Reference. It stated that the proposed revised policy had been reviewed by an external auditor for compliance with the whistleblowing regulations for the financial sector; that the previous version was complied with, but that awareness of the whistleblowing line amongst employees was low; that seven whistleblowing reports were received in the year to 31 March 2016¹⁵⁵, an increase from only three the year prior; and that once the policy was approved the correct method of dealing with whistleblowing reports and the availability of the Speak Up line would need to be communicated to all employees.¹⁵⁶ In the conclusion section, it is stated that "*a large number of calls are made annually to the Security reporting line 'Grapevine' and it is likely that some of these calls could be classed as whistleblowing reports, but there is currently no mechanism to distinguish them*".¹⁵⁷ Appendix 1 of this document lists the seven whistleblowing reports received in 2015/2016, noting the date of the report, the subject of the report, the action, and the result.

(g) 8 September 2016: Minutes reference whistleblowing as part of a discussion around a 'financial services deep dive', as follows: "*OW noted that it was necessary to have a clear whistleblowing process available to branches selling financial services. The Committee noted that the extent of monitoring required*

¹⁵⁵ Pages 186-187, RCC Meeting Pack, 05.05.2016 [POL00423565]. This section of the meeting pack contains a document called 'Summary of whistleblowing reports in the year 2015/2016' sets out the seven whistleblowing reports that were received in 2015/2016, setting out the subject matter very briefly, the action and the result. All are noted to be closed.

¹⁵⁶ Page 185, RCC Meeting Pack, 05.05.2016 [POL00423565].

¹⁵⁷ Page 185, RCC Meeting Pack, 05.05.2016 [POL00423565].

was directly linked to the extent to which financial services were sold over the branch network" [POL00423377]. I note that OW is Owen Woodley, Sales Director, Network and Sales. In the associated meeting pack [POL00423566], there are a number of documents relevant to whistleblowing:

- (i) A document is included in the meeting pack called 'meeting our appointed representative responsibilities'. Under the 'people' section, it is noted that *"the whistleblowing 'speak up' policy has been revamped"* and that *"corporate services to re-launch 'speak up' policy (Sep)"*.¹⁵⁸ In the evidence appendix, it states that the revised Speak Up policy was approved by the ARC on 18 May 2016.¹⁵⁹
- (ii) In respect of policy approvals, an 'Appendix 1: Key Policies – Governance Approvals Calendar' notes that the whistleblowing policy is approved, and it is noted in the column for March that the policy goes to ARC and Board.¹⁶⁰
- (iii) Post Office's Investigations Policy (which was approved at the meeting) appears to apply to whistleblowing. At page 5 of the internal document, it states that the person who is conducting an investigation should identify whether *"there are any other applicable existing Post Office procedures. For example, Whistleblowing..."*.¹⁶¹ At page 6, it states that *"in some circumstances it may not be appropriate to share outcomes/ findings, e.g. in the context of whistleblowing investigations"*.¹⁶² From these references,

¹⁵⁸ Page 39, RCC Meeting Pack, 08.09.2015 [POL00423566].

¹⁵⁹ Page 47, RCC Meeting Pack, 08.09.2015 [POL00423566].

¹⁶⁰ Page 100, RCC Meeting Pack, 08.09.2015 [POL00423566].

¹⁶¹ Page 105, RCC Meeting Pack, 08.09.2015 [POL00423566].

¹⁶² Page 106, RCC Meeting Pack, 08.09.2015 [POL00423566].

I understand that this investigations policy would have applied to investigations conducted following a Speak Up report.

(iv) Post Office's Physical Security Policy (which was approved at the meeting) refers to the Speak Up line, and provides the whistleblowing email address, Speak Up line telephone number, and a link to the Speak Up online portal. It also states that staff can contact their line manager, a senior member of the HR team, or Jane MacLeod directly (and provides her telephone number).¹⁶³

(h) 4 May 2017: Minutes state that the RCC noted the Whistleblowing Report [POL00423391].¹⁶⁴ The associated meeting pack [POL00190231] contains the Whistleblowing Report for 2017.¹⁶⁵ It notes the ways that whistleblowing reports can be raised: to line managers, senior managers, through the Speak Up line, to General Counsel via the whistleblowing email address, or in certain cases through external reporting (such as to a regulator). It states that Postmasters can raise concerns through the Grapevine reporting line and website, but that concerns raised in this way are investigated by the security team. It states that from March 2016 to May 2017, only two whistleblowing reports were made (as opposed to three in 2014/2015, and seven in 2016/2016): the first was a report to FCA and Bank of Ireland by an individual concerned that staff at a branch could initiate transactions under a single log in; and the second was an anonymous report to the Speak Up line concerned about software procurement. The action

¹⁶³ Page 122, Post Office Risk and Compliance Committee Agenda, 08 September 2016 [POL00423566].

¹⁶⁴ Page 5, Risk and Compliance Committee Minutes 04 May 2017 [POL00423391].

¹⁶⁵ Page 118, RCC Agenda, 4 May 2017, [POL00190231].

was noted, and it appears they were both closed.¹⁶⁶ The report notes that the whistleblowing policy is referenced in many other Post Office policies, and the Code of Conduct, and that in 2017 Post Office had issued communications across the business reminding colleagues of the whistleblowing policy and processes. It was noted that the second report raised followed one such communication.¹⁶⁷

- (i) 13 September 2017: The minutes note that the RCC approved the revised whistleblowing policy. It was also noted that the Chair commented that the number of reports seemed low and that *"work was being done to ensure that between the Speak Up Line, Grapevine and the Executive Correspondence Team, all reports of potential wrongdoing were captured"* [POL00423410]. The meeting pack contains a document called 'Post Office Legal and Regulatory Framework', which sets out that all business areas (excluding the CEO) were responsible for compliance with PIDA 1998 [POL00423693].¹⁶⁸ Under 'obligations' it sets out what a qualifying disclosure is, and states that *"new FCA rules in 2016 on whistleblowing means firms must have a whistleblowers' champion in place - this should be a non-executive director or senior manager who will need to report to the board on whistleblowing stats, at least on an annual basis"*. It stated that Martin Kirke had accountability within Post Office for PIDA 1998 and under evidence, it is stated: *"Whistleblowing Policy on POL intranet, comms issued to employees and Postmasters"*. Under board impact it is stated

¹⁶⁶ Page 118, RCC Agenda, 4 May 2017 [POL00190231].

¹⁶⁷ Page 119, RCC Agenda, 4 May 2017 [POL00190231].

¹⁶⁸ Page 89, RCC Meeting Pack, 13 September 2017 [POL00423693].

that the board could be impacted because: *"dismissed whistleblowers have two remedies: against employers and against those who are the 'controlling mind' behind dismissal or cause the dismissal/detriment their whistleblowing brings them. Both the employer and director/s, including NEDs, may be jointly and severally liable".*¹⁶⁹ The executive summary accompanying the revised whistleblowing policy (v1.5)¹⁷⁰ summarises the key changes to the previous policy as follows: *"updating contact details and help line numbers"; "ensuring that all teams across the business that may receive whistleblowing reports ensure that these are passed onto the Whistleblowing Officer and handled confidentially"; and "a new section has been included clearly mapping minimum control standards, responsibilities and timescales".*¹⁷¹ It is stated that once the policy was approved *"there will be a One communication to advise all employees of the changes and provide a link to the updated document on the Post Office Intranet"*. It is also noted that: *"Post Office Limited provides Post Office Management Services (POMS) with its policies suite in the form of "Group Policies." POMS is required under its regulatory responsibility to the Financial Conduct Authority to have up to date policies and failure to do so may lead to regulatory sanctions or penalties".*¹⁷²

- (j) 10 July 2018: The minutes note that a revised whistleblowing policy (v.2.1) was approved [POL00423574]. It also notes that Sally Smith (Head of Financial Crime / MLRO) updated the RCC: *"SS presented this as work in progress and the*

¹⁶⁹ Page 106, RCC Meeting Pack, 13 September 2017 [POL00423693].

