

Whistleblowing and Raising a Concern

Introduction

Below is a foreword note from Permanent under Secretary Jon Thompson and Lieutenant General Andrew Gregory, introducing the new Whistleblowing and Raising a Concern Policy:

Dear Colleague

We are pleased to introduce the Department's new Whistleblowing and Raising a Concern policy which sets out how and when to report a concern at work.

We need our Department to have a positive 'whistleblowing' culture so that concerns can be raised and dealt with quickly and professionally.



Since we wrote to you in March 2014 on launch of the current policy we have been at the forefront of this developing agenda within Government. Listening to, and acting on, feedback, further improvements to the policy and framework are designed to give you the confidence to speak if you have a concern about wrongdoing or malpractice at work and be assured that it is safe and acceptable to do so. This can help to deter and detect wrongdoing, save lives, property, jobs, money and reputations, and minimise the risk of individuals feeling they have no recourse but to disclose official information, particularly to the media.

This updated policy is a new approach. It sees the introduction of a dedicated Confidential Hotline and an independent team of investigators who will work alongside the Fraud Defence Team. The process has been simplified and improved; ensuring whistleblowers are afforded appropriate protection and kept informed throughout investigations into the issues and concerns they have raised.

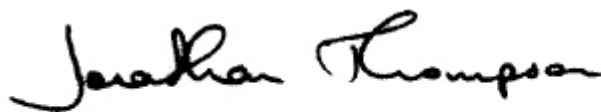
We would like you to raise concerns when you believe someone is doing, or asking you to do, something that goes against the core values of the Civil Service Code, is illegal, or endangers others within the Department or the public – this can be a past, present or possible imminent wrongdoing, or an attempt to cover up wrongdoing.

MOD has an equal duty to protect all its employees and we give our personal pledge that we will not tolerate any form of retribution taken against people using the system to raise a genuine concern. This extends to both civilian and Service personnel; recognising that civilians can be afforded protection in law but Service Personnel have no statutory protection regarding qualifying disclosures. Providing you are acting honestly, it does not matter if you are mistaken.



We have worked closely with the Civil Service Commission in developing this policy and if you are a civil servant would ask you to take the time to ensure you are clear of your rights and obligations within the Civil Service Code and the Civil Service Management Code.

Everyone who works in Defence has a responsibility to speak up if faced with, or having a suspicion of, wrongdoing and equally, MOD has a duty to provide a safe and straightforward framework in which people can do this free from any threat of victimisation. Therefore, both Service personnel and civilians can use the Confidential Hotline. However, issues exclusively military in nature should be raised in accordance with respective chain of command Service processes.



Jon Thompson
Permanent under Secretary



Lieutenant General Andrew Gregory
Chief of Defence People

Updated	Details
07 September 2015	Revised Policy and Process

Policy

Policy Principles

1. The MOD is committed to ensuring the highest standards of conduct in all that it does. For civil servants, these standards are reinforced by the Civil Service Code and Policy Rules and Guidance: Standards of Conduct and Behaviour. However, wrongdoing can occur. It is important that employees know what to do if, in the course of their work, they come across something that they think is fundamentally wrong, illegal or endangers others within the Department or the public. This Policy, Process, Guidance and Advice will guide you through the process of raising a concern, which is sometimes referred to as 'whistleblowing'.

2. The following principles underpin the Whistleblowing and Raising a Concern Policy, namely that:

- Employees are encouraged to raise any concerns they may have about wrongdoing as soon as they notice it.
- Employees raising a concern will be afforded protection as detailed in these procedures.
- The MOD will not tolerate the victimisation of anyone raising a concern and robust action will be taken against anyone found to be responsible for such actions.
- All genuine concerns will be handled responsibly, professionally and in a positive manner.
- Help and support will be available to employees where concerns are raised under this procedure.

Scope of Policy

3. This policy applies to all MOD employees. Everyone who works in Defence has a responsibility to speak up if faced with, or having a suspicion of wrongdoing. Equally the MOD has a duty to provide a safe and straightforward framework in which people can do this free from the threat of victimisation. Therefore, any individual with a concern may use the procedures set out in this policy without fear of retribution.

4. The Confidential Hotline is available to all MOD employees, however, issues relating exclusively to service offences or policing issues will be subject to their own internal procedures as outlined below.

