

Whistleblowing and Raising a Concern

Frequently Asked Questions (FAQs) for Civil Servants

Contents

1.	What is Whistleblowing?	3
2.	What can I raise under the Whistleblowing Procedure?.....	3
3.	What is the Civil Service Code?.....	4
4.	What is the Civil Service Commission and what type of concern can I raise with them?	4
5.	How can I contact the Civil Service Commission?	5
6.	Can I take my concern straight to the Civil Service Commission?	5
7.	What is not covered by the Whistleblowing Procedure?	5
8.	What is the difference between whistleblowing and a personal grievance?.....	5
9.	Is a 'crisis of conscience' complaint the same as blowing the whistle?.....	6
10.	Do I need to formally raise a concern under the Whistleblowing Procedure?..	6
11.	I don't have any proof of my concern yet. What should I do?	6
12.	Why should I follow the Whistleblowing Procedure?.....	6
13.	What are the benefits of Whistleblowing?	7
14.	Will there be repercussions if I blow the whistle?.....	7
15.	I am a non-civil servant seconded into the Civil Service. What procedure should I use?	7
16.	I am a civil servant who has been seconded out of the Civil Service and I want to raise a concern about a departmental matter. What procedure should I use?.....	7
17.	I am a civil servant on loan to another department and I want to raise a concern. What procedure should I use?	7
18.	I am a service provider i.e. contractor, working within a Government department and I want to raise a concern. What procedure should I use?.....	8
19.	I am an employee working for a non-Crown non-departmental public body (NDPB) and I want to raise a concern. What procedure should I use?.....	Error!

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PROTECT

20.	Where can I go for support during this process?	8
21.	What is a Nominated Officer and how might I contact them?	8
22.	Will my identity remain confidential?	9
23.	Can I raise a concern anonymously?	9
24.	Will I be able to find out the outcome of the investigation?	9
25.	I am not happy with the outcome of the investigation, what now?	9
26.	Can I go straight to my Permanent Secretary / Chief Executive with a concern?	9
27.	What would happen if an employee acted in bad faith or raised malicious, vexatious or knowingly untrue concerns?	10
28.	What would happen if an employee is treated badly by a co-worker because they raised a concern?	10
29.	What is PIDA and how does it link with the department's Whistleblowing Procedure?	10

PROTECT

1. What is Whistleblowing?

'Blowing the whistle' occurs when a person raises a concern about past, present or imminent wrongdoing, or an attempt to cover up wrongdoing, in an organisation or a body of people.

2. What can I raise under the Whistleblowing Procedure?

The Whistleblowing Procedure provides a number of options for raising a concern, one of these is with the Civil Service Commission who are able to consider concerns relating to the Civil Service Code. It is important that any concern you may have, whether you think it falls under the Code, or not, is raised as soon as possible and according to the Whistleblowing Procedure.

Below is a list of concerns which fall under the Civil Service Code and may therefore be raised with the Commission:

misuse of official position, for example by using information acquired in the course of one's official duties to further one's private interests or those of others

deceiving or knowingly misleading Ministers, Parliament, or others

being influenced by improper pressure from others or the prospect of personal gain

ignoring inconvenient facts or relevant considerations when providing advice or making decisions

frustrating the implementation of policies once decisions are taken by declining to take, or abstaining from, actions which flow from those decisions

act in a way that unjustifiably favours or discriminates against particular individuals or interests

act in a way that is determined by party political considerations, or use official resources for party political purposes

allowing one's personal political views to determine any advice you give or your actions

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You may find that your concern relates to general wrongdoing and does not fall under the Code. It is still important that you raise it according to the Whistleblowing Procedure, but the Commission may not be able to hear it. Concerns may include but are not limited to:

A threat to National Security:

failure to follow security vetting procedures

falsifying documentation

Failure to comply with legal obligations:

not protecting personal data as required by the Data Protection Act 1998, Gender Recognition Act 2004, Health and Safety regulations or any other relevant legislation.

Danger to the environment:

- improper disposal of hazardous materials.

The above list includes, but is not limited to, the type of information set out in the PIDA legislation.

3. What is the Civil Service Code?

The Civil Service Code sets out the duties and responsibilities of civil servants. Civil servants are expected to carry out their role with dedication and a commitment to the Civil Service and its four core values: integrity, honesty, objectivity and impartiality. The Code can be accessed online on the Gov.UK website.

The Code forms part of the terms and conditions of employment of all civil servants.

4. What is the Civil Service Commission and what type of concern can I raise with them?

The Civil Service Commission have been helping to uphold the standards of the Civil Service since their original appointment in 1854. The current Commission was established as an executive Non Departmental Public Body (NDPB) under the Constitutional Reform and Governance Act 2010. The Commissioners are appointed by the Crown following open competition. The Commission and its Commissioners are therefore independent of the Civil Service.