¹⁷⁰ Page 160, RCC Meeting Pack, 13 September 2017 [POL000423693].

¹⁷¹ Page 159, RCC Meeting Pack, 13 September 2017 [POL000423693].

¹⁷² Page 159, RCC Meeting Pack, 13 September 2017 [POL000423693].

Committee had a discussion around raising awareness. Most items come from our agents rather than from our employees although there are some issues reported via Speak Up. AC posed the question of whether the whistleblowing definition should be relaxed to include incidents of Bullying and Harassment and also whether whistleblowing is understood across the business. JM responded that the business has used PV's blogs, posters and Yammer to reinforce the message. JM commented that whistleblowing is for legal breaches and that as a business if an item is reported through an incorrect channel, it will still be referred appropriately. A range of channels exist for reporting inappropriate behaviours. ACTION- SS to propose a programme of communications. GE to raise awareness and SS to contact Amber Kelly to include in cultural work... The Audit programme had been constructed to address high risk areas and communications had not been flagged as high risk. PV to discuss integrated communications review with Mark Davies. AC noted that people may understand less that it is assumed that they do. JH noted that in the past it was part of the role of all managers to visit 10 branches to communicate which had a large impact although it was a costly exercise. JH to have discussion with Debbie Smith on this matter".¹⁷³

- (k) The associated meeting pack [POL00401627] includes an Internal Audit Plan for 2018/2019, which notes that Jane MacLeod is the whistleblowing sponsor and that the audit was not yet started.¹⁷⁴ In a Compliance Report, it was noted that in respect of whistleblowing there were "no material non-conformance issues to

¹⁷³ Pages 6-7, Whistleblowing Policy Version 2.1 [POL00423574].

¹⁷⁴ Page 34, RCC meeting pack dated 10 July 2018 [POL00401627].

report".¹⁷⁵ The Executive Summary together with the revised policy notes that there were no substantive amendments to the whistleblowing policy from the previous version and that minor amends were made to: "*revised definition of serious incidents in section 1.3*"; "*updated with new link for Speak Up web portal*"; "*added communication and awareness to all staff as minimum control standards*"; and "*included reference to Whistleblowing Officer nominated deputies to minimum control standards*".¹⁷⁶ In Appendix A of this document, called the 'Minimum Control Standards Assurance', all first and second level defences associated with whistleblowing were marked as effective. I summarise the 'assurance comments' as follows:

- (i) Whistleblowing log spreadsheet is maintained and monitored by a Whistleblowing Office and Financial Crime Team and summary reports provided to ARC and RCC;
- (ii) Whistleblowing communications launched in May 2018 (two examples of an article which was circulated via internal communications can be found at [POL00423482 and POL00423477];
- (iii) Systems and reports restricted to Whistleblowing Officer and deputies (and where reports need to be sent to others, there is a confidentiality requirement);
- (iv) Training provided to Grapevine, NBSC, Customer Support and ECT in August 2017;
- (v) Contract with InTouch / Expolink was reviewed; and

¹⁷⁵ Page 42, RCC meeting pack dated 10 July 2018 [POL00401627].

¹⁷⁶ Page 148, RCC meeting pack dated 10 July 2018 [POL00401627].

(vi) Further training was planned¹⁷⁷.

The Whistleblowing Annual Report is also in the meeting pack¹⁷⁸ and it is noted that a complete review of reporting channels and processes had been undertaken. It stated that *"whistleblowing reports received have not identified any significant areas of concerns nor do they indicate any systemic problem within the Post Office. The majority have been from agents or agent assistants, which Post Office treats in the same way as employees under the Employment Rights Act 1996 and the Public Interest Disclosure Act 1998"*.¹⁷⁹ It is noted that during 2017/2018, 37 whistleblowing reports were received and 33 cases were closed, with the majority of allegations about postmasters or agent assistances, with the largest category being an allegation of fraud.¹⁸⁰ It was noted that the most popular channels used to report concerns was the Speak Up line and Grapevine.¹⁸¹

(l) 9 May 2019: Minutes states that a *"question was raised about whether our whistleblowing policy was being used as we would hope. JH advised the whistleblowing hotline would become a Freephone number and that work was being undertaken by HR to encourage a culture which encouraged employees to raise issues of concern"* [POL00423460].¹⁸² I note that JH is Jonathan Hill. In the

¹⁷⁷ Pages 150-152, RCC meeting pack dated 10 July 2018 [POL00401627].

¹⁷⁸ Pages 172-175, RCC meeting pack dated 10 July 2018 [POL00401627].

¹⁷⁹ Page 172, RCC meeting pack dated 10 July 2018 [POL00401627].

¹⁸⁰ Page 174, RCC meeting pack dated 10 July 2018 [POL00401627].

¹⁸¹ Page 175, RCC meeting pack dated 10 July 2018 [POL00401627].

¹⁸² Page 5, RCC minutes dated 9 May 2019 [POL00423460].

associated meeting pack [POL00423567], it is noted at the 2018/2019 'Internal Audit Plan' that the whistleblowing process was rated as 'satisfactory'.¹⁸³ A 'Compliance Report' also noted that, in respect of whistleblowing, there were no material issues to report and that following February's Whistleblowing survey a newly formed Ethic's Code of Business Task Force was being formed on how to promote key messages and improve the service.¹⁸⁴

(m) 4 July 2019: The minutes state that the whistleblowing policy was approved for submission to the ARC on 29 July 2019 [POL00423462].¹⁸⁵ In the associated meeting pack [POL00423568], the Risk, Compliance and Audit Report notes "*no material issues to report*" in respect of whistleblowing¹⁸⁶ and the Internal Audit Plan Status notes whistleblowing's status is satisfactory¹⁸⁷. The whistleblowing report (called the Whistleblowing Review 2018-2019) is included in the meeting pack, and, in summary, it is noted that:

- (i) An internal audit was undertaken at the end of 2018 which concluded that the whistleblowing process was well managed by the financial crime team, with some recommendations: "*Minor amends and clarifications in the Whistleblowing Policy*"; "*Expolink contract had not been renewed due to queries relating to GDPR clauses*"; "*A mechanism is needed to confirm staff awareness of whistleblowing arrangements and inform future awareness campaigns*"; "*The Whistleblowing Policy states that*

¹⁸³ Page 22, ARC meeting pack dated 9 May 2019 [POL00423567].

¹⁸⁴ Page 42, RCC meeting pack dated 9 May 2019 [POL00423567].

¹⁸⁵ Page 7, RCC minutes dated 4 July 2019 [POL00423462].

¹⁸⁶ Page 56, RCC meeting pack dated 4 July 2019 [POL00423568].

¹⁸⁷ Page 57, RCC meeting pack dated 4 July 2019 [POL00423568].

*investigations should be conducted in accordance with the Investigations Policy, however this had not been reviewed or updated since September 2016. Once the policy is updated, targeted training and guidance is needed for whistleblowing investigations"; and "Root cause analysis and action plans to address recurring cases was not fully evident – monthly MI and commentary has now been updated and implemented".*¹⁸⁸

- (ii) An online survey was conducted in March 2019 to review staff awareness of whistleblowing; monthly MI was shared with HR to ensure consistent messaging; and financial crime team had attended industry forums and enhanced reporting and investigation processes.
- (iii) There were 43 whistleblowing reports in 2018/2019, mostly related to allegations of fraud or financial mismanagement against Postmasters and or Agent Assistants; however, it was noted that there had been an increase in reports of unethical behaviour or conduct and breach of internal policy.¹⁸⁹
- (iv) The changes to the policy from the previous versions are stated to be: "*re-ordering content to provide clarity to readers in line with feedback received and incorporating clarification provided from legal review*"; "*Updated contact details for external reporting and change of name of Public Concern at Work (PCAW) to 'Protect'*"; "*Clarification that any so-called 'gagging clauses' in settlement agreements do not prevent colleagues from making disclosures in the public interest*"; "*Method and type of feedback that a whistleblower can expect to receive*"; "*Explanation that*

¹⁸⁸ Page 134, RCC meeting pack dated 4 July 2019 [POL00423568].

