



Whistleblowing and Raising a Concern

Procedure for Civil Servants

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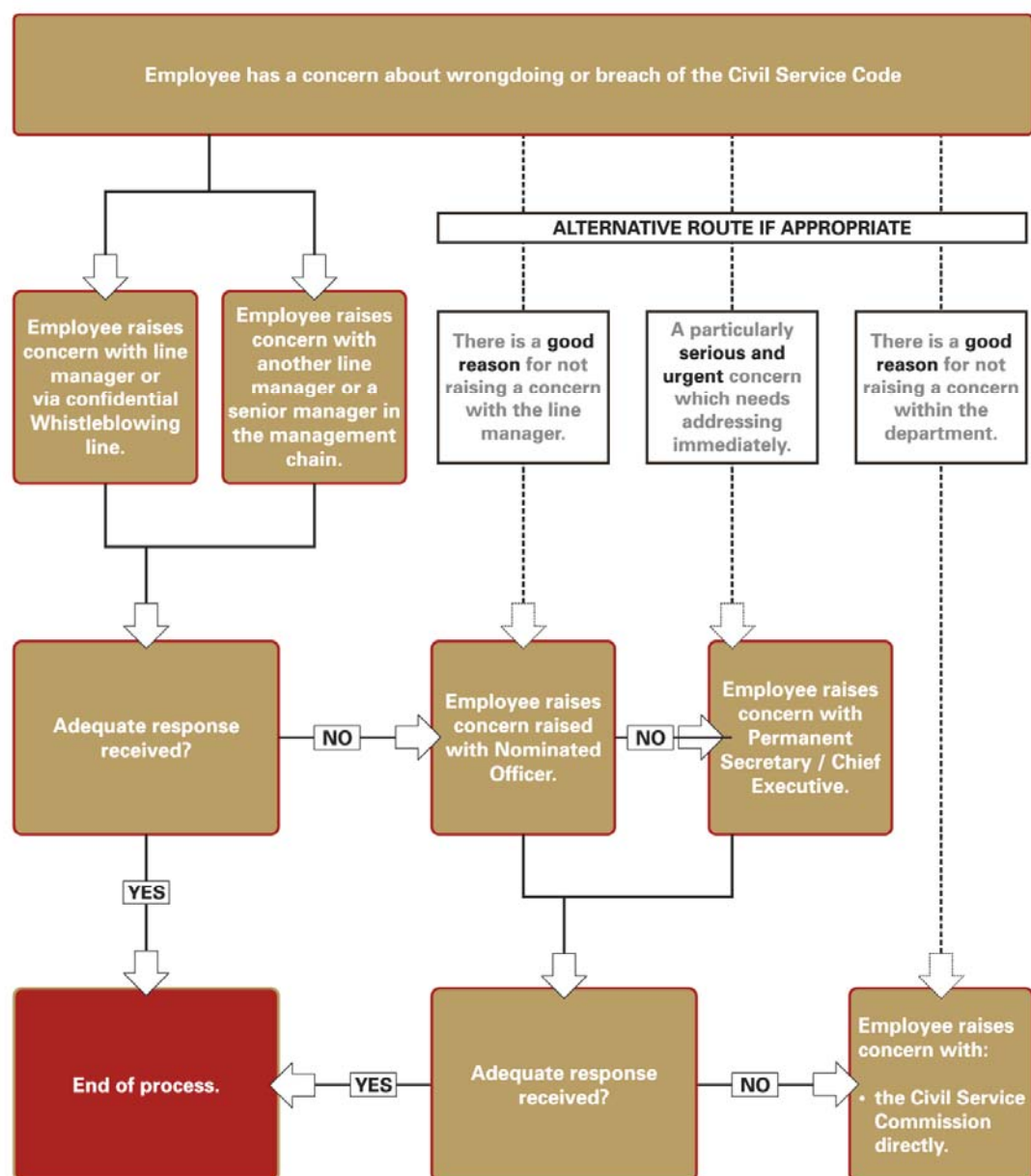
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Process Overview

See Annex A for an accessible version of the flowchart.