Service Personnel

Issues relating to offences covered under the Armed Forces Act (AFA) 2006 and single service core values will be managed through the appropriate service discipline chain. Matters will be referred back to the Service Police Authorities and/or to the individual's Chain of Command.

MOD Police

MDP have separate protocols for dealing specifically with internal policing concerns. Therefore these

concerns will be referred back to the MDP Professional Standards Department.

5. Additional exceptions also apply:

Defence Intelligence Personnel

Defence Intelligence personnel should follow the process for raising concerns as described in this document. However, if your concern is a professional intelligence matter or of individual conscience, you should contact the Intelligence Staff Counsellor, Desmond Bowen.

Defence Medical Services

DMS personnel should refer to their own policy and procedures. DMS personnel working within National Health Service (NHS) Trusts should follow the appropriate policies within their own Trust.

Trading Funds and Non-Departmental Public Bodies

Employees who work in Non-Departmental Public Bodies (NDPBs) or Trading Funds should refer to their own policy and procedures.

Policy Summary

Key areas covered by this policy and its procedures include:

- what is a relevant concern?
- how to raise such a concern
- how it will be handled
- confidentiality and anonymity
- provision of protection and support to employees.

This policy is owned by People-Civilian HR Policy & Reward.

Impact Assessment Statement

In accordance with Departmental procedures this policy has been equality assessed and a MOD Equality Analysis Template has been completed. This policy is due for review in September 2016.

