



WHISTLEBLOWING AND RAISING A CONCERN POLICY

Policy Overview

Dear Colleague

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

Everyone who works for Defence has a responsibility to speak up if they are faced with, or suspect wrongdoing and / or malpractice in Defence or they have other issues of concern about the work they do. Equally, the MOD has a duty to provide a safe and straightforward framework in which people can report their concern confident that action will be taken to tackle any mistreatment or victimisation.

We need you to raise concerns when you believe someone has done, is doing, is going to do, is asking you to do, or is covering up anything that:

- goes against the Values and Standards of the Services or Civil Service Code, or is illegal;
- endangers others or places the health and safety of people at risk;
- places our property, assets and money at risk through theft, fraud, or negligence.

The following policy and framework are designed to give you the confidence to speak up if you have a concern about wrongdoing or malpractice at work and be assured that it is safe and acceptable to do so. We are providing this so that you are able to raise and resolve issues in a way that is protected and secure and does not lead to wrongful disclosure of official information, such as unauthorised reports to the media.

To report your concerns MOD has a dedicated Confidential Hotline and investigation team who will review your report and identify the most appropriate route to resolve the matter. Everyone who works in Defence (Service personnel and civilians) can use the Confidential Hotline.

Where specific policies and procedures apply for particular kinds of concern or to your specific area of work, the Hotline team may refer you to these as a first step, for example:

- where issues fall within the scope of the Service Complaints process - you can raise them in accordance with respective chain of command Service procedures.



- for individuals who work with intelligence, the Intelligence Staff Counsellor is able to be consulted on ethical issues and matters of conscience arising from or related to the individual's access to intelligence.

The Confidential Hotline can be contacted in one of the following ways:

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

Email: confidential-hotline@mod.uk

Online: Confidential Hotline Reporting Form

MOD has a duty to protect everyone who works in Defence and we will not tolerate any form of harm against people using this policy and procedure to raise a genuine concern. This extends equally to civilian and Service personnel. Providing you are acting honestly, it does not matter if you are mistaken in your concern.

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.

We are very proud of the organisation of which we are part and which all of us work extremely hard to make a success. We now rely on you to speak up when you see wrongdoing so we can make Defence an even better and safer place to work

Policy Principles

1. The MOD is committed to ensuring the highest standards of conduct in all that it does. For Service personnel, these are reinforced by the RAF Ethos, Core Values and Standards; Values and Standards of the British Army; and the Ethos, Values and Standards of the Naval Service. For civil servants, these standards are reinforced by the Civil Service Code, MOD Corporate Standards Guide, and MOD Standards of Conduct and Behaviour policy and procedure. However, wrongdoing can occur. It is important that everyone who works in Defence knows 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 MOD or the public. This Policy and Procedure will guide you through the process of raising a concern and 'whistleblowing'.

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

- Everyone working in Defence is encouraged to raise any concerns they may have about wrongdoing as soon as they notice it.
- Those raising a concern will be afforded protection - 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 where concerns are raised.

2. This policy and procedure are consistent with:
 - the Armed Forces Service Complaints Process;
 - the Civil Service Code;
 - the Civil Service Management Code;
 - the Public Interest Disclosure Act 1998 (PIDA).
 - The Directory of Civil Service Guidance and the Civil Service Management Code provide more information on raising concerns.

4. In accordance with MOD procedures this policy has been equality assessed and a MOD Equality Analysis Template has been completed. This policy is due for review in December 2018.

Scope of Policy

5. This policy applies to everyone working in Defence. Anyone working in Defence may raise a concern with the Confidential Hotline, including:
 - Service personnel
 - Civil servants
 - Non-civil servants seconded into the Civil Service.
 - Civilian personnel
 - Contractors
 - Agency staff

6. Where local mechanisms for reporting and investigating concerns exist for particular sub-sections of the workforce, the Confidential Hotline team will normally refer individuals to follow these in the first instance:
 - Service Personnel. Single Services have reporting and investigation mechanisms in place for dealing with issues relating to offences covered under the Armed Forces Act (AFA) 2006 and single Service core values through the Chain of Command and/or Service Police Authorities;
 - MOD Police. The MDP Professional Standards Department within the MDP receives reports of and investigates concerns;
 - Defence Medical Services. SG has local mechanisms in place for reporting and investigation of concerns by DMS personnel;
 - DE&S, DSTL, and UKHO have local mechanisms in place for raising a concern. DECA uses MOD arrangements. DE&S has a local Nominated Officer whose role is similar to the MOD's Nominated Officer in this policy and procedure;
 - Other Arm's Length Bodies have local mechanisms in place for raising and investigating concerns;
 - Contractors and Service providers. Contracting organisations are responsible in accordance with legislation for enabling their employees to raise concerns.

