

Home Office Security

**Whistleblowing and Raising a
Concern**

Role of the Nominated Officer

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Introduction

Whistleblowing is the process by which a concern about a perceived past, current or future wrongdoing in an organisation or a body of people is raised. In the Civil Service, this includes breaches of the Civil Service Code (the Code).

The role and responsibilities of a Nominated Officer for 'Whistleblowing and Raising a Concern' within the Home Office is outlined below. This is an important role as the Nominated Officer will be the link between the whistleblower and the organisation advising employees who have concerns, helping them to get their concerns heard, commissioning investigations and updating the whistleblower where necessary.

The primary roles of the Nominated Officer are to direct whistleblowers to the Central Referral Team (CRT) whistleblowing number **DPA** to have their concern recorded, act as a commissioning manager if an investigation is required and provide support and updates on the issues raised to the whistleblower.

Role of Nominated Officers

Nominated Officers should be a minimum of Grade 7.

As a Nominated Officer your role is to:

- advise whistleblowers on the interpretation of the Civil Service Code and whether their concern qualifies under the whistleblowing policy;
- direct whistleblowers to the reporting line **DPA** or to the on line form at http://eforms.homeoffice.gsi.gov.uk/service/Report_a_whistleblowing_concern or you can contact the Central Referral Team (CRT) on their behalf via **DPA**. The CRT will record any issues raised;
- support whistleblowers and managers in dealing with a concern or potential concern, acting as the central point of contact for the whistleblower and act as the Commissioning Manager for any investigation;
- re-assure whistleblowers of the importance of raising concerns internally and the protection available from under the 'Whistleblowing and Raising a Concern' policy and procedure;
- advise whistleblowers and managers on the 'Whistleblowing and Raising a Concern' policy and procedure, how and when the guidance should be applied.

If a whistleblower feels that their concern is particularly serious and urgent, or for some reason they are reluctant to ring the hotline they can choose to raise their concern with you. A whistleblower could also approach you if they have already

raised a concern within their line management chain and they feel it has not been adequately addressed.

Your role is not to reach any decision on the matter of concern. It is to provide advice on the Civil Service Code and 'Whistleblowing and Raising a Concern' policy and procedure and to help the whistleblower to get their concerns properly considered, if they are having difficulty achieving this, or escalating concerns as appropriate.

Briefing for Nominated Officers

Once you are appointed into the role of Nominated Officer, you will receive an initial briefing from the department.

This will provide information on:

- Civil Service Code;
- 'Whistleblowing and Raising a Concern' policy and procedure;
- Grievance Resolution policy and procedure to support signposting;
- Disciplinary policy and procedure;
- Legal context in which concerns can be raised;
- Role of the Civil Service Commission in relation to whistleblowing.

You will receive training when you are appointed in your role or soon afterwards.

Accountability

You have been appointed into your role by the Permanent Secretary and you are accountable directly to them. As a nominated Officer you could be approached by any employee from across the Home Office.

If you do not feel satisfied with the handling or the outcome of a concern, then you should raise the matter in the first instance with the Central Referral Team. You can also approach the Shared Service Centre on **DPA** for policy guidance and the Central Referral Team for process advice.