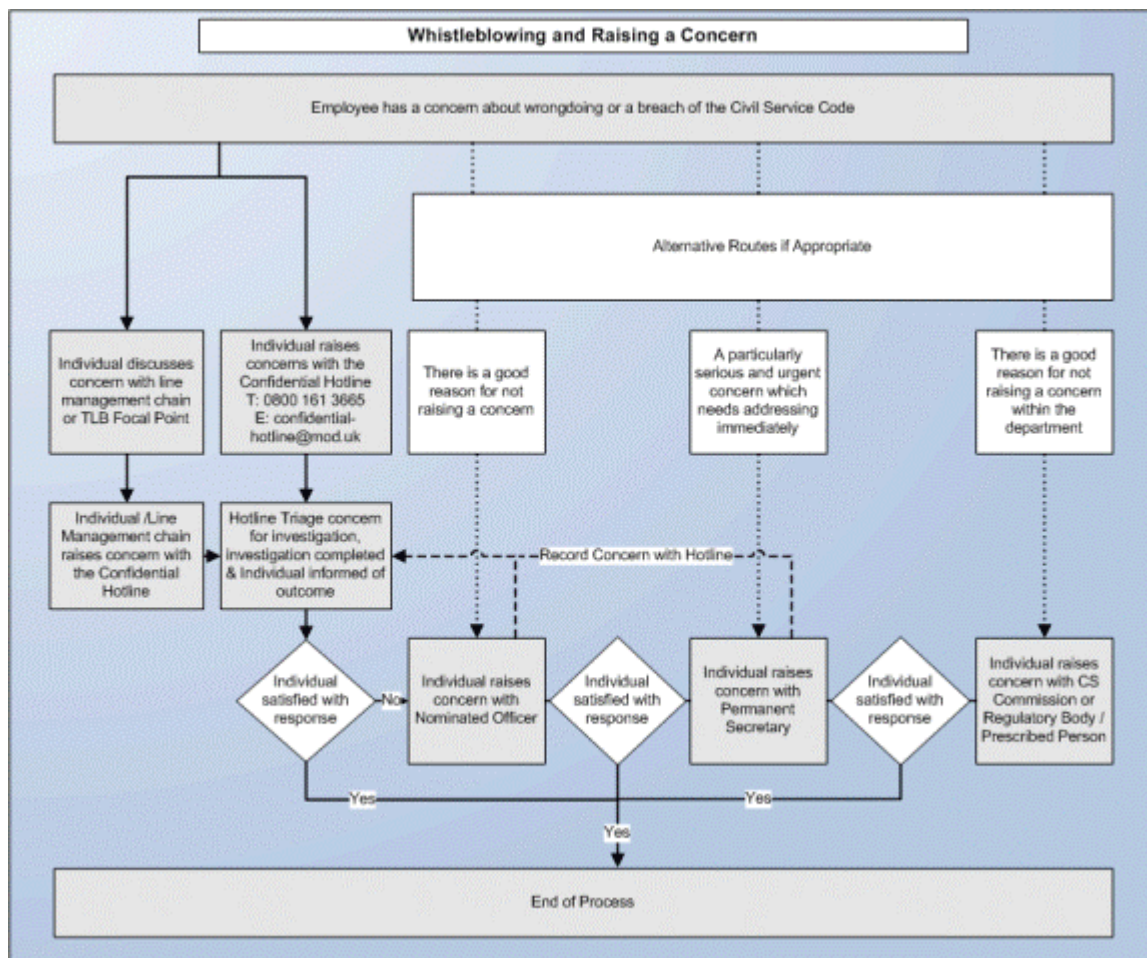
Version

Version: 1.0

Effective Date: 07 September 2015

End to End

This process should be read in conjunction with the related Policy and both must be followed.



Employee

Introduction

What is Whistleblowing?

Whistleblowing is when a worker reports suspected wrongdoing or danger at work. Officially this is called 'making a protected disclosure in the public interest'.

This procedure outlines the process that MOD employees should follow when reporting perceived wrongdoing or malpractice within the Department (which in this context and in this policy includes a potential danger to people), including something they believe goes against the core values in the **Civil Service Code (www)** i.e. integrity, honesty, objectivity and impartiality. It has been written in accordance with the process set out in the Code and the **Civil Service Management Code**. Under the Code, civil servants have a right and a responsibility to speak up and report behaviour that contravenes the Code's values.

If you have a concern about anything you think may be a breach of the Civil Service Code, a matter of public interest, a criminal activity or fraud, contact the **Confidential Hotline**:

Telephone: 0800 161 3665 (UK) or +44 1371 85 4881 (Overseas)

Email: confidential-hotline@mod.uk

The Confidential Hotline team will listen to your concern and provide professional advice and

guidance as to how to take the matter forward. If you don't feel able to contact the Confidential Hotline please discuss the matter with:

- Your Line Manager or someone else in your Line Management Chain
- Your TLB Focal Point
- The Department's Nominated Officer

It is important this procedure is followed when raising concerns to ensure the matter is dealt with correctly. Where a relevant concern is raised under this procedure, the individual will be protected from any unfair or negative treatment. MOD civil servants can raise concerns through a number of internal departmental routes. Individuals can also approach the independent Civil Service Commission, although the Commission will only usually consider a case if it has already been raised and investigated internally within MOD. The Directory of Civil Service Guidance and the Civil Service Management Code provide more information.

However a concern is raised, either you or your line management should contact the Confidential Hotline to record the concern and receive professional advice and guidance as to how the concern will be managed.

Separate procedures are available for employees who are not civil servants, for example employees of a MOD Trading Fund. If you are unsure of which process to use, you should refer to the Advice tab or seek advice from your line manager or Nominated Officer or contact the Confidential Hotline.

What is a Relevant Concern?

If you are asked to do something, or you are aware of the actions of another, which you consider to be wrongdoing or a breach of the Civil Service Code, you can raise it using this procedure.

You don't need any proof that there is or has been wrongdoing or a breach of the Civil Service Code as it is the Department's responsibility to identify this as part of the investigative process. As long as you have reasonable belief that the concern is in the public interest, you will be protected from any unfair or negative treatment and you may also be protected under the Public Interest Disclosure Act.

Public Interest Disclosure Act (PIDA)

The reporting of a wrongdoing under this procedure may be covered by the law concerning protected disclosures of information.

"PIDA applies to people at work raising genuine concerns about crimes, civil offences (including negligence, breach of contract, breach of administrative law), miscarriages of justice, dangers to health and safety or the environment and the cover up of any of these. It applies whether or not the information is confidential and whether the malpractice is occurring in the UK or overseas." For further information see **Public Concern at Work (PCaW) (www)**.

The procedure has therefore been written with reference to the Public Interest Disclosure Act 1998 (PIDA), which offers protection to employees in both the private and public sectors, who 'blow the whistle', in certain circumstances. The areas which count as qualifying disclosures are:

- Criminal Offences
- Failure to comply with Legal Obligations
- Miscarriages of Justice
- Threats to the Health and Safety of any Individual
- Damage to the Environment
- Deliberate attempts to cover up any of the above

This applies in the UK and overseas. However, no protection is afforded for qualifying

disclosures when the employee, in making the disclosure, commits an offence – for example, a breach of the Official Secrets Act or misconduct in public office. If an individual raised malicious, vexatious or knowingly untrue concerns they would not be protected by PIDA and could face disciplinary action.