7. Particular sub-sections of the workforce have additional resources in place to facilitate effective management of concerns relating to the work they do. Staff should check local policies and procedures for more information:
 - Defence Intelligence. The Staff Counsellor for the Security and Intelligence Agencies is available to be consulted on matters of conscience about an individual's work, provided that such matters arise from or are related to the individual's access to intelligence;
8. Where specific policies and procedures apply for particular kinds of concern, the Confidential Hotline team will normally refer individuals to follow these in the first instance, for example:
 - Grievances – complaints relating to the treatment of an individual member of staff or a management or organisational decision
 - Bullying and Harassment, Discrimination
 - Complaints where the individual wishes to raise an issue with a Minister
 - Maladministration
 - Low flying complaints
 - Complaints relating to the Freedom of Information, Environmental Information Regulations and Data Protection Act
 - Common law claims
 - DBS service complaints

Whistleblowing and Raising a Concern Procedure

Introduction

1. This procedure should be used when an individual becomes aware of something that they think is fundamentally wrong, illegal or endangers others within the MOD or the public. It sets out:
 - How to determine whether such a concern should be handled under this policy, or a different policy
 - How to raise a concern which falls within the scope of this policy
 - How it will be handled, including confidentiality and anonymity
 - How to access support for / provide protection to individuals raising a concern
2. This procedure has been designed to:
 - offer individuals protection when raising genuine concerns
 - ensure that individuals' concerns are addressed and resolved at the right level and as quickly and effectively as possible.

3. The MOD aims to have a positive culture for whistleblowing and raising a concern because it has numerous advantages. For example, it can:

- encourage an open culture where individuals 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 MOD.

Terms and Definitions

4. This procedure includes the following terms and definitions. More detailed explanation is given in the Frequently Asked Questions:

- The Confidential Hotline is the first point of contact for raising concerns and whistleblowing but also a source of authoritative and impartial help and guidance on all aspects of this policy and procedure.
- TLB Focal Points are MOD employees, who can offer impartial support and advice, outside of the management chain, to those in MOD TLBs who have potential concerns.
- The Nominated Officer provides support to individuals on issues raised under the Whistleblowing and Raising a Concern policy, and helps individuals to have their concerns properly addressed.
- Prescribed Persons. The Public Interest Disclosure Act makes special provision for disclosures to prescribed persons. These are regulatory bodies such as the Health and Safety Executive and the Financial Services Authority.
- The Public Interest Disclosure Act (PIDA) offers protection to workers in both the private and public sectors, who 'blow the whistle', in certain circumstances.

Summary of key information for managers and individuals

5. The policy and procedure defines a number of specific roles to support the effective management of concerns within the MOD and ensure support to an individual raising a concern.

- An individual may use this policy and procedure to raise a concern.
- The person with whom the concern is raised must use this policy and procedure to pass on assessment of the concern to the appropriate person.
- The person charged with assessing the concern must use this policy and procedure to see the matter including any investigation through to an appropriate conclusion and inform the person raising the concern when the matter is concluded.

- Those people charged with providing advice and support to individuals raising a concern must do so in accordance with this policy and procedure.
- Everyone is responsible for promoting a working environment in which individuals can speak up with concerns, taking action to challenge any behaviours working against this, and reporting any victimisation which occurs.

Procedure and roles and responsibilities

How to decide whether a concern is within scope of this policy

6. If an individual is asked to do something, is aware of the actions of another, or is concerned about something that has occurred, is occurring or is likely to occur which they consider to be fundamentally wrong, illegal, or endangering others within the MOD or public, they should raise it straightaway under this policy. They don't need any proof that there is or has been wrongdoing, nor is it for them to investigate whether their concerns are justified, as it is the MOD's responsibility to identify this as part of the assessment process.
7. If an individual is asked to do something which they believe would constitute a criminal offence, they should not carry out the activity, and raise a concern as detailed in this procedure.
8. Examples of 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.
 - Concern relating to the Civil Service Code ([www](http://www.civilservice.gov.uk)), which include:
 - Misusing one's 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. This could be through declining to take, or abstaining from, actions which flow from those decisions.
 - Acting in a way that unjustifiably favours, or discriminates against, particular individuals or interests.
 - Acting in a way that is determined by party political considerations, or using official resources for party political purposes.