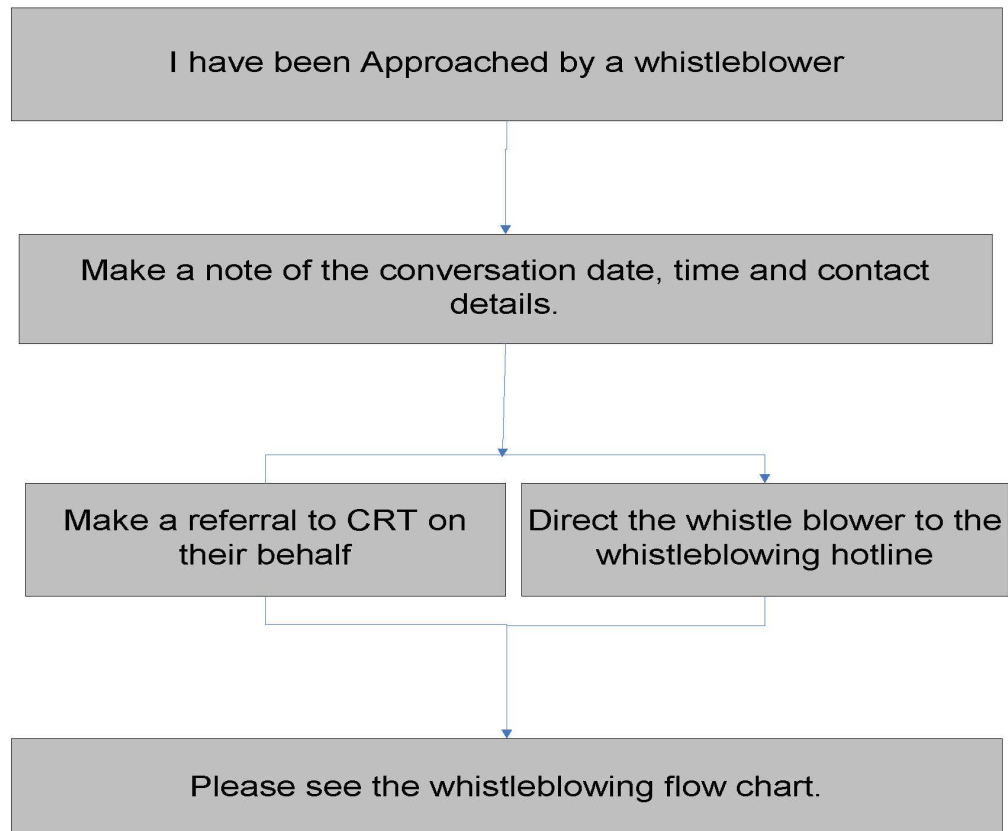
Reporting a whistleblowing concern

When approached by a whistleblower with a potential whistleblowing concern, one of the things you may need to consider is whether the concern should be reported. The factors that you may need to consider include:

- Has the employee approached you as a nominated officer with a concern that falls within the scope of the whistleblowing procedure?
- If yes, then contact should be made with the Central Referral Team;
- Is the concern so serious that it needs to be brought to the attention of senior management, possibly including the Permanent Secretary straight away? All

such matters should be reported to CRT first before escalation as vital intelligence may be compromised in the process.

Flowchart



Flowchart Text Version:

Step 1 – I have been approached by a whistleblower

Step 2 – Make a note of the conversation date, time and contact details.

Step 3 – **A.** Make a referral to CRT on the whistleblowers behalf, or

B. Direct the whistleblower to the CRT hotline.

Step 4 - Refer to the whistleblowing flowchart in the main policy document.

Nominated Officer responsibilities

As a Nominated Officer you should provide advice and support to both whistleblowers who wish to raise a concern under the whistleblowing procedures and to managers raising concerns. Your primary responsibility is to advise the whistleblower. The extent of your role may vary in each instance but is likely to include:

- advising whether a concern falls under the whistleblowing policy and procedures or signposting elsewhere if appropriate;
- acting as an impartial intermediary between whistleblowers and other parties, if requested;
- advising on how to take such a concern forward through departmental whistleblowing procedures;
- providing guidance on the Civil Service Code, if applicable;
- being a central point of contact for the whistleblower and any investigation, but not taking part in any investigation;
- acting as the commissioning manager in any subsequent investigation;
- reminding employees that the department will not tolerate malicious or vexatious concerns;
- Reassuring employees about the protection available to them under the whistleblowing procedure. A whistleblower raising a concern under the procedure may be protected under the Employment Rights Act 1996, but you might want to seek legal advice before advising on this;

- Advising whistleblowers on other channels of support available during the process.

Civil Service Code

The Civil Service Code (the Code) sets out the core values of the Civil Service, that being, honesty, integrity, objectivity and impartiality, and the standards of behaviour expected of all civil servants. As a Nominated Officer, you have a duty to promote the Code and will be trained to provide impartial advice to whistleblowers who raise concerns of possible or potential breaches.

Public Interest Disclosure Act 1998 (PIDA)

The Public Interest Disclosure Act 1998 (PIDA), popularly known as the “whistleblowing law”, introduced provisions into the Employment Rights Act 1996 (the ERA) which offers protection to employees who disclose certain information about their employers (raising whistleblowing concerns), in certain circumstances. Normally, if an employee reveals information that their employer does not want revealed, it would be a disciplinary offence. However, the ERA protects employees who ‘blow the whistle’ i.e. disclose information about wrongdoing in their organisation, particularly if this protects customers or wider public. Those employees are able to raise an internal grievance under the department’s Grievance Resolution procedure if they suffer any form of detriment and/or complain to an employment tribunal if they are dismissed for doing so. If the employee wants to qualify for protection under the ERA, their disclosure has to meet certain conditions.

This procedure primarily focuses on breaches of the Civil Service Code, although disclosure made in accordance with the procedure may also be covered by PIDA/the ERA. Therefore, an employee may have legislative protection through the ERA, even where they did not follow the Procedure. An example of this may be where an individual raises a concern to an external body, which is obviously not permitted in the procedure, but may qualify for protection under the ERA, provided that the employee complied with ERA provisions. If you are unsure about whether the ERA applies please seek legal advice.