Who PIDA covers in Law

In addition to employees, PIDA also covers workers, contractors, trainees, agency staff, home workers, police officers and every professional in the NHS. The usual employment law restrictions on minimum qualifying period and age do not apply to this Act. It does not cover the genuinely self-employed (other than in the NHS), volunteers, the Intelligence Services or HM Armed Forces.

A summary of PIDA, the protections it can offer and advice can be found on the website for **Public Concern at Work (PCaW) (www)**, the Whistleblowing charity.

Personal Issues

This procedure should not be used to raise concerns of a personal nature, for example, complaints relating to a management decision or terms and conditions of employment. These matters should be dealt with using the relevant procedure, for example, the MOD's **Grievance or Harrassment and Bullying** policy and processes. Equally, this policy would not apply to matters of individual conscience where there is no suggestion of wrongdoing by the Department but an employee is, for example, required to act in a way which conflicts with a deeply held personal belief.

If you are unsure whether a concern should be raised using the Whistleblowing procedure, call or email the Confidential Hotline. Further advice is available under the Advice tab and Line Managers and TLB Focal Points will also be able to assist.

A summary of the procedure can be found in the flowchart: End to End Process.

Raising a Concern

If you experience something in the workplace which you consider to be in conflict with the Civil Service Code and/or perceive to be a wrongdoing, it is important that you raise your concern straight away. Proof is not required as this is the MOD's responsibility.

It is important to follow the correct procedure when raising a whistleblowing concern. The following steps should be adhered to:

Your concern should be raised with the Confidential Hotline Team.

Hotline Telephone: 0800 161 3665, or
Email: **confidential-hotline@mod.uk**

You may wish to discuss the issue with your line manager/management chain, who have a duty to support you. However, if you feel unable to do so, you should raise your concern with the Confidential Hotline to ensure the matter is properly investigated.

If you feel unable to raise the concern with the Confidential Hotline or discuss your concern with your line management speak to your TLB Focal Point, a Trades Union Representative, the Department's Nominated Officer, or, in certain circumstances PUS.

You may choose to raise your concern to the Confidential Hotline anonymously, however, you should note that this could affect the ability to properly investigate the concern and you will not receive

feedback on how the concern has been addressed. The assurances offered to staff under this policy or the protection afforded by PIDA, is not available for someone whose identity is unknown.

If both you and your line management feel there is a good reason for not raising a concern with the Confidential Hotline, for example that contacting the Hotline in the first instance may delay the resolution of an urgent matter, or you do not feel you have received an adequate response by raising your concern via the Hotline, you should raise the issue with the Department's Nominated Officer.

If you have a concern you believe is particularly serious and urgent which needs addressing immediately – for example in the case of National Security – and it cannot be raised with your line management, the Confidential Hotline or the Department's Nominated Officer, then it can be raised with PUS. The concern should only be raised in this way if you have given serious consideration to all other internal options. You may be asked to explain why you did not raise the concern with the Hotline, your management, TLB focal point or Nominated Officer.

You are encouraged to use this procedure to raise a concern. If, however, you have used this procedure to raise a concern within the MOD and you do not receive what you consider to be a reasonable response, you may raise the concern with the Civil Service Commission (the Commission). You may also raise a concern directly with the Civil Service Commission if you feel there is a good reason for not raising a concern within the Department.

The Commission is an independent body who can hear and determine complaints relating to the Code. For example, if you have been required to act in a way that conflicts with the Code, or observe that another civil servant is acting, or has acted, in a way that conflicts with the Code. The Advice tab provides additional information on the Commission.

The Civil Service Commission

Civil servants can raise a concern direct with the Civil Service Commission. However, where appropriate, the Commission expects civil servants to have raised concerns within their own Department first. If a concern is raised directly with the Commission, without it being raised within the Department first, the Commission will ask why it was not appropriate to raise the matter internally first.

Further information on the Civil Service Commission can also be found on the **Civil Service Commission website ([www](#))**.