- Allowing one's personal political views to determine any advice you give or your actions.
9. Individuals should not raise malicious or vexatious concerns other than in the public interest, nor should they raise knowingly untrue concerns.
10. The individual must have a reasonable belief that raising their concern is in the public interest for it to fall within the scope of this policy. Concerns of a personal nature are not within the scope of this policy unless they have wider public ramifications. Concerns relating to an individual's treatment as a member of staff, harassment, bullying and discrimination, a management decision, terms and conditions of employment, or promotion and selection procedures would not normally fall within the scope of this policy. They would normally be dealt with by an individual's line manager / Commanding Officer, through day-to-day management action, following appropriate policies and procedures such as those for Grievance; or Bullying, Harassment and Discrimination.
11. This policy does not apply to matters of individual conscience where there is no suggestion of organisational wrongdoing but an individual is, for example, required to act in a way which conflicts with a deeply held faith or personal belief. If an individual has such a "crisis of conscience" they should discuss with their line manager/Commanding Officer in the first instance.
12. If an individual or those in their management/command chain are unsure whether a concern should be raised in accordance with this policy and procedure, they may seek advice and guidance from the Confidential Hotline, TLB Focal Points, or their line manager/Commanding Officer.
13. For some sub-sections of the workforce, for example Service personnel or employees who are not civil servants (e.g. employees of a MOD Trading Fund) there are specific local policies and procedures in place for handling concerns in scope of this policy. Such concerns may still be raised in accordance with this policy and procedure, however the individual will normally be referred to raise the concern in accordance with the local policy and procedure in the first instance.

How to raise a concern

14. Individuals should raise their concern with the Confidential Hotline:

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

Email: confidential-hotline@mod.uk

Online: Confidential Helpline Reporting Form

15. Information needed to raise a concern. When raising a concern under the procedure an individual should try to provide the following information:

- a clear explanation of what the issue is;
- the background and reason behind the concern;
- whether they 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 individuals themselves. Remember, proof is not needed, just a reasonable, honest belief that wrongdoing, including breaches of the core values of the Services or Civil Service Code, has occurred or is likely to occur.

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

17. Individuals may wish to discuss a concern more informally with their line manager/Commanding Officer, who have a duty to support them, before they or their line manager/Commanding Officer raise it more formally under this policy and procedure. What is important is that it is raised within MOD, not how it is done.

18. Confidentiality/Anonymity. The best way to raise a concern is to do so openly, as this makes it easier for the MOD to investigate. Any disclosures made under this procedure will be treated in a sensitive manner. The MOD recognises that an individual may want to raise a concern in confidence i.e. they may want to raise a concern on the basis that their name is not revealed without their consent.

19. The MOD will do everything it can to 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 individual's identity (for example in matters of criminal law) - particularly if the individual has themselves subsequently disclosed that they raised a concern or blew the whistle - the MOD will advise the individual before proceeding. The same considerations of confidentiality should be afforded to others at the centre of the concern, as far as appropriate.

20. Individuals may choose to raise concerns anonymously, i.e. without providing their name at all. Individuals should note that this could affect the ability to properly investigate the concern and the individuals will not be notified once any investigation into the concern has been completed. The assurances offered to individuals under this policy or the protection afforded by PIDA, are not available for someone whose identity is unknown. Any investigation itself may serve to reveal the source of information. Individuals 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.

21. When anonymous concerns are raised they will be treated as credible, 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.

