

# Whistleblowing FAQs

## 1. What is Whistleblowing?

Whistleblowing is when an employee reports suspected past, present or imminent wrongdoing, or an attempt to conceal wrongdoing. Officially this is called 'making a disclosure in the public interest'. Whistleblowing is important to safeguard the effective delivery of public services, and to ensure value for money. It serves to protect and reassure the workforce, and to maintain a healthy working culture and an efficient organisation.

The reporting of a wrong doing under this policy may be covered by the Public Interest Disclosure Act 1998 (the Act).

Further information can be found on [gov.uk](http://gov.uk).

## 2. What can I raise under the Whistleblowing Procedure?

Concerns can relate to matters of policy or misinterpretation of policy or it can relate to (but not limited to) the following when they are carried out either by the CPS, part of the CPS or by an individual(s) in their role or capacity within the CPS:

- Criminal offence;
- Unlawful acts;
- Improper and/or unethical behaviour;
- Endangering the health or safety of any individual;
- Miscarriage of justice;
- Financial malpractice, impropriety or fraud;
- Mishandling or risks to data and/or information;
- Failure to comply with a legal obligation;
- Breaches of Departmental policies and procedures, or of the Civil Service Code, only where an employee does not feel able to report their concerns through the grievance procedure, e.g. because they have witnessed wrongdoing or because they are fearful that doing so would result in a significant threat to themselves or any other person or they have reasonable grounds to believe that it may result in further harassment;
- Deliberate concealment of any of the above.
- This is not an exhaustive list and it may transpire that the concern relates to general wrongdoing and does not fall under the Code. It is still important that it is raised

according to the Whistleblowing Procedure, but the Commission may not be able to hear it. 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, Gender Recognition Act 2004, Health and Safety regulations or any other relevant legislation.

**3. What is the Civil Service Code?**

The Civil Service Code 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 can be accessed online on the [Gov.UK](https://www.gov.uk) website.

The Code forms part of the terms and conditions of employment of all civil servants.

**4. 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, under the Act.

Below is a list of concerns which fall under the Civil Service Code and may therefore be raised with the Commission:

- Misuse of 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 by declining to take, or abstaining from, actions which flow from those decisions;
- Act in a way that unjustifiably favours or discriminates against particular individuals or interests;
- Act in a way that is determined by party political considerations, or use official resources for party political purposes;
- Allowing one's personal political views to determine any advice given or actions taken.

## **5. How can I contact the Civil Service Commission?**

Further information on how to raise a concern with the Commission can be found [here](#).

Address:

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

E-mail: [info@csc.gov.uk](mailto:info@csc.gov.uk)

## **6. Can I raise my concern directly with the Civil Service Commission?**

Concerns may be raised directly with the Commission. However, where appropriate, the Commission will expect that the concern has been raised within the employee's own department first. If the concern is raised directly with the Commission without the issue being raised within the department 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.

## **7. What is not covered by the Whistleblowing Procedure?**

Issues around the treatment of an employee or personal complaints about employment, for example: complaints about terms and conditions; promotion or selection procedures are not covered by the Whistleblowing Procedure. Any other complaints connected to working conditions, including harassment, bullying and discrimination are also not covered by the Whistleblowing Procedure. These would normally be dealt with by the line manager through day-to-day management action, or through appropriate grievance procedures.

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

Concerns raised under the Whistleblowing Policy should address wider issues that concern the department, colleagues or public in general, rather than personal complaints that may be raised under other policies and procedures. For civil servants, these will usually relate to the Civil Service values, as outlined in the Civil Service Code.

Personal grievances and complaints, including complaints of bullying, harassment and discrimination will not be accepted under the Whistleblowing Policy and should be raised under the appropriate policy.

#### **9. Is a 'crisis of conscience' complaint the same as blowing the whistle?**

A 'crisis of conscience' may occur when an individual is asked to conduct work which conflicts with their 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 Department.

A crisis of conscience should be discussed with the line manager in the first instance.

#### **10. Do I need to formally raise a concern under the Whistleblowing Procedure?**

The regular and open discussions between an employee and their line manager are the suggested platform to discuss a concern informally before raising it more formally under the Whistleblowing Procedure. What is important is that concerns are raised within the department not how it is done.

#### **11. I don't have any proof of my concern yet. What should I do?**

Proof is not needed to raise a concern. To raise a concern there only needs to be reasonable belief that wrongdoing has occurred is occurring or is likely to occur. It is not for the individual to investigate or prove that their concerns are justified; that is the responsibility of the department.

#### **12. Why should I follow the Whistleblowing Procedure?**

The Whistleblowing Policy and Procedures have been designed to offer protection when raising a concern that is accepted under the Policy whilst ensuring that it is addressed and resolved at the right level and as quickly as effectively 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;
- Protect both personal and organisational reputations;

- Reduce the chance of anonymous or malicious leaks (including to the media);
- Reduce the chance of legal claims against the organisation.

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

The department will protect any person who reports a concern in good faith from victimisation or reprisals such as being subject to discipline, dismissal or any other detriment as a result of raising the concern.

Disciplinary action will be taken against those who victimise or otherwise subject to detriment any worker who has raised a concern under the Whistleblowing Policy.