Process Overview





Introduction

1. This procedure outlines the process that civil servants should follow when reporting a perceived wrongdoing within the Department, including something they believe goes against the core values in the Civil Service Code (the Code) i.e. integrity, honesty, objectivity and impartiality. This procedure 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.
2. The reporting of a wrongdoing under this procedure may be covered by the law concerning protected disclosures of information. The procedure has therefore been written with reference to the Public Interest Disclosure Act 1998 (PIDA), which offers protection to those in both the private and public sectors, who 'blow the whistle', in certain circumstances. The Directory of Civil Service Guidance and the Civil Service Management Code provide more information.
3. It is important that this procedure is followed when raising any concerns, to ensure that the matter is dealt with correctly. Where a concern is properly raised under this procedure, the employee will be protected from any unfair or negative treatment. As set out in this procedure, civil servants can raise concerns through a number of internal departmental routes and can also approach the independent Civil Service Commission directly. PIDA protection may also apply.
4. Separate procedures are available for employees who are not civil servants, for example employees of a Non Departmental Public Body (NDPB). If employees are unsure of which process to use, they should refer to the Frequently Asked Questions (FAQs) or seek advice from their manager / Nominated Officer. Further information on the role of Nominated Officers, and how they can be contacted, is also available in the FAQs. What is a relevant concern?
5. If an employee is asked to do something, or is aware of the actions of another, which they consider to be wrongdoing/a breach of the values of the Code, they can raise it using this procedure. The employee must have a reasonable belief that raising the concern is in the public interest.
6. Employees should not raise malicious or vexatious concerns other than in the public interest, nor should they raise knowingly untrue concerns. Those who raise concerns with a reasonable belief that raising the concern is in the public interest, will be given protection under this procedure.



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7. This procedure should not be used to raise concerns of a HR/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 alternative procedure, for example, the departmental grievance procedure. 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.
8. If unsure whether a concern should be raised using this procedure, further advice is available in the FAQs. Line managers or Nominated Officers will also be able to assist.
9. A summary of the procedure can be found in the flowchart: Process Overview at the beginning of this document.

Raising a concern

10. If an employee experiences something in the workplace which they consider to be in conflict with the Code and/or perceived to be wrongdoing, it is important that the concern is raised straight away. Proof is not required as this is the Department's responsibility. The employee must, however, have a reasonable belief that disclosing the information is in the public interest before raising a concern externally.
11. It is important to follow the correct procedure when raising a whistleblowing concern. The following steps should be adhered to:
12. The concern should, in most instances, be raised with the employee's line manager or sent to the line manager/responsible person who will know how to handle the matter, or where to go if not.
13. There may be certain rare occasions, however, when this would be inappropriate because, for example, the concern:
 - may implicate the manager in some way
 - is about a senior manager within the line management chain or somewhere else in the Department
 - is particularly serious and needs to be dealt with as a matter of urgency.
14. It is important that the concern is raised with the person best placed to deal with the matter and with whom the employee feels most comfortable.
15. If it is suspected that the concern may implicate the line manager in some way, then it should be raised with another line manager, or somebody more senior in the line management chain. If you are unable to do this, the concern should be raised directly with a Nominated Officer.



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16. If the concern relates to someone senior to the line manager or another senior person in the Department, it will need to be raised at the appropriate level. If an employee feels uncomfortable doing this, the concern should be raised with a Nominated Officer instead.
17. An employee may feel that their concern is particularly serious and urgent and be worried that approaching their line manager in the first instance may delay the resolution of the matter, for example in the case of National Security. In these circumstances, the concern should be raised immediately with a senior manager or a Nominated Officer.
18. Where a concern has already been raised within the line management chain, but the employee feels that it has not been adequately addressed, they can raise the concern with a senior manager or a Nominated Officer.
19. If it is believed that the concern is extremely serious and urgent and it cannot be raised with the line manager, another line manager, Nominated Officer, or a senior manager, then it can be raised with the Permanent Secretary. The concern should only be raised in this way if the employee has given serious consideration to all other internal options. The employee may be asked to explain why they did not raise the concern with their manager or Nominated Officer.
20. If an employee has used this procedure to raise a concern within the Department and does not receive what they consider to be a reasonable response, they may raise the concern with the Civil Service Commission (the Commission).
21. The Commission is an independent body who can hear and determine complaints relating to the Code. For example, if the employee has been required to act in a way that conflicts with the Code, or observes that another civil servant is acting, or has acted, in a way that conflicts with the Code. The FAQs provide additional information on the Commission.

Taking concerns direct to the Civil Service Commission

22. Civil servants can also 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 is not appropriate to raise the matter internally first. The FAQs for civil servants provide details on how to contact the Commission. Further information on the Civil Service Commission can also be found on the Civil Service Website: <http://civilservicecommission.independent.gov.uk/>.



External disclosures

23. 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.
24. Raising a concern outside the prescribed routes listed in this procedure, for example, with the media, campaign groups, on social media or with political parties, is protected by PIDA only in very limited circumstances. It could, if it amounts to an unauthorised disclosure, result in disciplinary action and may also breach the Official Secrets Act. Please note that this list is not exhaustive.