¹⁸⁹ Page 134, RCC meeting pack dated 4 July 2019 [POL00423568].

anonymous whistleblowers will not ordinarily be able to receive feedback and that any action taken to look into a report could be limited"; "An indication of the time frame for investigating and responding to reports raised"; and "Clarification that the whistleblower does not need to provide evidence in order for the report to be investigated".¹⁹⁰

(n) 6 May 2020: Minutes state that the Chair asked for information as to the kind of issues that were being raised by whistleblowers (insofar as it would not breach any confidences) and queries whether it was appropriate to be putting whistleblowing investigations on hold. Jonathan Hill explained that investigations had been put on hold as they required the physical movement of people which was not possible during lockdown: the Chair requested that investigations be reviewed on a case-by-case basis with HR and challenged the assumption that the investigation had to be paused [POL00423512].¹⁹¹ The meeting pack [POL00423569] includes the 'Risk, Compliance and Audit Report', which stated that Post Office had signed a new contract with Navex Global Ltd for hosting the external whistleblowing speak up reporting channels and that Post Office was in the process of migrating onto the new platform; that there had been an increase in reports during March; and that two branch related investigations had been put on hold due to Covid-19.¹⁹²

¹⁹⁰ Page 135, RCC meeting pack dated 4 July 2019 [POL00423568].

¹⁹¹ Page 3, RCC minutes dated 6 May 2020 [POL00423512].

¹⁹² Page 20, RCC meeting pack dated 6 May 2020 [POL00423569].

(o) 13 July 2020: Minutes noted that the revised whistleblowing policy was approved for onward submission to the ARC [POL00401614].¹⁹³ The meeting pack [POL00423570], including the Risk and Compliance Committee Report, which noted that: the migrated to Navex Global Ltd platform was completed in May 2020 and further communications and awareness raising was planned for Summer; there was a decrease in reports Q1 2020/2021, with 8 reports received in comparison to 9 in Q1 2019/2020; and paused investigations should recommence once lockdown eases.¹⁹⁴ The annual whistleblowing report was also provided, together with the revised whistleblowing policy (version 4.2). The report noted that the Financial Crime team coordinate all whistleblowing reports and investigations and a process document was created to provide guidance on how to deal with reports from all channels; quarterly reviews of the Financial Crime Policy Assurance Framework identified no deficiencies in whistleblowing policy; a new contract with Navex (previously Expolink) was entered into and Post Office migrated onto their new reporting platform; and in 2019/2020 there were six communications to raise awareness of whistleblowing procedures. It was noted there were only minor changes to the policy. It was also noted that reports had decreased slightly from 43 in 2018/2019 to 41 in 2019/2020. The most common complaint was a fraud allegation against Postmasters.¹⁹⁵ It was noted that the Investigations Policy, which the Whistleblowing Policy references, was out of date and requiring review. The report concludes by stating that a

¹⁹³ Page 6, RCC minutes dated 13 July 2020 [POL00401614].

¹⁹⁴ Page 24, RCC meeting pack dated 13 July 2020 [POL00423570].

¹⁹⁵ Page 165, RCC meeting pack dated 13 July 2020 [POL00423570].

whistleblowing communications plan had been developed and that training awareness presentation was planned.¹⁹⁶

(p) 12 November 2020: Minutes include a whistleblowing update, which state that *"there were no thematic concerns and it was explained that the majority have been received from agent assistants and relate to allegations concerning Postmaster activity. A more centralised approach to Postmaster reported concerns was being taken (separate from the whistleblowing process) so as to ascertain any broad themes"* [POL00423519].¹⁹⁷ The meeting pack contains a 'Risk & Compliance Committee Report' [POL00423571], which notes that there was a slight increase in reports during August and September 2020 (8) compared to the period in 2019 (5), with the majority from agent assistants concerning Postmaster activity, and *"we are procuring some initial consultancy work with Protect (UK Whistleblowing Charity) to benchmark our whistleblowing policy and processes and help us to identify if there are any control gaps. We are also working with the Postmaster Complaints project to ensure that there is a centralised view of postmaster complaints or reported concerns"*.¹⁹⁸

(q) 12 January 2021: Minutes note a mail fraud identified in November 2020 through a whistleblowing report [POL00423536].¹⁹⁹ It was also noted that the Investigations Policy, which was subject to a significant revision, was approved

¹⁹⁶ Page 166, RCC meeting pack dated 13 July 2020 [POL00423570].

¹⁹⁷ Page 4, RCC minutes dated 12 November 2020 [POL00423519].

¹⁹⁸ Page 60, RCC meeting pack dated 12 November 2020 [POL00423571].

¹⁹⁹ Page 12, RCC minutes dated 12 January 2021 [POL00423536].

for onward submission to the ARC.²⁰⁰ In the associated meeting pack, the ARC approved 'Post office Risk Appetite Scale' noted that Post Office was 'averse' in its approach to risk around whistleblowing i.e. it has an extremely low appetite for any risks to materialises and will always select the option with the lowest risk [POL00423694].²⁰¹ The 'Risk and Compliance Committee Report' note that all reports received in the last two months relate to the branch network with the majority received from agent assistants raising concerns about Postmasters and unethical behaviour or conduct. It was noted that the contract to procure Protect (UK Whistleblowing Charity) to enable us to undertake self-assessment and benchmarking is nearing completion and this should commence in January. Protect have been asked to deliver tailored training for GE and Senior Managers as early as possible in 2021 and we are awaiting their proposals.²⁰² The fraud identified via a whistleblowing report was set out in a Risk and Compliance Committee Report from Tim Perkins.²⁰³

- (r) 16 March 2021: Minutes note that the RCC "*approved proposed amendments to the Whistleblowing Policy and the appointment of the Whistleblowing Champion, for onward submission to the ARC*" [POL00423692].²⁰⁴ The meeting pack, [POL00423695] contains a 'Whistleblowing Policy Review and Report', by Sally Smith (Head of Financial Crime / MLRO). This summarises the review conducted by Protect, including high level summaries of the 163 whistleblowing reports and

²⁰⁰ Page 13, RCC minutes dated 12 January 2021 [POL00423536].

²⁰¹ Page 41, RCC meeting pack dated 12 January 2021 [POL00423694].

²⁰² Page 50, RCC meeting pack dated 12 January 2021 [POL00423694].

²⁰³ Page 148, RCC meeting pack dated 12 January 2021 [POL00423694].

²⁰⁴ Page 13, RCC minutes dated 16 March 2021 [POL00423692].

investigations received since 2013. The preliminary review from the report was that there were no instances where detriment to a reporter had occurred, but there were 15 cases where it was alleged, or could potentially have been suffered by the subject of the report. It was stated that MI was being improved, and that a review had been undertaken to ensure there was sufficient understanding across teams that interact with whistleblowing issues (concerning Postmaster complaints), to ensure reports are passed to the Whistleblowing Team. It was agreed that the Whistleblowing Officer being General Counsel had potential to cause conflicts, so it was agreed a Whistleblowing Managers within the Compliance Team should manage whistleblowing. It was agreed that Zarin Patel would be Whistleblowing Champion, a newly created role.²⁰⁵ The Protect self-assessment resulted in a score of 72% for governance, 24% for engagement, and 36% for operations.²⁰⁶ It was noted that the policy had been amended, including: *"removal of some duplication and clarifying the definition of whistleblowing, the investigations process and the treatment of reporters; providing more information to reporters (e.g. other external advice available); clarification of some of the definitions used in the policy; clarification that reporters do not need to provide evidence and the different reporting types along with the benefits and disadvantages of open/confidential/anonymous reporting; a new minimum control standard for line managers; a new minimum control standard for checking that whistleblowers feel supported"*.²⁰⁷ In the conclusion, it was noted that *"to date, Post Office has not had any material reports, or found evidence of*

²⁰⁵ Page 142, RCC meeting pack dated 16 March 2021 [POL00423695].