**15. I am a non-civil servant seconded into the Crown Prosecution Service. What procedure should I use?**

Those who are seconded into the CPS are Civil Servants for the duration of the secondment and will be treated as being subject to the Civil Service Code and Civil Service Management Code. Any concerns should therefore be raised using the CPS Whistleblowing Policy & Procedure. Those who have been seconded into the CPS will also have access to the Civil Service Commission.

**16. I am a CPS employee 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?**

Those seconded out of the Civil Service still retain their status as a civil servant. This means they continue to be bound by the Civil Service terms and conditions, the Civil Service Code and the Civil Service Management Code. Therefore, the CPS Whistleblowing Policy & Procedure should be used to raise a concern. These individuals will also have access to the Civil Service Commission. If your concern relates to matters within the non-Civil Service organisation you have been seconded to, you should use the organisation's own whistleblowing 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].

**17. I am a CPS employee on loan to another department and I want to raise a concern. What procedure should I use?**

All Civil Servants are bound by the Civil Service Code and the Civil Service Management Code. Depending on the terms of the loan, concerns may be raised using either the host Department's or CPS Whistleblowing Policy & Procedure. Individuals will still have access to the Civil Service Commission.

**18. I am a service provider i.e. contractor, working within a Government department and I want to raise a concern. What procedure should I use?**

These individuals are not civil servants and are therefore 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 CPS Whistleblowing Policy & Procedure will still apply and this should be followed to raise a concern. Non-civil servants are not able to raise a concern about breaches of the Civil Service Code with the Civil Service Commission.

## **19. Where can I go for support during this process?**

It is recognised that raising or considering raising a concern can be an anxious or tense experience. There are various channels of support available throughout the process:

- Line managers, or another locally based manager, your HRAM or the Internal Audit & Assurance team can advise on available support;
- Workplace Wellness: the CPS employee assistance programme: Workplace Wellness available 24 hours a day on 0800 1116 387;
- The CPS may also provide legal representation or cover legal costs if you are involved in legal proceedings as a result of blowing the whistle. This will be decided on a case by case basis. Further information can be found in the departmental Legal Representation at Public Expense Policy;
- The [ACAS](https://www.acas.gov.uk) Helpline 0300 123 1100 provides free and impartial advice for employees on a range of issues, including whistleblowing in the workplace;
- [Public Concern At Work](https://www.publicconcernatwork.org/) is a whistleblowing charity which advises individuals on whistleblowing matters at work;
- Trade union members can seek advice from their representatives;
- Staff networks may be able to offer additional support.

Please note: these sources of support, help and advice, other than line managers and the Internal Audit & Assurance team, are not themselves bodies or prescribed bodies as per the Act to whom concerns can be raised.

## **20. Will my identity remain confidential?**

The CPS will endeavour to protect the identity of the person who raised the concern and this should be possible in the majority of cases. Any document, report or recommendation prepared by the CPS in relation to the matter will not expose the identity of the person raising the concern.

However situations may arise where the identity of the person raising the concern needs to be disclosed. If possible, their 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). In the event that the concern raised is covered by the Whistleblowing Policy and it is of a public interest it may not be possible or appropriate to stop the investigation. If this is the case the department will advise the individual of this before proceeding.

**21. Can I raise a concern anonymously?**

An individual can choose to raise concerns anonymously. Concerns raised openly make it easier for them to be investigated and for feedback to be provided. Employees are therefore encouraged, where possible, to put their names to concerns raised, but raising a concern anonymously is preferred to silence about potential serious wrongdoing.

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

The department will endeavour to keep an individual informed of progress, and where possible provide an update within 28 days. They will be advised when the matter has been concluded, though it cannot be guaranteed that all the details of the investigation and the final outcome will be disclosed; security and confidentiality must be maintained for all parties.

**23. I am not happy with the outcome of the investigation, what now?**

If the concern has been raised with line management, an alternative within the management chain or the Internal Audit and Assurance team in accordance with the Whistleblowing Policy and it is not thought a satisfactory outcome has been achieved, the concern may be raised with the Chief Executive and from here, the independent Civil Service Commission. Although the CPS / Commission cannot guarantee that the outcome would be as wished, they will seek to handle the matter fairly and correctly.

**24. Can I go straight to the Chief Executive with a concern?**

Concerns may be raised directly with the Chief Executive if it is justified.

**25. What would happen if an employee raised concerns maliciously, vexatiously or knowing them to be untrue?**

If an employee raises malicious, vexatious or knowingly untrue concerns in order to harm colleagues or the CPS, 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.

**26. What would happen if an employee is treated badly by a co-worker because they raised a concern?**

It is the responsibility of the CPS 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 Internal Audit and Assurance Team.

Where an employee has been victimised for raising a concern, the CPS will take appropriate action against those responsible, in line with the CPS Disciplinary policy.

## 27. 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. However, the CPS Whistleblowing Policy primarily focuses on breaches of the Civil Service Code, although PIDA legislation may also be relevant.

PIDA serves to protect 'workers' who make a 'qualifying disclosure' in one of the permissible ways set out in the Act. 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.

Disclosures to certain regulatory bodies, known as '[prescribed persons](#)', can be permitted by PIDA in certain circumstances.

In order to be protected, however, an employee will need to follow the procedure set out in the Act. Those wishing to raise a concern in this way are advised to seek their own legal advice.