How concerns and whistleblowing will be handled

22. Once a concern has been raised with the Confidential Hotline, the team will assess how the concern should be handled. They will assess whether it should be handled under this policy and procedure, or whether another policy and procedure (such as Grievance, or Bullying/Harassment/Discrimination) should be followed.
23. Once a concern has been accepted as a concern within scope of this policy, they will pass the matter to the appropriate area to deal with the concern. They will retain an overview of its handling to completion, acting as a single point of contact for the person raising the concern, unless the nature of the concern necessitates the area dealing with the concern to act as sole point of contact.
24. If during the handling of the concern it becomes clear that it relates to matters of security, Directorate of Business Resilience Defence Security (DBR DefSy) and/or the relevant Branch Security Officer should be made aware.
25. Dealing with the concern may be taken forward by a number of areas including:
 - MOD Police
 - Service Personnel Authorities
 - Fraud Defence
 - The line management chain / chain of command
 - The Director of Resources for the business area concerned
 - Defence Safety Authority
25. The Confidential Hotline team will provide written confirmation to the individual of the concern having been raised, if it has been requested. The MOD will aim to provide this within five working days. However, this may take a little longer depending on the nature of the concern.
26. The area dealing with the concern may arrange a meeting with the individual to determine how the concern should be taken forward. If a meeting is arranged, the individual 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 individual. 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.
27. For guidance about how to handle alleged misconduct, the area dealing with the concern should consult the civilian misconduct policy and procedure (or its equivalent for the relevant single Service).
28. The Confidential Hotline team will discuss with the individual raising the concern how frequently they will be contacted to be informed of the status of dealing with their concern.

29. The Confidential Hotline team will confirm when the matter is concluded. It will not be able to share the final outcome of the investigation unless there has been a policy or control improvement as a result, as security and confidentiality must be maintained for all parties.
30. All investigations will be conducted professionally, sensitively, and as quickly as possible. Whilst the MOD cannot guarantee that the outcome would be as the individual may wish, it will handle the matter fairly and in accordance with the Whistleblowing and Raising a Concern Procedure.
31. Throughout any investigation, the individual will be expected to continue their duties/role as normal unless instructed otherwise.
32. If changes are made to MOD policies and procedures as result of investigations associated with whistleblowing or raising a concern, the MOD will publicise the changes to staff, taking into consideration the importance of protecting the anonymity and confidentiality of individuals. Other routes to raise a concern
33. If an individual and / or their line management/chain of command 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 or particularly serious matter which needs addressing immediately – for example in the case of National Security – then they may raise it directly with the Permanent Secretary. They should consider consulting with their management / chain of command, TLB focal point or Nominated Officer before doing this. The individual may be asked to explain why they did not raise the concern with the Hotline.
34. If an individual has raised a concern with the Confidential Hotline and they do not think that they have received what they consider to be a reasonable response, they may escalate their concern. If the Confidential Hotline referred their concern for handling in accordance with a local policy and procedure - for example, the Service Complaints Process - the individual should first follow the escalation routes in the local policy and procedure if not satisfied with the outcome of their concern. Once any local escalation routes have been followed, the individual may raise their concern with the Head of Fraud Defence, who will assess whether the concern has been satisfactorily dealt with, directing any further action as required. The individual will be informed once consideration by the Head of Fraud Defence is complete. If the individual is still not satisfied following consideration by the Head of Fraud Defence, they may raise their concern with the Permanent Secretary, who will seek assurance from the Head of Fraud Defence that the concern has been satisfactorily dealt with, directing any further action as required. The individual will be informed once consideration by the Permanent Secretary is complete. Throughout any escalation, the Nominated Officer may be consulted to ensure an individual may have their concerns properly addressed, but is not involved in deciding whether an investigation was completed satisfactorily. The MOD will normally limit the number of times a concern is investigated to two in order that concerns are properly managed. If the individual is still not satisfied (and a civil servant) after having raised their concern with the Permanent Secretary, they may raise their concern with the Civil Service Commission.

35. Individuals are encouraged to use this policy and procedure to raise concerns. However they may also raise a concern directly with the Civil Service Commission (if they are a civil servant), Regulatory Body, or Prescribed Person if they feel there is a good reason for not raising a concern within the MOD. However, where appropriate, the Civil Service Commission expects civil servants to have raised concerns within their own Department first. If a concern is raised directly with the Civil Service Commission, without it being raised within their department first, the Civil Service Commission will ask why it was not appropriate to raise the matter internally first. For those working in Arm's Length Bodies, it will be sufficient to have raised the concern within the Arm's Length Body or the MOD first – the Commission does not require that the individual raise the concern with both the Arm's Length Body and the MOD before raising it with them. The Commission will inform an individual directly about whether they are prepared to investigate a concern raised with them. Non-civil servants will not be able to raise a concern with the Civil Service Commission.