²⁰⁶ Page 143, RCC meeting pack dated 16 March 2021 [POL00423695].

²⁰⁷ Page 144, RCC meeting pack dated 16 March 2021 [POL00423695].

*significant or material (or disclosable) wrongdoing through the whistleblowing channel".*²⁰⁸

GE / Strategic Executive Group ("SEG")

94. The 'Group Executive' (GE) is the most senior leadership team under the CEO, accountable to the Board for the day-to-day operations of Post Office. It has very recently changed its name to Strategic Executive Group (SEG).

95. I have seen the GE Terms of Reference dated February 2015 [POL00423259] and December 2016 [POL00423384]. Whilst these Terms of Reference state that the GE, as a body, is responsible for *"establishing day to day policies designed to manage the operational risks within the business,"* it does not explicitly mention whistleblowing. I have also seen the GE Terms of Reference dated November 2020 [POL00423539]. It differs slightly in that it states that the GE's purpose is to *"assist [... with] the day-to-day running of the business of the company, including the development and implementation of strategy, operational plans, policies, procedures and budgets."* However, like the 2015 and 2016 versions, it does not explicitly mention whistleblowing.

96. My understanding is that the main responsibility for whistleblowing / Speak Up was with the RCC and ARC (with the RCC reporting to the ARC, and the ARC consequently reporting to the Board). In light of those lines of reporting, Post Office

²⁰⁸ Page 145, RCC meeting pack dated 16 March 2021 [POL00423695].

has not conducted a full review of GE / SEG Minutes for references to whistleblowing. However, I have seen the meeting pack of the GE meeting on 17 December 2015, which includes RCC minutes (from 26 October 2015) which reference the plans to raise awareness of the whistleblowing line in the action points [POL00237262].²⁰⁹

97. I am also aware that MI Dashboards relating to whistleblowing have been provided to the SEG on a monthly basis since April 2021 [POL00423690].

D2 Whistleblowing Process Management

98. The following paragraphs set out additional information that I am aware of regarding developments in how whistleblowing was managed by Post Office, including responsibilities, training, communications, record keeping, survey / audits and reporting lines. It is noted that this Section D2 begins in 2017.

99. In April 2017, an email was sent to all staff from Communications which included reference to whistleblowing and linked to an intranet article [POL00423682].

100. In June 2017, the Financial Crime team (Head of Financial Crime/MLRO and Senior Financial Crime Manager) took over the day-to-day responsibility for whistleblowing policy management and communications. Subsequently, in November 2017, the team also took over responsibility for whistleblowing investigation logging, assignment, tracking and reporting.

²⁰⁹ Page 251, POL RCC Minutes dated 26 October 2015 [POL00237262].

101. An email chain 17 August 2017 between Georgina Blair (Regulatory Risk Business Partner), Tracy Curtis (Operations Manager – Banking), Vitor Camara (Finance Crime Manager), and Sally Smith (Head of Financial Crime / MLRO) [POL00423395] confirmed that there was no whistleblowing training for new joiners to Post Office but that there were whistleblowing elements in the annual compulsory Anti-Money Laundering training.²¹⁰

102. In June 2017, the monitoring of whistleblowing was changed from a disparate activity across Grapevine (Post Office's physical security contractors which provided the Post Office Security function such as the use of CCTV and security hotlines), Customer Support, and the Executive Correspondence Team to a centrally managed process overseen by the Financial Crime team. The Financial Crime team took over the day-to-day responsibility for Whistleblowing policy management and communications. Subsequently in November 2017, the team also took over responsibility for Whistleblowing investigation logging, assignment, tracking and reporting.

103. As of March 2018, Sally Smith, the Head of Financial Crime / MLRO, began to provide regular whistleblowing updates for inclusion within the Financial Crime Risk Updates, and from October 2018, within combined RCC papers. As outlined above, updates were provided at every RCC meeting from March 2018 onwards.

²¹⁰ Email chain dated 17 August 2017, [POL00423395].

104. The Audit Report [POL00423421 and POL00423514] noted that there was an awareness campaign launched in May 2018 including a Branch Focus article for DMBs [POL00423498], an intranet article, and posters in customer support centres, supply chain sites and DMBs.²¹¹ The absence of annual compulsory whistleblowing training for investigators was noted. These investigators were described as senior staff with team management responsibilities. Internal Audit identified a risk that without root cause resolution unethical/unacceptable behaviours could continue. The report was distributed to Jane MacLeod (Group Director of Legal Risk & Governance), Paula Vennels (Group CEO), Mo Kang (Group HR Director), Sally Smith (Head of Financial Crime / MLRO).

105. An article dated 4 May 2018 explained what whistleblowing was and what might constitute it in the context of Postmasters and their assistants [POL00423484]. Post Office has not been able to identify whether this definitively formed part of the awareness campaign but given the date it is likely that it was. Further awareness campaigns were noted as being planned for December 2018. It appears that this included a further update to the intranet page [POL00423473]. Following the May 2018 communications campaign, reports increased from two in May 2018 to six in June 2018 then dropped back to two each in July, August, and September 2018.²¹²

106. The poster for Post Office branches [POL00423498] directs the reader to "*look for the Whistleblowing poster (stock code) included in your stock delivery for internal*

²¹¹ Page 4, POL Internal Audit Report, Whistleblowing Process, issued 2 January 2019 [POL00423421 and POL00423514].

²¹² Page 4, POL Internal Audit Report, Whistleblowing Process, issued 2 January 2019 [POL00423421 and POL00423514].

display". It states that: "Whistleblowing refers to the act of exposing potential or actual wrongdoing by reporting it internally within an organisation, or externally for example to a regulator. Post Office is committed to conducting business with the highest standards of honesty, integrity and openness. Colleagues can raise concerns in confidence, secure in the knowledge that we will take those concerns seriously and act on them. Our Whistleblowing Policy sets out the procedure to follow if a colleague wants to raise a concern. The business will support anyone who raises a genuine concern, even if it turns out to be mistaken. You will not be treated unfairly or liable to disciplinary action as a result of doing so". It sets out the three ways concerns could be raised: by contacting line manager or HR director; contacting the Speak Up Line or webpage; or contacting the WO by email. It states more information could be found on the intranet or in the HR Advice Speak Up guidance. I have not seen a copy of this HR guidance.

107. Monthly MI for whistleblowing was first developed in October 2018 by the then Financial Crime Manager to help identify systemic issues, training needs and knowledge gaps. This was sent to the then General Counsel, and subsequently to the current Group General Counsel in May 2019. An example of whistleblowing MI for 2019/20 can be found here [POL00423504].

108. In 2019, Ben Foat was appointed Post Office Group General Counsel and became responsible for whistleblowing within Post Office.

109. I have seen an internal audit report by Deloitte, dated 2 January 2019, titled 'Whistleblowing Process' [POL00423421 and POL00423514]. It was found that Post Office's whistleblowing processes were 'satisfactory', and it was stated that: *"The Whistleblowing process is well managed by the Financial Crime Team and monitoring and reporting has been improved since they assumed responsibility a year ago. The further improvements, both in progress and highlighted here, will help ensure that Post Office colleagues have confidence to use the process when appropriate"*²¹³. I note some of the key findings as follows, with Deloitte stating that:
- (a) The Whistleblowing Policy is broadly in line with good practice, however it was recommended that: clarification that so called 'gagging clauses' in settlement agreements do not prevent whistleblowing; addition on method and type of feedback that a whistleblower can expect; and indication of the time frame for investigation and responding' and clarification that the whistleblower doesn't need to provide evidence. It was noted that a whistleblowing process document was being drafted and the report noted that the draft did not include defined criteria for reporting of serious incidents (as policy states these must be reported to the Chair of ARC)²¹⁴.
 - (b) There was not a signed contract with Expolink²¹⁵.
 - (c) There was no mechanism in place to confirm and measure staff awareness of Post Office's whistleblowing arrangements and to gauge success of the awareness campaign run by Post Office in May 2018²¹⁶.