Regulatory Disclosures/Prescribed Persons

PIDA makes special provision for disclosures to prescribed persons. These are regulatory bodies such as the Health and Safety Executive and the Financial Services Authority. Disclosures made to a prescribed person are protected as long as the employee has already followed the internal procedures, reasonably believes that the information and any allegation in it are substantially true and is relevant to that regulator or feels they would be discriminated for raising the matter internally.

A list of prescribed persons can be found in the document *Blowing the Whistle to a Prescribed Person* on the Government web pages.

Unauthorised Disclosures

It is important that concerns are raised internally, or with the Civil Service Commission, and at the earliest time possible. This will allow the Department the opportunity to address and resolve any concerns quickly and by the most appropriate means. The Department is confident that there are sufficient internal avenues available to deal with any concerns raised.

Raising a concern outside the prescribed routes listed in this procedure, for example, with the media, campaign groups, on social media or with representatives of political parties, is protected by PIDA only in very limited circumstances and could, if it amounts to an unauthorised disclosure of official information that has been shared or communicated in confidence lead to disciplinary or administrative action being taken against you. It may also breach the Official Secrets Acts. The authorisation procedures that you must follow before communicating in public are outlined in **DIN 2014DIN03-024: Contact with the Media and Communicating in Public**. Please note that this list is not exhaustive. Further information can be found under the Advice tab.

Information needed to raise a concern

When raising a concern under the procedure you should try to provide the following information:

- the background and reason behind the concern
- whether you have already raised a concern with anyone and the response
- any relevant dates.

This information should demonstrate that there are reasonable grounds for the concern to be acted upon. It is important that matters are not investigated by employees themselves. Remember, proof is not needed, just a reasonable, honest belief that wrongdoing, including breaches of the core values in the Code, has or is likely to occur.

If applicable, personal interests must be declared from the outset.

The MOD appreciates that this might be a difficult time for employees, who may feel uncertain about how to progress a concern. Support is available at all stages of the process and a contact list is included under useful links.

How the Concern will be Handled

All investigations will be conducted professionally, sensitively, and as quickly as possible. Whilst the MOD cannot guarantee that the outcome would be as you may wish, it will handle the matter fairly and in accordance with the Whistleblowing Procedure.

Once a concern has been raised with the Confidential Hotline, the team may arrange a meeting with you to determine how the concern should be taken forward which may involve an internal inquiry or a formal investigation. The Hotline team will inform you who will be dealing with the matter and written confirmation will be sent to you, if it has been requested. The Department will aim to provide this within five working days. However, this may take a little longer depending on the nature of the concern.

If a meeting is arranged, you may wish to be accompanied by a companion. A chosen companion may be a work colleague (who is not involved in the area of work to which the concern relates), a trade union representative or an official employed by a trade union. A trade union representative who is not an employed official must have been accredited by their trade union as being competent to accompany an employee. The companion cannot be a friend or relative unless they are also a colleague. Neither can they be a legal representative. The meeting can be conducted over the telephone or face to face.

MOD will aim to update the employee on the progress of the concern within 28 calendar days. However, in the event of a formal investigation or the involvement of police/security, it may not be possible or appropriate to provide full details.

MOD will confirm when the matter is concluded and, if appropriate, the outcome of the investigation, maintaining security and confidentiality for all parties as far as possible.

Throughout any investigation, you will be expected to continue your duties/role as normal unless deemed inappropriate.

Confidentiality and Anonymity

The best way to raise a concern is to do so openly, as this makes it easier for the MOD to investigate and provide feedback. Any disclosures made under this procedure will be treated in a sensitive manner. The MOD recognises that you may want to raise a concern in confidence i.e. you may want to raise a concern on the basis that your name is not revealed without your consent.

The MOD will respect any request for confidentiality as far as possible, restricting it to a 'need to know basis'. However, if the situation arises where it is not possible to resolve the concern without revealing your identity (for example in matters of criminal law), the MOD will advise you before proceeding. The same considerations of confidentiality should be afforded to others at the centre of the concern, as far as appropriate.

Employees may choose to raise concerns anonymously, i.e. without providing their name at all. If this is the case, the investigation itself may serve to reveal the source of information. Employees are therefore encouraged, where possible to put their names to concerns raised. However, raising a concern anonymously is preferable to silence about potential serious wrongdoing.