36. Further information on how to raise a concern with the Commission is available on the Civil Service Commission ([www](http://www.csc.gov.uk)) website and from the following address:

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

E-mail: info@csc.gov.uk
Tel: 020 7271 0831

37. Unauthorised disclosures. It is important that concerns are raised internally, or with the Civil Service Commission, Regulatory Body or Prescribed Person, and at the earliest time possible. This will allow the MOD the opportunity to address and resolve any concerns quickly and by the most appropriate means. The MOD 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, could amount to an unauthorised disclosure of official information that has been shared or communicated in confidence (see DIN 2016DIN03-029: Contact with the Media and Communicating in Public) or a breach of the Official Secrets Act (www) and lead to disciplinary action being taken against the individual, except in the very limited circumstances that such a disclosure would be protected by the Public Interest Disclosure Act (PIDA) (www). Please note that this list is not exhaustive. Individuals may wish to obtain their own legal advice.

38. If a line manager / Commanding Officer becomes aware that a member of their staff has made a disclosure outside of the routes prescribed in this procedure they should inform the Confidential Hotline and their line management / command chain. How to access support / provide protection

39. The MOD recognises that this might be a difficult time for individuals, who may experience anxiety when raising or considering whether to raise a concern. There are various channels of support available throughout the process. These are not themselves bodies to whom individuals can raise a concern. They can only provide help and advice and individuals should not divulge details of the matter itself to them.

- The Employee Wellbeing Service (0800 345 7047 or 93345 7047 or welfare@db.s.mod.uk) offers a Confidential telephone, or e-mail based Professional, Advice service, which supports individuals experiencing emotional problems as a result of domestic or work-placed issues. They also offer Civilian and Military Line Managers practical advice on how they can best support their staff
- The ACAS Helpline 0300 123 1100 provides free and impartial advice for individuals on a range of issues, including whistleblowing and raising a concern in the workplace. For further information see ACAS (www).
- Public Concern at Work (PCaW) (www) is a whistleblowing and raising a concern charity which advises individuals on whistleblowing and raising a concern matters at work
- Trades Union members can seek advice from their representatives (see Employee Relations - Key Contacts and Addresses)

40. The Confidential Hotline Team, your line management/Commanding Officer, TLB Focal Point or the MOD's Nominated Officer can be contacted for support on whistleblowing or raising a concern, and can advise on available support.

41. If an individual follows the correct procedures when raising a concern they will not be penalised. The MOD will not tolerate any form of victimisation taken against an individual for raising a genuine concern, it does not matter if they are mistaken. Where an individual has been victimised for raising a concern, the MOD will take appropriate action against those responsible, in line with its responsibility and its disciplinary / misconduct policy and procedures, and take reasonable steps to prevent any further issues arising.

42. If an individual feels they have been victimised for raising a concern, they should report this to their line manager/Commanding Officer or someone else in their line management chain/chain of command, or they should seek advice from the Confidential Hotline or the Nominated Officer. If an investigation into their concern is on going they should contact the Confidential Hotline. Individuals should follow the MOD's Harassment and Bullying policy to report victimisation.

43. If a concern is referred to the line management chain/chain of command by the Confidential Hotline or Investigating Officer, the line management chain/chain of command should not attempt to identify who made the disclosure if the individual raising the concern did not give their consent for their identity to be passed to their line management chain/chain of command. If the identity of the individual raising the concern is known to line management/Chain of Command, the individual's confidentiality must be respected at all times.

44. The MOD may be able to provide support if an individual is involved in legal proceedings as a result of raising a concern, as outlined in Section 12.2 of the Civil Service Management

Code. For details of support that can be provided see 2017DIN01-042: Support Available for Staff Facing Legal Proceedings and 2016DIN01-092: Support Available For Staff Giving Evidence in Legal Proceedings.

45. If an individual raises concerns maliciously or vexatiously other than in the public interest, or raises knowingly untrue concerns in order to harm colleagues or their department, they will face disciplinary action which could result in dismissal.
46. The MOD will treat the subject(s) of a concern fairly. Should the individual(s) become the subject of a misconduct procedure, they should be signposted to the available support detailed in the accompanying policy and procedure.

Next Review: June 2020

By: Headteacher

Individual has a concern about something they consider fundamentally wrong, illegal, or endangers others. Individual may wish to discuss concern with line manager / commanding officer or another manager / officer. Individual may wish to approach Nominated Officer for support

Individual or manager / officer on their behalf raises concern with
Confidential Hotline: 0800 161 3665 / 01371 85 4881 / confidential-hotline@mod.uk