²¹³ Page 1, Internal Audit Report, 'Whistleblowing Process', issued 2 January 2019 [POL00423421 and POL00423514].

²¹⁴ Page 3, Internal Audit Report, 'Whistleblowing Process' dated 2 January 2019 [POL00423421 and POL00423514].

²¹⁵ Pages 3-4, Internal Audit Report, 'Whistleblowing Process' dated 2 January 2019 [POL00423421 and POL00423514].

²¹⁶ Page 4, Internal Audit Report, 'Whistleblowing Process' dated 2 January 2019 [POL00423421 and POL00423514].

(d) Whilst the Anti-Bribery and Corruption training covered Post Office's whistleblowing arrangements (which staff were required to undertake), there was no additional training provided to staff with responsibility for investigating whistleblowing reports. The Investigations Policy had not been reviewed or updated since September 2016²¹⁷.

(e) There was a lack of root cause analysis in management information to assess whether similar reports had been made before / steps could be taken to prevent similar cases in future²¹⁸.

(f) It was noted that Expolink managed the Speak Up line, and that any whistleblowing reporting received from Grapevine, Customer Support, Executive Correspondence Team and NBSC is emailed to a secure address monitored by the Financial Crime Team²¹⁹.

110. There was some work in 2019 to promote Speak Up within Post Office. This included some intranet articles [*POL00423475*].

111. The external whistleblowing reporting channels supplier, Expolink Europe Ltd, was acquired by Navex Global in June 2019. A new contract was entered into between the Post Office and Navex Global to provide whistleblowing services, and the Post Office migrated onto Navex Global's new reporting platform.

²¹⁷ Page 5, Internal Audit Report 'Whistleblowing Process' dated 2 January 2019 [*POL00423421 and POL00423514*].

²¹⁸ Page 5, Internal Audit Report 'Whistleblowing Process' dated 2 January 2019 [*POL00423421 and POL00423514*].

²¹⁹ Page 1, Internal Audit Report 'Whistleblowing Process' dated 2 January 2019 [*POL00423421 and POL00423514*].

112. An overview of Whistleblowing processes and the changes implemented from June 2017 was produced by the Head of Financial Crime at the request of Group General Counsel, when he began the role of Whistleblowing Officer in 2019 [POL00423456].

113. Post Office conducted a staff survey relating to Speak Up and the outcome of this survey was set out in a word document dated April 2019 and titled 'Our Whistleblowing Survey Results' [POL00423526]. This appeared to be a draft communication to staff laying out the themes of a whistleblowing survey:

- (a) Theme 1: not everyone understood what whistleblowing meant;
- (b) Theme 2: not everyone knew where to find the Speak Up policy;
- (c) Theme 3: not everyone knew how to make a Speak Up report; and
- (d) Theme 4: people raised concerns that reports are not treated confidentially. I have not seen any examples of why this belief was held at that time.

114. This appears to have been accompanied with a document called 'We Protect Whistleblower's Anonymity' [POL00423481], which addressed concerns that whistleblowing reports might not be confidential. It is unclear to me from the face of this document whether it was just sent to staff, or Postmasters too. A document dated June 2019 called "its about following your conscience" also refers to whistleblowing and repeats how a report can be made [POL00423478]. Post Office has not been able to identify where this was publicised but given the reference to HR Director it is likely it was an internal communications message.

115. I have seen whistleblowing MI from 2020/2021 [POL00423527]. It sets out the number of whistleblowing reports made each month from August 2019 to August 2020, broken down into subject type and reporting channel. It also set out who was investigating the open reports: four were being investigated by Retail, three by Security, two by the WO, two by Legal, one by Financial Crime, one by IT, one by HR and one by a GE member.
116. There was a whistleblowing survey conducted in 2020 and reminders were posted on the intranet about completing the survey [POL00423474; POL00423476].
117. The 2020 'Whistleblowing Process' [POL00423530] states as follows in respect of reporting and escalation:
- (a) The whistleblowing log should be monitored and updated on a regular basis.²²⁰
 - (b) The information in the log is used to populate MI. Each month, generally in the first week, the Whistleblowing MI Pack needs to be produced and shared with the following: Ben Foat (General Counsel); Sally Smith (Head of Financial Crime / MLRO); Paul Blackmore (Senior Financial Crime Manager); and Jonathan Hill (Compliance Director).²²¹
 - (c) The MI pack should include graphs showing categories, subject types, reporting channels, reporter type and volumes of cases opened and closed. These graphs should show a rolling 12 month period to help identify any trends or spikes; commentary should be provided to support the graphs; any potential issues or concerns identified through the reports should be raised; any news or media articles relating to Whistleblowing; updates from any horizon scanning or industry

²²⁰ Page 14, Whistleblowing Process 2020 [POL00423530].

²²¹ Page 14, Whistleblowing Process 2020 [POL00423530].

forums; any changes or potential changes in legislation; any other work undertaken as part of the whistleblowing service; and communications planned and/or published to the business.²²²

(d) Details of communications and awareness raising are set out at section 4.3. In respect of 'upward reporting', this document sets out the reports which are produced to inform the business:

- (i) The annual whistleblowing report: the report is due in July and presented to RCC.
- (ii) Internal audit report: this was done in January 2019 and the next will be scheduled.
- (iii) Annual MLRO report: whistleblowing is not covered within this report, but it may be required to advise the MLRO of any financial crime risks or trends which has been identified through the whistleblowing process²²³.

118. In the ARC Whistleblowing Policy Review and Report [POL00423545] dated 30 March 2021, the following was noted:

- (a) The monthly MI pack was updated to provided more granular data on issues that are raised by or about Postmasters. Further, a review was undertaken to ensure there was sufficient understanding across teams that interact with Postmaster complaints, to ensure reports are passed onto the whistleblowing team²²⁴.
- (b) To address the lack of formal training, a module was developed with SuccessFactors and all employees would complete it by 1 April 2020 (together

²²² Page 14, Whistleblowing Process 2020 [POL00423530].

²²³ Page 15, Whistleblowing Process 2020 [POL00423530].

²²⁴ Page 3, ARC Whistleblowing Policy Review and Report [POL00423545].

with planned communications "for employees and Postmasters to raise awareness").²²⁵

(c) The results of the Protect self-assessment were summarised in Appendix 2.²²⁶

(d) A review of the 163 whistleblowing cases received by Post Office between 25 April 2013 and 25 January 2021 was set out at Appendix 1.²²⁷

119. As set out at paragraph 68(b) above, one of the changes brought in at this time by the Whistleblowing Working Group was a Postmaster Complaints Dashboard that captured MI about complaints from Postmasters via various channels. This was to be viewed alongside the Whistleblowing MI Dashboard to ensure Postmaster complaints requiring whistleblowing investigation were captured within whistleblowing reporting. The Whistleblowing MI Dashboard also contained a dedicated dashboard for Postmaster whistleblowing.

120. Whistleblowing complaints could be reported to the Speak Up team in the following ways:

- (a) via the Whistleblower's line manager;
- (b) direct to the Whistleblowing Manager;
- (c) via a complaint to a front-line team, e.g., Area Managers, customer complaints;
- and
- (d) by contacting the "Speak Up" line, a confidential reporting service which is operated by Convercent.

²²⁵ Page 3, ARC Whistleblowing Policy Review and Report [POL00423545].

²²⁶ Page 9, ARC Whistleblowing Policy Review and Report [POL00423545].

²²⁷ Page 7, ARC Whistleblowing Policy Review and Report [POL00423545].