The Commission has powers under the Act to hear and decide on complaints raised by civil servants **under the Civil Service Code specifically**. It does not hear complaints on issues outside of the Civil Service Code, for example personnel management grievances.

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5. How can I contact the Civil Service Commission?

Further information on how to raise a concern with the Commission is available from:

Civil Service Commission
G/8
1 Horse Guards Road
London
SW1A 2HQ

E-mail: info@civilservicecommission.org.uk

Tel: 020 7271 0831

6. Can I take my concern straight to the Civil Service Commission?

You may raise a concern direct with the Commission, however where appropriate the Commission will expect that you have raised the concern within your own department first. If you raise a concern directly with the Commission, without the issue being raised within the department the Commission will ask why it is not appropriate to raise the matter internally first. The Commission will inform you directly about whether they are prepared to investigate the concern.

7. What is not covered by the Whistleblowing Procedure?

Your treatment as a member of staff or personal complaints about your employment, for example: complaints about your terms and conditions; promotion or selection procedures are not covered by the Whistleblowing Procedure. Any other complaints connected to your working conditions, including harassment, bullying and discrimination are also not covered by the Whistleblowing Procedure. These would normally be dealt with by your line manager through day-to-day management action, or through appropriate departmental procedures.

8. What is the difference between whistleblowing and a personal grievance?

Concerns raised under the Whistleblowing Policy should address wider issues that concern your department, colleagues or public in general, rather than personal complaints that you may raise under other policies. For civil servants, they will usually relate to the Civil Service values, as outlined in the Civil Service Code.

Personal grievances and complaints, including complaints of bullying, harassment and discrimination will not be accepted under the whistleblowing policy and should be raised under the department's separate appropriate policy.

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9. Is a 'crisis of conscience' complaint the same as blowing the whistle?

A 'crisis of conscience' may occur when you are asked to do work which conflicts with your faith or personal beliefs. This is not the same as whistleblowing where there is suspicion of wrongdoing, or a breach of the values in the Civil Service Code, by or within the Department. If you have a crisis of conscience you should discuss this with your line manager in the first instance.

10. Do I need to formally raise a concern under the Whistleblowing Procedure?

You and your line manager should engage in regular, open discussion about your work and working environment. If something is on your mind, you may wish to informally discuss this with your line manager before raising it more formally under the Whistleblowing Procedure. What is important is that it is raised within the department, not how it is done.

11. I don't have any proof of my concern yet. What should I do?

You do not need to wait for proof when reporting a concern. When raising a concern with for example, your line manager or Nominated Officer, you only need to have a reasonable belief that wrongdoing has occurred, is occurring or is likely to occur. It is not for you to investigate or prove that your concerns are justified, as that is the responsibility of the department.

12. Why should I follow the Whistleblowing Procedure?

The Whistleblowing Policy and Procedures have been designed to:

- offer you protection when raising a concern that is accepted under the Policy

- ensure that your concerns are addressed and resolved at the right level and as quickly and effectively possible.

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13. What are the benefits of Whistleblowing?

A positive whistleblowing culture has numerous advantages. For example, it can:

encourage an open culture where employees feel confident that concerns can be raised and dealt with quickly and that they will be protected for doing so

detect and deter wrongdoing

provide managers with the information they need to make decisions and control risk

save lives, the environment, property, jobs, money and both personal and organisational reputations

reduce the chance of anonymous or malicious leaks (including to the media)

reduce the chance of legal claims against the organisation.

14. Will there be repercussions if I blow the whistle?

The department's Whistleblowing Procedure, if correctly followed, will afford you protection from any detrimental treatment or victimisation on the grounds of raising your concern.

15. I am a non-civil servant seconded into the Civil Service. What procedure should I use?

If you are seconded into the Civil Service, you will be treated as being subject to the Civil Service Code and Civil Service Management Code. You should therefore use the Whistleblowing Procedure for Civil Servants. You will have access to the Civil Service Commission.

16. I am a civil servant who has been seconded out of the Civil Service and I want to raise a concern about a departmental matter. What procedure should I use?

If you are a civil servant seconded out of the Civil Service, you retain your status as a civil servant. This means you will continue to be bound by your Civil Service terms and conditions, the Civil Service Code and the Civil Service Management Code. You should therefore use the Whistleblowing Procedure for Civil Servants. You will have access to the Civil Service Commission. [Note: this may depend on the terms of the particular secondment].

17. I am a civil servant on loan to another department and I want to raise a concern. What procedure should I use?

As a civil servant you are bound by the provisions applicable to all civil servants, including the Civil Service Code and the Civil Service Management Code. You should therefore, depending on the terms of your loan, either use the Whistleblowing Procedure of your parent department or the department you are seconded to. You will have access to the Civil Service Commission.