When anonymous concerns are raised they will be treated as credible, unless they are obviously a hoax, and investigated so far as possible. Where concerns cannot be validated, they will be recorded as a concern but no further action will be taken.

Protection

As long as an employee has reasonable belief that the concern is in the public interest and has followed the procedures set out in this guidance, they will be protected from unfair or negative treatment and they may also be protected under PIDA.

Where an employee has been victimised for raising a concern, the MOD will take appropriate action against those responsible, in line with the Department's disciplinary policy and procedures.

Other documents accompanying this Procedure

The Advice tab provides further information in the style of Questions and Answers for Employees and Line Managers.

Manager

Introduction

What is Whistleblowing?

Whistleblowing is when a worker reports suspected wrongdoing or danger at work. Officially this is called 'making a protected disclosure in the public interest'.

This guidance outlines how managers should deal with a concern raised under the Whistleblowing Procedure.

Determining who should Deal with the Concern

If an individual approaches you with a concern, you should encourage them to report it to the Confidential Hotline. If the individual is not prepared to formally report the concern then you should escalate it to the Hotline yourself.

If you are unsure how to deal with the concern, please call the Confidential Hotline for advice. It is important that you do not hesitate before escalating as any unnecessary delay in dealing with the issue could put the MOD at risk.

Taking the concern forward

The Hotline team will assess the concern and inform whoever will need to lead on the investigation. This will usually be;

- MOD Police
- Service Personnel Authorities
- Fraud Defence
- Concerns Team

If your employee has reported the concern, the Confidential Hotline team will advise them who will take the concern forward. It may be that the concern is assessed by the Confidential Hotline team as an issue that can be managed locally. In this case the team will provide you with advice as to how to proceed and your TLB Focal Point will provide further guidance as required.

Dealing with Unauthorised Disclosures

You should be supportive and encouraging to those raising a concern with you and always direct them to contact the Confidential Hotline, or one of the other official channels set out in this document. However, if an employee indicates that they are considering taking their concerns outside of the MOD, for example, the media or social networking sites, you must advise them that:

- You will not be able to support them if they do so
- Unauthorised disclosures made to bodies other than to a 'prescribed person', for instance, a regulatory board or ombudsman, may not qualify for protection. Details of prescribed persons or bodies can be found in the document **Blowing the Whistle to a Prescribed Person (www)** on the Government web pages.
 - Disclosures to certain regulatory bodies, known as 'prescribed persons' may be permitted by PIDA in certain circumstances. A list of Prescribed Bodies can be found at **Blowing a Whistle to a Prescribed Person (www)**.
 - In order to be protected, however, the employee will need to follow the procedure set out in the Act. If the employee maintains that they want to raise a concern in this way, you might like to suggest that they may wish to seek their own legal advice
- Their action may represent an unauthorised disclosure of official information that has been shared or communicated in confidence in which case they could face disciplinary or administrative action. Unauthorised disclosure may also breach the Official Secrets Acts.
- You will need to highlight to them that improperly raising a concern outside of the prescribed routes could result in disciplinary action against them and ultimately in dismissal. You should refer them to the Department's policy on unauthorised disclosures of official information.

If an employee confirms they have taken their concern outside of the MOD (other than to a 'Prescribed Person'), you should report this to your line management and the Confidential Hotline team immediately. It may also be appropriate to inform the Directorate of Defence Communications team but you should seek policy and process advice from DBS before instigating disciplinary or administrative action.

Vexatious / Malicious concerns

Protection under the Whistleblowing Policy does not extend to employees who raise malicious, vexatious or knowingly untrue concerns. Employees who raise concerns of this nature in order to harm colleagues or the Department will face misconduct action, which in some instances could result in dismissal for civilian personnel. Service personnel will be dealt with in accordance with the relevant Service regulations.

Matters of Security

In some circumstances, the whistleblower may have an issue relating to matters of security in order to explain the concern. It is important that any such information is shared with Directorate of Business Resilience Defence Security (DBR DefSy) and the employee will not be able to discuss the details with you. Your role is to direct the individual to the Confidential Hotline who will direct the matter to DBR DefSy. You should also inform your Branch Security Officer.