121. MI reports were collated from various channels / sources of information where Speak Up reports may have been made, including

- (a) Adopt an area – categorised by the Issue Resolution team and logged on Dynamics (a case management system) (resolved by adopt an area owner and recorded on SharePoint);
- (b) Area managers – logged by the area manager on the call log or branch visit form and recorded on the Retail Team Postmaster Issues form on PowerApp – for those resolved by area manager. This data feeds the MI dashboard. For those escalated to the Issue Resolution team, this will be resolved and logged by this team on Dynamics and this will feed the MI dashboard;
- (c) Branch hub – logged and resolved by the Issue Resolution team on Dynamics;
- (d) Branch Support Centre ("BSC") – logged on Dynamics by BSC, escalated if needed to the Issue Resolution team; and
- (e) Customer Complaints team including social media – resolved and logged by Customer Complaints team or passed over and logged by the Issue Resolution team on Dynamics.

122. In addition to it featuring as a standing agenda item at monthly GE meetings, the MI Dashboard were emailed to the Group General Counsel, Group Legal Director and Whistleblowing Champion on a monthly basis. High priority cases contain detailed updates, with less detail going into the lower impact cases. As of April 2021, monthly MI for whistleblowing was anonymised and presented as a standing agenda item at the GE meeting by Group General Counsel for noting every month.

Statement of Truth

I believe the content of this statement to be true.

Signed:

GRO

Dated:

25th April 2024

Index to First Witness Statement of John Bartlett on behalf of Post Office**Limited**

	URN	Document Description	Production Number
1.	POL0042367 0	Department for Business Innovation and Skills' 'Whistleblowing: Guidance for Employers and Code of Practice'	POL-BSFF-0238485
2.	POL0036229 9	Shareholder Relationship Framework Document	POL-BSFF-0190809
3.	POL0042320 2	Royal Mail Group Policy, 'G07 Employee Confidential Disclosures', 02.08.2010	POL-BSFF-0238017
4.	POL0003060 9	Post Office, 'Speak Up Policy', 30.04.2012	POL-0027091

5.	POL0042336 6	Post Office Whistleblowing Policy (v1.4), 27.04.2016	POL-BSFF-0238181
6.	POL0041346 3	Post Office Whistleblowing Policy (v1.5), 10.06.2016	POL-0193925
7.	POL0042339 4	Post Office Whistleblowing Policy ¹ (v1.6), 29.09.2016	POL-BSFF-0238209
8.	POL0042361 1	Post Office Group Policies - Whistleblowing Policy (1.7)(draft) - August 2018	POL-BSFF-0238426
9.	POL0042357 6	Post Office Whistleblowing Policy ¹ (v1.8) - 21.08.2017	POL-BSFF-0238391
10.	POL0042345 1	Post Office Group Policies - Whistleblowing Policy (v2), 25.09.2017	POL-BSFF-0238266
11.	POL0042357 9	Post Office Group Policies - Whistleblowing Policy (v2.1) - 10.07.2018	POL-BSFF-0238394

12.	POL0042357 8	Post Office Group Policies - Whistleblowing Policy (v2.2) 10.07.2018	POL-BSFF-0238393
13.	POL0042346 1	Post Office Group Policies – Whistleblowing Policy (v3), 29.09.2018	POL-BSFF-0238276
14.	POL0042361 3	Post Office Group Policies – Whistleblowing (v3.1) - 20.09.2018	POL-BSFF-0238428
15.	POL0042358 4	Post Office Group Policies – Whistleblowing (v3.2) - July 2019	POL-BSFF-0238399
16.	POL0042358 1	Post Office Group Policies – Whistleblowing (v3.3) - 04.07.2019	POL-BSFF-0238396
17.	POL0042360 2	Post Office Group Policies – Whistleblowing (v3.4) - 29.07.2019	POL-BSFF-0238417

18.	POL0042360 3	Post Office Group Policies – Whistleblowing Policy (v4), 19.09.2019	POL-BSFF-0238418
19.	POL0042360 4	Post Office Group Policies - Whistleblowing Policy (v4.1) - 19.09.2019	POL-BSFF-0238419
20.	POL0042358 5	Post Office Group Policies - Whistleblowing Policy (v4.2) - April 2020	POL-BSFF-0238400
21.	POL0042358 6	Post Office Group Policies - Whistleblowing Policy (v4.3) - 13.07.2020	POL-BSFF-0238401
22.	POL0003090 3	Post Office Group Policies – Whistleblowing Policy (v5), 27.07.2020	POL-0027385
23.	POL0042359 4	Post Office Group Policies - Whistleblowing Policy (v5.1) - 22.07.2020	POL-BSFF-0238409

24.	POL0042359 6	Post Office Group Policies - Whistleblowing Policy (v5.3) - 16.03.2021	POL-BSFF-0238411
25.	POL0042359 0	Post Office Group Policies - Whistleblowing Policy (v5.4). 30.03.2021	POL-BSFF-0238405
26.	POL0041344 4	Post Office Group Policies – Whistleblowing Policy (v6), 14.05.2021	POL-0193906
27.	POL0042361 0	Post Office Group Policies – Whistleblowing Policy (v6.1) - 14.05.21	POL-BSFF-0238425
28.	POL0042319 2	Post Office Employee Disclosure Policy V1 October 2005	POL-BSFF-0238007
29.	POL0042320 2	Royal Mail Group policy 'G07: Employee Confidential Disclosures', 2 August 2010	POL-BSFF-0238017
30.	POL0042315 0	Focus online issue 32/06	POL-BSFF-0237965

31.	POL0042319 5	Royal Mail Group intranet page regarding Whistleblowing	POL-BSFF-0238010
32.	POL0042315 2	Post Office Limited Internal Audit & Risk Management Report dated February 2008	POL-BSFF-0237967
33.	POL0042315 3	Post Office Limited Employee Disclosure policy	POL-BSFF-0237968
34.	POL0042319 6	Employee Disclosure Guidelines	POL-BSFF-0238011
35.	POL0042338 0	Royal Mail Group Speak Up Hotline Internal Audit & Risk Management (IA&RM) High Level Process (draft)	POL-BSFF-0238195

36.	POL0042319 7	Fraud, commercial and Information Security Review 2009/2010 for Post Office	POL-BSFF-0238012
37.	POL0042320 1	Security Project Initiation Document (PID)	POL-BSFF-0238016
38.	POL0042319 9	Project Plan	POL-BSFF-0238014
39.	POL0042319 4	Security 4 Weekly Report 09/04/2010	POL-BSFF-0238009
40.	POL0042320 0	Project Plan Whistleblower	POL-BSFF-0238015
41.	POL0042320 4	Whistleblower (Speak Up) In Post Office Ltd, June 2010	POL-BSFF-0238019
42.	POL0042320 5	Whistleblower (Speak Up) In Post Office Ltd, August 2010	POL-BSFF-0238020

43.	POL0042320 3	One to one meeting record – Gary Thomas and Jason Collins, 20 August 2010	POL-BSFF-0238018
44.	POL0042320 9	Process map	POL-BSFF-0238024
45.	POL0042367 4	Email chain dated 3 August 2010 regarding employee confidential disclosures	POL-BSFF-0238492
46.	POL0042320 6	Whistleblowing Briefing Paper	POL-BSFF-0238021
47.	POL0042324 7	Grapevine Internal Fraud Reporting Process V.2.0	POL-BSFF-0238062
48.	POL0042320 7	Draft Speak Up policy	POL-BSFF-0238022

49.	POL0042321 0	Email from Wayne Griffiths dated 6 October 2011	POL-BSFF-0238025
50.	POL0042321 8	Process for internal fraud reporting	POL-BSFF-0238033
51.	POL0042322 1	Process map	POL-BSFF-0238036
52.	POL0042324 1	Process for internal fraud reporting v2 February 2013	POL-BSFF-0238056
53.	POL0042367 6	Royal Mail Group draft Code August 2011	POL-BSFF-0238494
54.	POL0042325 2	Email from Georgina Blair to Jessica Madron, 11 June 2013	POL-BSFF-0238067