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18. I am a service provider i.e. contractor, working within a Government department and I want to raise a concern. What procedure should I use?

As you are not a civil servant you are not subject to the Civil Service Management Code, nor the Civil Service Code. However, service providers will normally be dealt with under the procedures of their host department and so the principles of the Whistleblowing Procedure for Employees will still apply and you should follow this to raise a concern. As a non-civil servant, you will not be able to raise a concern with the Civil Service Commission.

19. Where can I go for support during this process?

We recognise that you may experience anxiety when raising or considering whether to raise a concern. There are various channels of support available to you throughout the process:

- your line manager, or another locally based manager and a Nominated Officer can advise you on available support.
- you can use the employee assistance programme provided by the department

<http://intranet/people/benefitsandservices/employee-assistance-programme.asp#0>

- trade union members can seek advice from their trade union representatives
- staff networks may be able to offer additional support.

Please note however that these sources of support, other than line managers and Nominated Officers, are not themselves bodies to whom you can raise your concern. They can only provide help and advice and you should not divulge details of the matter itself to them.

20. What is a Nominated Officer and how might I contact them?

Nominated Officers are employees, usually Grade 7, who can offer impartial support and advice, outside of the management chain, to those who have potential whistleblowing concerns. They are able to provide advice on:

- the Civil Service Code
- whether your concern falls under the Whistleblowing Policy
- the appropriate channels available for you to raise your concerns
- the alternative channels to follow where your concern falls outside of the Whistleblowing and Raising a Concern Policy

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- whether the Permanent Secretary / Chief Executive of Agency needs to be consulted / informed
- what the next steps should be.

21. Will my identity remain confidential?

The best way to raise a concern is to do so openly, as this makes it easier for the department to investigate and provide feedback. You can however request that the department keeps your identity confidential and they will respect this request as far as possible. If requested, your identity will be restricted to a 'need to know basis'. However, a situation may arise where it is not possible to resolve the concern and guarantee confidentiality (for example, in matters of criminal law). If this is the case, the department will advise you of this before proceeding.

22. Can I raise a concern anonymously?

If you raise your concern openly, this makes it easier for the department to investigate your concern and provide feedback. You may choose to raise concerns anonymously, i.e. without providing your name at all. However, the investigation itself may serve to reveal the source of information. Employees are therefore encouraged, where possible, to put their names to concerns raised, but raising a concern anonymously is preferred to silence about potential serious wrongdoing.

23. Will I be able to find out the outcome of the investigation?

The department will try to keep you informed of progress, and where possible provide you with an update within 28 days. You will be advised when the matter has been concluded. However it cannot be guaranteed that you will be given all the details of the investigation and the final outcome will be disclosed. Security and confidentiality must be maintained for all parties.

24. I am not happy with the outcome of the investigation, what now?

If you have raised the concern with your line manager, someone else in your management chain or a Nominated Officer in accordance with the Whistleblowing Procedure and you do not think that you have received a satisfactory outcome, you may raise your concern with the Director General/National Statistician and from here, the independent Civil Service Commission. Although the Department / Commission cannot guarantee that the outcome would be as you may wish, it will seek to handle the matter fairly and correctly.

25. Can I go straight to my Director General/National Statistician with a concern?

You may raise a concern directly with the Director General/National Statistician or equivalent office if you feel that it is justified.

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26. What would happen if an employee acted in bad faith or raised malicious, vexatious or knowingly untrue concerns?

If an employee acts in bad faith or raises malicious, vexatious or knowingly untrue concerns in order to harm colleagues or their department, they will face disciplinary action. This could result in dismissal unless they can demonstrate a reasonable belief that the concern was raised in the public interest. For example, raising a personal issue is unlikely to be the public interest.

27. What would happen if an employee is treated badly by a co-worker because they raised a concern?

It is the responsibility of the employer to stop any victimisation and take reasonable steps to prevent any further issues arising. If an employee feels they are being treated badly because they have raised a concern, they should report this to their line manager or someone else in their line management chain, or they should seek advice from a Nominated Officer.

28. What is PIDA and how does it link with the department's Whistleblowing Procedure?

The Public Interest Disclosure Act 1998 (PIDA) is more commonly known as 'whistleblowing legislation' and is part of employment law under sections 43A-L and 103A of the Employment Rights Act 1996. However, the Department's whistleblowing procedure primarily focuses on breaches of the Civil Service Code, although PIDA legislation may also be relevant.

Whilst not permitted under the Whistleblowing Policy, disclosures to certain regulatory bodies, known as 'prescribed persons' can be permitted by PIDA in certain circumstances.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf

In order to be protected, however, an employee will need to follow the procedure set out in the Act. If you wish to raise a concern in this way, it would be advisable to seek legal advice.