Suspected Criminal Offences

Any suspected criminal offence must be reported to the Ministry of Defence Police on 01371 854444 or appropriate Service Police authority. You can seek advice from them if you are not sure whether it is a criminal offence or not. You can also contact the **Confidential Hotline** for policy and process advice. If the whistleblower has been requested to carry out an action which you think may constitute a criminal offence, you should also advise them not to carry out the activity.

Support

If you have been approached by a whistleblower and are unsure what to do, call the Confidential Hotline on telephone number: 0800 161 3665, or email: **confidential-hotline@mod.uk** for advice.

Advice

Advice

1. What is Whistleblowing?

“Whistleblowing is when a worker reports suspected wrongdoing or danger at work. In legislation this is described as ‘making a protected disclosure.’”

Whistleblowing occurs when a person raises a concern about past, present or imminent wrongdoing (including in this context and for the purposes of this policy, a past, present or imminent danger), or an attempt to cover up wrongdoing, in an organisation.

The disclosure should be a matter of public interest, meaning that the issue must affect others, for example the organisation, work colleagues or the general public, or a potential breach of the Civil Service Code.

Further information on whistleblowing can be found on gov.uk. Also see **Public Concern at Work (PCaW) (www)** and **Civil Service Code (www)**.

2. What can I raise under the Whistleblowing Procedure?

If you are asked to do something, or you are aware of the actions of another, which you consider to be wrongdoing or a breach the Civil Service Code, you can raise it using this procedure. Types of concerns may include: a threat to national security; failure to comply with legal obligations; or danger to the environment.

3. What is not covered by the Whistleblowing Procedure?

Whistleblowing is not the same as a complaint. Issues around your treatment as a member of staff or personal complaints about your employment; for example complaints about your terms and conditions, or 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 MOD procedures such as the **Grievance** Policy and Process.

4. What is the Civil Service Code?

The **Civil Service Code (www)** 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 forms part of the terms and conditions of employment of all civil servants.

5. 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.

6. 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@csc.gov.uk
Tel: 020 7271 0831

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

You may raise a concern direct with the Commission, however the Commission will expect that you have raised the concern within the MOD first. If you raise a concern directly with the Commission, without the issue being raised within MOD, 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.

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

Whistleblowing is when a worker raises a concern about wrongdoing or malpractice at work which has wider issues that concern the MOD, colleagues or the public in general. For civil servants this could relate to Civil Service values, as outlined in the Civil Service Code or something which is in the public interest to raise.

An individual may have a personal grievance if they feel they have received negative treatment at work and the issue only affects the individual.

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 MOD. 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. You may wish to informally discuss your concern with your line manager before raising it more formally under the Whistleblowing Procedure. What is important is that it is raised within MOD, 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 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 MOD.

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 as possible.

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;
- minimise the chance of anonymous or malicious unauthorised disclosures of official information (including to the media);
- reduce the chance of legal claims against the organisation.

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

As long as you have reasonable belief that the concern is in the public interest and have followed the procedures set out in this guidance, you will be protected from unfair or negative treatment and you may also be protected under PIDA.

If you are victimised for raising a concern, the MOD will take appropriate action against those responsible, in line with the Department's disciplinary policy and procedures. You may also be protected by PIDA.

Provided you have a reasonable belief in the concern you raise, it does not matter if you are mistaken.

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 (www)** and the **Civil Service Management Code (www)**. 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 Government 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.

18. I am a service provider i.e. contractor, working within MOD 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. I am an employee working for a non-Crown non-departmental public body (NDPB) or Trading Fund 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. Please refer to your own Whistleblowing Procedure. However, if you need advice, please contact the Confidential Hotline.

20. 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. These 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.

- The ACAS Helpline 0300 123 1100 provides free and impartial advice for employees on a range of issues, including whistleblowing in the workplace. For further information see **ACAS (www)**.
- **Public Concern at Work (PCaW) (www)** is a whistleblowing charity which advises individuals on whistleblowing matters at work
- Trades Union members can seek advice from their representatives

The Confidential Hotline Team, your Line Management, TLB Focal Point or the Departments Nominated Officer can advise you on available support.

21. What is a TLB Focal Point and the Department's Nominated Officer and how might I contact them?

TLB Focal Points and the Department's Nominated Officer are MOD employees, 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
- whether the Permanent Secretary / Chief Executive of Agency needs to be consulted / informed
- what the next steps should be.