55.	POL0042326 5	Schedule 1	POL-BSFF-0238080
56.	POL0042323 0	Post Office Security – Top Ten Tips	POL-BSFF-0238045
57.	POL0042367 7	Email chain dated September 2012 between Wayne Griffiths and Georgina Blair	<i>POL-BSFF-0238495</i>
58.	POL0042367 9	Email from Georgina Blair to Joe Connor dated 7 February 2013	POL-BSFF-0238497
59.	POL0042323 2	Email chain from Georgina Blair to others dated May 2012	POL-BSFF-0238047
60.	POL0042323 3	Email from Georgina Blair to Susan Crichton dated 5 October 2012	POL-BSFF-0238048
61.	POL0042323 8	Project Initiation Document dated 19 February 2013	POL-BSFF-0238053

62.	POL0042368 1	Email chain from Georgina Blair on 30 October 2014	POL-BSFF-0238499
63.	POL0042325 6	Email chain between Larissa Wilson, Sarah Hall, Georgina Blair, David Mason, Sarah Long, and Alwen Lyons dated 17 November 2014	POL-BSFF-0238071
64.	POL0042325 4	Draft version (0.1) of a Whistleblowing Policy dated 17 February 2014	POL-BSFF-0238069
65.	POL0042329 2	Email chain from Georgina Blair to Jane MacLeod dated 1 April 2015	POL-BSFF-0238107
66.	POL0042332 9	Post Office Whistleblowing Investigations Procedure 2015	POL-BSFF-0238144

67.	POL0042329 3	Email chain between Jane MacLeod, Nisha Marwaha, and Jessica Madron dated 29 July 2015.	POL-BSFF-0238108
68.	POL0042329 4	Email chain between Georgina Blair and Intouch dated July 2015	POL-BSFF-0238109
69.	POL0042332 7	Draft Whistleblowing Policy, Version 0.4	POL-BSFF-0238142
70.	POL0042330 7	Internal Audit Risk and Compliance Committee Report, September 2015	POL-BSFF-0238122
71.	POL0042335 5	Executive summary decision paper dated 5 May 2016	POL-BSFF-0238170
72.	POL0042338 3	Post Office Group Investigations Policy (v1), 28.09.2016	POL-BSFF-0238198

73.	POL0042366 3	'Whistleblowing – high level investigation process and lifecycle', undated	POL-BSFF-0238478
74.	POL0042338 9	Email chain between Sally Smith, Georgina Blair and others dated March 2017	POL-BSFF-0238204
75.	POL0042322 9	Post Office Operations Manual 2008 v2	POL-BSFF-0238044
76.	POL0042338 8	Whistleblowing communications, Version 3	POL-BSFF-0238203
77.	POL0042365 7	'Whistleblowing Process v1.0' (known as the "2019 Procedures")	POL-BSFF-0238472
78.	POL0042353 0	Whistleblowing Process V2, 26 October 2020	POL-BSFF-0238345
79.	POL0042355 8	Postmaster Support Guide, July 2020	POL-BSFF-0238373

80.	POL0042350 7	Postmaster Support Guide powerpoint, June 2020	POL-BSFF-0238322
81.	POL0042355 9	Postmaster Onboard Policy, dated March 2021	POL-BSFF-0238374
82.	POL0042368 9	Whistleblowing working group actions and updates dated 2 February 2021	POL-BSFF-0238507
83.	POL0042354 2	Protect Whistleblowing Report dated 18 February 2021	POL-BSFF-0238357
84.	POL0042354 5	Whistleblowing Policy Review and Report dated 30 March 2021	POL-BSFF-0238360
85.	POL0042361 5	Protect Benchmarking Report on Post Office's whistleblowing arrangements, 30 November 2021	POL-BSFF-0238430
86.	POL0042369 7	KPMG Report dated August 2021 (draft)	POL-BSFF-0238515

87.	POL0036212 7	Board Terms of Reference, January 2013	POL-BSFF-0190637
88.	POL0036217 8	Board Terms of Reference, February 2015	POL-BSFF-0190688
89.	POL0036219 1	Board Terms of Reference, July 2016	POL-BSFF-0190701
90.	POL0042341 5	Board Terms of Reference, undated	POL-BSFF-0238230
91.	POL0036213 6	ARC Terms of Reference dated March 2014	POL-BSFF-0190646
92.	POL0042334 5	ARC Terms of Reference dated September 2015	POL-BSFF-0238160
93.	POL0042350 3	ARC Terms of Reference dated April 2020	POL-BSFF-0238318

94.	POL0042323 4	Post Office ARC Minutes dated 13 November 2012	POL-BSFF-0238049
95.	POL0042314 1	ARC Meeting Pack, 13 February 2013	POL-BSFF-0237956
96.	POL0002151 0	Board meeting minutes dated 23 January 2013	POL0000043
97.	POL0042314 5	Royal Mail Board minutes dated 6 April 2004	POL-BSFF-0237960
98.	POL0042314 6	Royal Mail Board minutes dated 5 October 2004	POL-BSFF-0237961
99.	POL0042314 3	Royal Mail Holdings ARC Minutes dated 11 November 2003	POL-BSFF-0237958

100.	POL0042314 4	Royal Mail Holdings ARC Minutes dated 18 March 2004	POL-BSFF-0237959
101.	POL0042314 7	Royal Mail Holdings ARC Minutes dated 7 September 2004	POL-BSFF-0237962
102.	POL0042314 8	Royal Mail Holdings ARC Minutes dated 14 March 2006	POL-BSFF-0237963
103.	POL0042314 9	Royal Mail Holdings ARC Minutes dated 2 September 2006	POL-BSFF-0237964
104.	POL0033600 6	Royal Mail Holdings ARC Quarterly Report September to October 2006 draft – November 2006	POL-0183520

105.	POL0042319 8	ARC minutes from 14 June 2010	POL-BSFF-0238013
106.	POL0042314 6	Minutes of the Board meeting on 5 October 2005	POL-BSFF-0237961
107.	POL0042323 4	ARC Meeting Pack, 13 November 2012	POL-BSFF-0238049
108.	POL0042367 3	ARC Meeting Minutes, 13 February 2013	POL-BSFF-0238488
109.	POL0014532 7	Post Office Board meeting minutes dated 21 May 2013	POL-BSFF-0004454
110.	POL0042350 9	ARC agenda and pack for meeting of 19 May 2016	POL-BSFF-0238324

111.	POL0042336 8	ARC meeting minutes dated 19 May 2016	POL-BSFF-0238183
112.	POL0002154 4	Post Office Board minutes dated 29 September 2016	POL0000077
113.	POL0042339 0	ARC pack for meeting of 18 May 2017	POL-BSFF-0238205
114.	POL0042366 9	Whistleblowing Report, May 2017	POL-BSFF-0238484
115.	POL0042340 9	ARC meeting minutes dated 18 May 2017	POL-BSFF-0238224
116.	POL0042341 2	ARC Financial Crime Risk Update dated 27 March 2018	POL-BSFF-0238227
117.	POL0042341 3	ARC Financial Crime Risk Update dated 17 May 2018	POL-BSFF-0238228

118.	POL0042348 3	Do the right thing, SPEAK UP poster dated 19 April 2018Do the right thing, SPEAK UP poster dated 19 April 2018	POL-BSFF-0238298
119.	POL0002145 7	ARC meeting minutes dated 31 July 2018	POL-0018087
120.	POL0042341 4	ARC Compliance Report dated 30 October 2018	POL-BSFF-0238229
121.	POL0042342 3	ARC Compliance Report dated 29 January 2019	POL-BSFF-0238238
122.	POL0042341 7	ARC Internal Audit Report dated 29 January 2019	POL-BSFF-0238232
123.	POL0042345 4	POL ARC Agenda and Pack dated 25 March 2019	POL-BSFF-0238269

