



Ministry
of Defence

WHISTLEBLOWING AND RAISING A CONCERN – FREQUENTLY ASKED QUESTIONS

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WHISTLEBLOWING & RAISING A CONCERN

01 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’. For what counts as a ‘protected disclosure’ see the entry on the Public Interest Disclosure Act. 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. Further information on whistleblowing can be found on [Gov.UK – What is a Whistleblower](http://www.gov.uk/guidance/what-is-a-whistleblower) (www).

02 What is the Public Interest Disclosure Act?

The [Public Interest Disclosure Act 1\(PIDA\) 1998](http://www.gov.uk/guidance/public-interest-disclosure-act-1998) (www) 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. It offers protection to workers 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

Having made a ‘protected disclosure’ they are entitled to the protection set out in the Act. By law, the employer has a duty to protect that worker from suffering any detriment as a result of making a protected disclosure. Any dismissal of an employee as a result of the disclosure would be automatically unfair.

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. Although it does not cover the genuinely self-employed (other than in the NHS), volunteers, the Intelligence Services or the Armed Forces, MOD will not tolerate any form of revenge taken against people, Service or civilian, using the system to raise a genuine concern.

No protection is afforded for qualifying disclosures when the individual, 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 knowingly untrue concerns they would not be protected by PIDA and could face disciplinary action.

“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.” 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.

03 What are Prescribed Persons?

Prescribed Persons. PIDA makes special provision for disclosures to prescribed persons. These are regulatory bodies such as the Health and Safety Executive, the Financial Services Authority, and the Single Source Regulations Office. Disclosures made to a prescribed person are protected as long as the individual reasonably believes that the information and any allegation in it are substantially true and relevant to that regulator. A list of prescribed persons can be found in the document [Gov.UK - Blowing the Whistle to a Prescribed Person](#) (www).

04 What are the Values, Standards and Ethos of the Services?

RAF Ethos, Core Values and Standards; Values and Standards of the British Army; and the Ethos, Values and Standards of the Naval Service contain the respective statements of core values of the RAF (respect, integrity, service, excellence), Army (courage, discipline, respect for others, integrity, loyalty, selfless commitment) and Naval Service (commitment, courage, discipline, respect for others, integrity, loyalty) and the duty of Service personnel to uphold them.

05 What is the Civil Service Code?

The **Civil Service Code** sets out the expectation on civil servants to carry out their role with dedication and a commitment to the Civil Service and its four core values: integrity, honesty, objectivity and impartiality, and the right and responsibility of civil servants to speak up and report behaviour that contravenes the Code's values. The Code forms part of the terms and conditions of employment of all civil servants. The Code can be accessed on [Gov.UK – The Civil Service Code](#) (www). Non-civil servants are not subject to the Civil Service Code.

06 What is the Civil Service Management Code?

The **Civil Service Management Code** sets out regulations and instructions related to civil servants' terms and conditions of service. The Management Code can be accessed on [Gov.UK – Civil Servants Terms & Conditions](#) (www). Non-civil servants are not subject to the Civil Service Management Code.

07 What is the Civil Service Commission?

The **Civil Service Commission** is an independent body who can hear and determine complaints relating to the Civil Service Code. For example, if an individual 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. It does not hear complaints on issues outside of the Civil Service Code, for example personnel management grievances. 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. Further information on the Civil Service Commission can also be found on their website [Civil Service Commission](http://www.civilservicecommission.gov.uk) (www). Non-civil servants are not able to raise a concern with the Civil Service Commission.

08 What are TLB Focal Points?

TLB Focal Points are MOD employees, who can offer impartial support and advice, outside of the management chain, to those who potentially wish to raise a concern or blow the whistle within MOD TLBs. They are able to provide advice on:

- the Civil Service Code and the Values, Standards and Ethos of the Services
- whether a concern falls under the Whistleblowing and Raising a Concern Policy
- the appropriate channels available for an individual to raise their concerns
- the alternative channels to follow where an individual's 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.

Contact details for the MOD's Nominated Officer and TLB Focal Points are available in **MOD Nominated Officer and TLB Focal Points**.

09 What is a Nominated Officer?

The **Nominated Officer** provides support and advice to individuals on issues raised under the Whistleblowing and Raising a Concern policy, and helps individuals to have their concerns properly addressed. The Nominated Officer does not investigate concerns. Their role includes:

- Giving advice on the MOD's whistleblowing and raising a concern policy, the Civil Service Code and the Values, Standards and Ethos of the Services.
- Reassuring individuals on how they will be protected by following the correct procedures for whistleblowing and raising a concern
- Helping individuals to raise concerns using the correct procedures, including – for civil servants – going to the Civil Service Commission
- Being a neutral point of contact for the individual and investigators – but not taking part in any investigation
- Helping individuals to get concerns considered fairly if they are having trouble doing this
- Supporting individuals to raise concerns to senior levels within the MOD, if necessary
- Keeping records about the concerns raised to them. This information may be sent to the Civil Service Commission if there is an appeal.

10 What is the Confidential Hotline?

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. The team will manage and record all concerns raised and assess how the concern should be handled. For concerns which fall within the scope of this policy, they will pass the matter to the appropriate area (e.g. MOD Police, Service Personnel Authorities, Fraud Defence or the line management chain/Chain of Command) to deal with the concern, and where appropriate retain an overview of the management of the concern through to completion. The team forms part of Fraud Defence.

11 Who may raise a concern with the Confidential Hotline?

Anyone working in Defence may raise a concern with the Confidential Hotline, including:

- Service personnel who have a concern about a civilian's behaviour or actions
- A civilian who has a concern about a Service person's behaviour or actions
- A Service person who has a concern about a Service person's behaviour or actions
- A civilian who has a concern about a civilian's behaviour or actions
- Non-civil servants seconded into the Civil Service. They are treated as civil servants for the duration of their secondment including being subject to the Civil Service Code and Civil Service Management Code.
- Civil servants who have been seconded out of the Civil Service and want to raise a concern about a Departmental matter, such as the actions of another civil servant. They retain their status as a civil servant, so continue to be bound by Civil Service terms and conditions, the Civil Service Code, and the Civil Service Management Code. If however their concern relates to matters within the non-Civil Service organisation they have been seconded to, they should use the organisation's own whistleblowing and raising a concern policy and the matter cannot be brought to the Civil Service Commission. [Note: In cases such as this, the correct actions may depend on the terms of the particular secondment.
- Civil servants on loan to another Government Department who want to raise a concern. They are bound by the Civil Service Code and Civil Service Management Code, and should therefore, depending on the terms of their loan, either use the whistleblowing and raising a concern procedures of their parent department, or the department they are seconded to.
- Contractors
- Agency staff