A list of TLB Focal Points and contact details for the Department's Nominated Officer is available in **MOD Nominated Officers**.

22. Will my identity remain confidential?

The best way to raise a concern is to do so openly, as this makes it easier for the MOD to investigate and provide feedback. You can however request that the MOD 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 MOD will advise you of this before proceeding.

23. Can I raise a concern anonymously?

If you raise your concern openly, this makes it easier for the MOD 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 preferable to silence about potential serious wrongdoing.

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

The MOD will try to keep you informed of progress and where possible provide you with an update within 28 calendar 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 that the final outcome will be disclosed. Security and confidentiality must be maintained for all parties.

25. I'm not happy with the outcome of the investigation – what can I do?

If you have raised the concern with the Confidential Hotline, your line manager, someone else in your management chain or the Department's Nominated Officer and you do not think that you have received a satisfactory outcome, you may raise your concern with the Permanent Secretary, and, if still not satisfied, the Civil Service Commission. Although the MOD and Commission cannot guarantee that the outcome would be as you may wish, it will seek to handle the matter fairly and correctly.

26. Can I go straight to my Permanent Secretary with a concern?

You may raise a concern directly with PUS if you consider that it is justified.

27. What would happen if an employee raised malicious, vexatious or knowingly untrue concerns?

If an employee 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 in the public interest.

28. 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 bad treatment 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 the Nominated Officer.

Where an employee has been victimised for raising a concern the MOD will take appropriate action against those responsible, in line with its disciplinary policy and procedures.

29. 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 MOD's whistleblowing procedure primarily focuses on breaches of the Civil Service Code, although PIDA legislation may also be relevant.

Disclosures to certain regulatory bodies, known as 'prescribed persons' can be permitted by PIDA in certain circumstances. See **Blowing a Whistle to a Prescribed Person (www)**.

In order to be protected an employee will need to follow the procedure set out in the Act. If you wish to raise a concern in this way, you may wish to obtain your own legal advice.

30. I am a member of the Armed Forces and have a concern about a Civilian's behaviour or actions. What should I do and how will my concern be managed?

You should raise your concern with the Confidential Hotline who will ensure the concern is managed in line with the Whistleblowing and Raising a Concern policy and process.

31. I am a civil servant with a concern about a Service person's behaviour or actions. What should I do and how will my concern be managed?

You should raise your concern with the Hotline who will advise you on the relevant service personnel procedures. However, if you are unclear, contact the Confidential Hotline who will advise you how you should raise your concern.

32. I am a member of the Armed Forces and I have a concern about a member of the Armed Forces behaviour or actions. What should I do and how will my concern be managed?

You should raise the concern in line with your relevant service personnel procedures. However, if you are unclear, contact the Confidential Hotline who will advise you how you should raise your concern.

33. I have blown the whistle – what happens next?

The Confidential Hotline team may arrange a meeting with you to determine how the concern should be taken forward which may involve an internal inquiry or a formal investigation. The Hotline team will

inform you who will be dealing with the matter and written confirmation will be sent to you, if it has been requested.

34. Who are the Confidential Hotline Team and what do they do?

The Confidential Hotline forms part of Fraud Defence.

The team will manage and record all concerns raised and assess how the concern should be handled. They will pass the matter to the appropriate area (MOD Police, Service Personnel Authorities, Fraud Defence or the Concerns team), to be dealt with the concern and retain an overview of any subsequent investigations to completion.

35. Who are the Concerns Team and what do they do?

The Concerns team sit within Fraud Defence. The team will undertake independent investigation into matters of concern raised to the Hotline which are not fraud or criminal.

36. I am a whistleblower who feels I received detrimental treatment (Harassment, Bullying or Victimisation) since I 'Blew the Whistle', what should I do?

As long as you raised your concern with reasonable belief that the concern is in the public interest, you will be protected from any unfair or negative treatment and you may also be protected under the Public Interest Disclosure Act.

If the investigation into your concern is ongoing you should contact the Investigating Officer in the Concerns Team.

You should familiarise yourself with the MOD's Grievance policy, and Harassment and Bullying policy. You should contact the DBS Enquiry Centre online via **Contact Us**, or via telephone on 0800 345 7772 (STD) or 93345 7772 (Mil), recording that you are receiving unfair treatment and giving details to the People Services Team to ensure your issue is properly managed.