124.	POL0042296 8	POL ARC Agenda and Pack dated 29 May 2019	POL-BSFF-0237824
125.	POL0042350 8	ARC pack for meeting of 26 July 2019	POL-BSFF-0238323
126.	POL0042358 3	ARC Whistleblowing Review 2018-19 dated 29 July 2019	POL-BSFF-0238398
127.	POL0042358 2	Annexure A to ARC Whistleblowing Review 2018-19	POL-BSFF-0238397
128.	POL0042346 6	ARC meeting minutes dated 26 July 2019	POL-BSFF-0238281
129.	POL0042346 4	POL ARC Agenda and Pack dated 23 September 2019	POL-BSFF-0238279
130.	POL0042368 4	POL ARC Agenda and Pack dated 25 November 2019	POL-BSFF-0238502

131.	POL0042346 8	ARC pack for meeting of 28 January 2020	POL-BSFF-0238283
132.	POL0042350 5	ARC meeting minutes dated 28 January 2020	POL-BSFF-0238320
133.	POL0040157 7	POL ARC Agenda and Pack dated 19 May 2020	POL-BSFF-0228247
134.	POL0042351 0	ARC pack for meeting of 27 July 2020	POL-BSFF-0238325
135.	POL0042358 9	Annexure A – Annual Whistleblowing Report 2019-20	POL-BSFF-0238404
136.	POL0040160 1	ARC meeting minutes dated 27 July 2020	POL-BSFF-0228271
137.	POL0042351 8	ARC Compliance and Audit Report dated 24 November 2020	POL-BSFF-0238333

138.	POL0042368 5	POL ARC Compliance and Audit Report dated 26 January 2021	POL-BSFF-0238503
139.	POL0042369 0	ARC meeting pack dated 30 March 2021	POL-BSFF-0238508
140.	POL0042367 2	ARC meeting minutes dated September 2021	POL-BSFF-0238487
141.	POL0042359 9	Appendix A to Whistleblowing Report 2020/2021	POL-BSFF-0238414
142.	POL0042334 7	Post Office Risk and Compliance Committee decision paper titled 'Review of RCC Terms of Reference', 5 May 2016, which contains RCC Terms of Reference dated March 2015	POL-BSFF-0238162
143.	POL0042325 5	RCC Terms of Reference, March 2014	POL-BSFF-0238070

144.	POL0042338 6	RCC Terms of Reference, July 2016	POL-BSFF-0238201
145.	POL0042352 0	RCC Terms of Reference, December 2020	POL-BSFF-0238335
146.	POL0042357 3	RCC Minutes (which state the meeting date was 21 January 2015, but is dated 16 March 2015)	POL-BSFF-0238388
147.	POL0042356 3	Risk and Annual Committee Annual Agenda	POL-BSFF-0238378
148.	POL0042357 2	RCC minutes dated 16 March 2015	POL-BSFF-0238387
149.	POL0042329 7	RCC minutes dated 1 May 2015	POL-BSFF-0238112

150.	POL0042356 4	The Code: Questions for board to consider in its annual assessment process	POL-BSFF-0238379
151.	POL0042337 0	RCC minutes dated 6 August 2015	POL-BSFF-0238185
152.	POL0042331 0	RCC minutes dated 7 September 2015	POL-BSFF-0238125
153.	POL0042336 7	RCC Minutes, 05.05.2016	POL-BSFF-0238182
154.	POL0042356 5	RCC Meeting Pack, 05.05.2016	POL-BSFF-0238380
155.	POL0042337 7	RCC Minutes, 08.09.2016	POL-BSFF-0238192
156.	POL0042356 6	RCC Meeting Pack, 08.09.2015	POL-BSFF-0238381

157.	POL0042339 1	RCC Minutes, 04.05.2017	POL-BSFF-0238206
158.	POL0019023 1	RCC Meeting Pack, 04.05.2017	POL-BSFF-0028294
159.	POL0042341 0	RCC Minutes, 13.09.2017	POL-BSFF-0238225
160.	POL0042369 3	RCC Meeting Pack, 13.09.2017	POL-BSFF-0238511
161.	POL0042357 4	RCC Minutes, 10.07.2018	POL-BSFF-0238389
162.	POL0040162 7	RCC Meeting Pack, 10.07.2018	POL-BSFF-0228297
163.	POL0042348 2	One article: Whistleblowing Poster – Supply Chain	POL-BSFF-0238297

164.	POL0042347 7	Speaking up is the ultimate act of loyalty – July 2019	POL-BSFF-0238292
165.	POL0042346 0	RCC Minutes, 09.05.2019	POL-BSFF-0238275
166.	POL0042356 7	RCC Meeting Pack, 09.05.2019	POL-BSFF-0238382
167.	POL0042346 2	RCC Minutes, 04.07.2019	POL-BSFF-0238277
168.	POL0042356 8	RCC Meeting Pack, 04.07.2019	POL-BSFF-0238383
169.	POL0042351 2	RCC Minutes, 06.05.2020	POL-BSFF-0238327
170.	POL0042356 9	RCC Meeting Pack, 06.05.2020	POL-BSFF-0238384

171.	POL0040161 4	RCC Minutes, 13.07.2020	POL-BSFF-0228284
172.	POL0042357 0	RCC Meeting Pack, 13.07.2020	POL-BSFF-0238385
173.	POL0042351 9	RCC Meeting Minutes, 12.11.2020	POL-BSFF-0238334
174.	POL0042357 1	RCC Meeting Pack, 12.11.2020	POL-BSFF-0238386
175.	POL0042353 6	RCC Meeting Minutes, 12.01.2021	POL-BSFF-0238351
176.	POL0042369 4	RCC Meeting Pack, 12.01.2021	<u>POL-BSFF-0238512</u>
177.	POL0042369 2	RCC Meeting Minutes, 16.03.2021	POL-BSFF-0238510

178.	POL0042369 5	RCC Meeting Pack, 16.03.2021	POL-BSFF-0238513
179.	POL0042325 9	GE Terms of Reference dated February 2015	POL-BSFF-0238074
180.	POL0042338 4	GE Terms of Reference dated December 2016	POL-BSFF-0238199
181.	POL0042353 9	GE Terms of Reference dated November 2020	POL-BSFF-0238354
182.	POL0023726 2	GE meeting pack dated 17 December 2015, which includes RCC minutes from 26 October 2015	POL-BSFF-0075325
183.	POL0042368 2	Email from One Post Office to staff dated 10 April 2017	POL-BSFF-0238500
184.	POL0042339 5	Email chain between Georgina Blair, Tracy Curtis,	POL-BSFF-0238210

		Vitor Camara, and Sally Smith, 17 August 2017	
185.	POL0042342 1	Internal Audit Report titled 'Whistleblowing Process', 2 January 2019	POL-BSFF-0238236
186.	POL0042351 4	POL Internal Audit Report, Whistleblowing Process, issued 2 January 2019	POL-BSFF-0238329
187.	POL0042349 8	Document titled 'Branch focus: Whistleblower Poster – DMBs only', undated	POL-BSFF-0238313
188.	POL0042348 4	Whistleblowing article dated 4 May 2018	POL-BSFF-0238299
189.	POL0042347 3	Do the right thing SPEAK UP intranet page, 31 December 2018	POL-BSFF-0238288

190.	POL0042350 4	Whistleblowing MI for 2019/20	POL-BSFF-0238319
191.	POL0042347 5	January 2019 Intranet post "Do the right thing, SPEAK UP"	POL-BSFF-0238290
192.	POL0042345 6	Overview of Whistleblowing processes produced by the Head of Financial Crime, 2019	POL-BSFF-0238271
193.	POL0042352 6	"Our Whistleblowing Survey Results", April 2019	POL-BSFF-0238341
194.	POL0042348 1	"We protect whistleblowers' anonymity", undated	POL-BSFF-0238296
195.	POL0042347 8	"It's about following your conscience" dated June 2019	POL-BSFF-0238293

196.	POL0042352 7	Whistleblowing MI 20-21	POL-BSFF-0238342
197.	POL0042347 4	Intranet survey reminder messages dated 18 February 2019 and 25 February 2019	POL-BSFF-0238289
198.	POL0042347 6	Intranet message "Whistleblowing: Your views count" - January 2019	POL-BSFF-0238291