Raising a concern externally

You should explore with the whistleblower the reasons why they feel the need to do this. You will also need to explain:

- That the best way to raise a concern is internally, however whistleblowers are permitted to raise a concern about the Civil Service Code with the Civil Service Commission. This will not apply to non-civil servants for example, employees of a non-Crown, Non Departmental Public Body (NDPB), contractors;
- that the department operates under the principles of open communication and mutual trust, and that responsible whistleblowing is encouraged and they will be protected if they follow the whistleblowing procedure;
- that their concern will be properly investigated under the whistleblowing procedure;

- why it is not considered appropriate for it to be dealt with under the whistleblowing procedure if this is the case;
- which alternative procedure is appropriate and why;
- that you may need to seek advice;
- It is most important that whistleblowers should not be subject to inappropriate pressure in relation to taking their concern further. If, having discussed the above points with them, the whistleblower makes it clear that they still wish to raise the matter externally you should seek advice from your HR Director/Head of HR or legal team/advisers.

Raising a concern outside the prescribed route

You will need to highlight to the whistleblower that improperly raising a concern outside of the prescribed routes could affect the level of protection those routes provide for them and could result in disciplinary action against them and ultimately in dismissal. It might also breach the Official Secrets Act. You should refer them to the department's information assurance policy.

Whilst not permitted under the whistleblowing policy, disclosures to certain regulatory bodies, known as 'prescribed persons' can attract the protection of the ERA in certain circumstances. In order to be protected, however, the whistleblower will need to follow the procedure set out in the Act. If a whistleblower maintains that they want to raise a concern in this way, you must suggest that they seek independent legal advice. You should also advise managers that whistleblowers may be protected for raising a concern in this way under the ERA, and that they should seek advice from the Shared Service Centre before instigating disciplinary proceedings.

Once you are aware that the whistleblower is going to raise a concern with an external body or person, you should immediately notify the Central Referral Team.

Raising concerns with the media

You must advise that, raising concerns outside of the prescribed routes is protected by the ERA only in very limited circumstances and could, if it amounts to an unauthorised disclosure, result in disciplinary action against them and ultimately in dismissal. It may also breach the Official Secrets Act. You should immediately inform the Central Referral Team.

Dealing with concerns raised directly with Nominated Officers

You may be the first point of contact for the whistleblower who might be anxious and distressed about raising concerns. You should be supportive and put them at ease.

As a first step, you will need to determine whether the concern has been raised with line management.

If the whistleblower does not feel confident about taking their concern to their line manager you may need to act as an impartial intermediary and direct them to the whistleblowing hotline or make a referral on their behalf.

Informing the Permanent Secretary

Where the concern involves a serious breach of the Civil Service Code or is particularly sensitive or significant in terms of operational, financial or reputational risks for the department, you should ring the Central Referral Team to discuss immediately.

Confidentiality

Whistleblowing can be a sensitive area and whistleblowers may be concerned about their identity being revealed. It is good practice to respect a whistleblower's wish for confidentiality as far as possible by restricting it to a 'need to know basis'. However you should also advise them that it is best to raise concerns openly as this makes it easier for the department to investigate and to provide feedback. You should also remind them that help and support is available to whistleblowers that raise genuine concerns under the whistleblowing procedures.

On rare occasions it may not be possible to resolve the whistleblower's concern without revealing their identity. If this occurs, the department may still need to proceed with the matter, but the whistleblower will if reasonably possible need to be advised about this before proceeding.

Anonymous concerns

If you receive an anonymous concern, you should treat it as credible until further steps have been taken to investigate the issue. Discretion should be used about whether or not to proceed with the matter; taking into account the credibility of the concern and the likelihood of being able to validate the allegation. If approached about an anonymous case you should advise that it will be referred to the Central Referral Team.

Record keeping

It is advisable to keep a record of all approaches made to you along with a brief note of the issue which should include:

- date the issue was raised;
- details of the individual raising the concern;
- how long the process took;
- any other relevant management information. You will need to provide the summary to the Central Referral Team as soon as is practical.

All records and correspondence should have the appropriate protective marking and be kept securely.

Role of Civil Service Commission

If all internal routes have been exhausted, including recourse to the Permanent Secretary and the employee still does not believe they have had a reasonable response, then if their complaint concerned a breach of the Civil Service Code they may contact the Civil Service Commission.

Lessons Learned procedure

It is important that the department is able to learn from concerns or potential concerns to improve processes or procedures going forward. However, all such lessons learned matters will be taken forward by the Central Referral Team.

Promoting the Civil Service Code

Nominated Officers have a role in supporting awareness and understanding of the Civil Service Code and whistleblowing policy across the department. Although you may not be leading on this, your experience will be important in helping others fulfil this role.

Nominated Officers in the Home Office are:

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Contact points

The Central Referral Team –

DPA

Tel:	DPA
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HR Shared Service Centre

DPA

More information and support

You may contact the Propriety and Ethics team in the Cabinet Office -

DPA and the Civil Service

Commission:

Civil Service Commission

G/8

1 Horse Guards Road

London

SW1A 2HQ

E-mail: **DPA**

Tel: **DPA**