Information needed to raise a concern

25. When raising a concern under the procedure an employee should try to provide the following information:
- the background and reason behind the concern
 - whether they have already raised a concern with anyone and the response
 - any relevant dates.
26. 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.
27. If applicable, personal interests must be declared from the outset.
28. The Department 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 in the FAQs.

How the concern will be handled

29. All investigations will be conducted sensitively and as quickly as possible. While the Department cannot guarantee that the outcome will be as the employee may wish, it will handle the matter fairly and in accordance with the this procedure.
30. Once a concern has been raised with the line manager or Nominated Officer, a meeting may be arranged with them to determine how the concern should be taken forward. This may involve an internal inquiry or a formal investigation. The Department will establish who will be dealing with the matter, for example, the Departmental Security Unit or Health and Safety Unit, and a written confirmation will be sent to the employee, if it has been requested. The



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Department will aim to provide this within five working days. However, this may not be possible depending on the nature of the concern.

31. If a meeting is arranged, the employee may wish to be accompanied by a trade union representative or a colleague who is not involved in the area of work to which the concern relates. The meeting can be conducted over the telephone rather than face to face.
32. The Department will aim to update the employee on the progress of the concern within 28 days where possible. 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.
33. The Department 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.
34. Throughout any investigation, the employee will still be expected to continue their duties/role as normal unless deemed inappropriate.

Confidentiality and anonymity

35. 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.
36. Any disclosures made under this procedure will be treated in a sensitive manner. The Department recognises that the employee may want to raise a concern in confidence, i.e. they may want to raise a concern on the basis that their name it is not revealed without their consent.
37. The Department 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 the employee's identity (for example in matters of criminal law), the Department will advise the employee before proceeding. The same considerations of confidentiality should be afforded to the employee(s) at the centre of the concern, as far as appropriate.
38. 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 preferred to silence about potential serious wrongdoing.
39. 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, the Department's Whistleblowing and Raising a Concern Policy owner must be informed for future reference.



Protection

40. If an employee follows the correct procedures when raising a concern they will not be penalised. If a concern is raised in the reasonable belief that it is in the public interest and procedures have been followed correctly, the employee raising the concern will be protected. Where an employee has been victimised for raising a concern, the Department concerned will take appropriate action against those responsible, in line with the Department's disciplinary policy and procedures.

Changes to procedures or policy as a result of whistleblowing

41. If changes are made to departmental policies and processes as a result of whistleblowing investigations, the Department will publicise the changes to employees, taking into consideration the importance of protecting the anonymity and confidentiality of individuals.

Other documents accompanying this procedure

42. This procedure is accompanied by FAQs for Civil Servants and Guidance for Managers where employees can find more information.



Annex A – Process Overview Flowchart – accessible version

Employee has a concern about a perceived wrongdoing or breach of the Civil Service Code.

Step 1

If you have a concern about a perceived wrongdoing or breach of the Civil Service Code you should raise it within the Department, go to Step 2.

However, if you have a concern about your line manager, go to step 3.

If there is a good reason for not raising the concern with line manager, go to step 4.

If you have a particularly serious and urgent concern which needs addressing immediately, go to Step 9.

If you have a good reason for not raising the concern within the Department, go to Step 10.

Step 2

Concerns should be raised with your Line manager. Then go to Step 7.

Step 3

If your concern is regarding your line manager you should refer your concern to another line manager or a senior manager in the management chain, go to Step 7.

Step 4

If there is a good reason for not raising a concern with the line manager or senior manager in the line management chain, go to Step 8.

Step 5

If you have a particularly serious and urgent concern, which cannot be raised via the management chain or Nominated Officer, go to Step 9.

Step 6

If you have a good reason why your concern cannot be raised in the Department, go to Step 10.



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Step 7

If you were unable to raise your concern with the appropriate manager or no adequate response was received, go to Step 8.

If you have raised your concern with the appropriate manager and received adequate response go to Step 11. This concludes the process.

Step 8

Raise concern with a Nominated Officer.

If you were unable to raise your concern with the Nominated Officer or no adequate response was received, go to Step 9.

If you have raised your concern with the Nominated Officer and received adequate response, go to Step 11. This concludes the process.

Step 9

Raise the matter with the Permanent Secretary.

If you were unable to raise your concern with the Permanent Secretary/Chief Executive or no adequate response was received, go to Step 10.

If you have raised your concern with the Permanent Secretary/Chief Executive and received adequate response, go to Step 11. This concludes the process.

Step 10

Raise concern with the Civil Service Commission.

Step 11

This concludes the process.