

Whistleblowing Policy and Procedure

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Key Dates

Effective from October 2018, version control and document history will be available and contained in this policy. For recording purposes, Version 1 will be the policy in place as at the date of the insertion of this record.

Version	Reason for change / detail of amendments	Author	Date
v1.0	Migration of policy and associated documents to Office 365. Formatting amends to ensure consistency and update of hyperlinks.	JO	09.10.2018
V2.0	Amendments made to clarify process of what to do when raising a concern under this policy and procedure. Updates to terminology to reflect language used across Civil Service and the CPS.	JO	16.09.2019
V3.0	Intranet Refresh – update links and terminology		

Whistleblowing Policy

1. Policy Principles

- 1.1. The Crown Prosecution Service (CPS) is committed to ensuring high standards of conduct in all that it does. For civil servants, these standards are reinforced by the [Civil Service Code](#) and the departmental Code of Conduct. However, wrongdoing can occur. It is important that employees know 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 department or the public. The Policy, Procedures and [Frequently Asked Questions](#) ensure that there are effective arrangements in place so employees feel safe to speak up and will guide employees through the process of raising a concern, which is sometimes referred to as 'blowing the whistle'.
- 1.2. The CPS seeks to minimise the risk of malpractice and breaches of legislation through the use of this policy. The CPS is committed to best practice and the highest standards of openness, probity and accountability in the delivery of its services.
- 1.3. Therefore, the following principles underpin this policy:
 - Employees are encouraged to speak up and raise any concerns they may have about wrongdoing as soon as they notice it;
 - Employees raising a concern will be afforded protection as detailed in the Procedure;
 - Employees raising a concern will be listened to and treated with respect;
 - All concerns will be handled responsibly, professionally and in a positive manner;
 - Help and support will be provided to employees where concerns are raised under this policy;
 - Managers will be supported in dealing appropriately with concerns which are raised with them.

2. Scope of Policy

- 2.1. The Whistleblowing Policy applies to all CPS employees, workers such as secondees, agency workers, external consultants and service providers.
- 2.2. This policy does not cover personal grievances including complaints about employment matters, which will be covered under the Grievance Policy.

3. Policy Summary

3.1. Key areas covered by this policy and its procedures include:

- What type of concern can be raised;
- How to raise a concern;
- How it is handled;
- Confidentiality and anonymity;
- Provision of protection and support to employees.

4. Data Protection

4.1. Personal data collected as part of this policy will be processed in accordance with the department's Data Protection Policy and Privacy Notice. The Privacy Notice explains what personal data the Department holds about you, how we collect it, and how we will use and may share information about you. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the department's 'Incident Management and Reporting' Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Department's disciplinary procedure.

Whistleblowing Procedure

1. Introduction

- 1.1. 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, increasing public confidence and to maintain a healthy working culture and an efficient organisation.
- 1.2. This procedure outlines the process that employees should follow when reporting a perceived wrongdoing within the CPS, including something they believe goes against the core values in the [Civil Service Code](#) i.e. integrity, honesty, objectivity and impartiality. This procedure has been written in accordance with the process set out in the [Civil Service Code](#) and the [Civil Service Management Code](#).
- 1.3. The reporting of 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 speak up or raise a concern, in certain circumstances. [The Directory of Civil Service Guidance](#) and the [Civil Service Management Code](#) provides more information.
- 1.4. 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 raised using the correct procedure, the individual will be protected from any unfair or negative treatment (see section 10). As set out in this procedure, employees can raise concerns through a number of internal routes and can also approach the independent Civil Service Commission directly. PIDA protection may also apply.
- 1.5. The CPS wishes to encourage all employees and other workers (see ‘Scope’ in Whistleblowing Policy), who have concerns about wrongdoing or malpractice involving any aspect of the Department’s work, to feel able to come forward and voice these without fear and in confidence. It is important that concerns are raised at the earliest time possible as this will allow the opportunity to address and resolve any concerns quickly. Employees will be able to use this procedure to alert the appropriate people about such issues.
- 1.6. The CPS 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 sources of support can be found in Annex One and the accompanying FAQs.

2. Roles and Responsibilities

2.1. The policy and procedure should be read in conjunction with the document Standard Terms and Information Applying to All HR Policy & Procedures. The additional roles and responsibilities which apply in relation to the Whistleblowing Policy include, but are not limited to:

2.1.1. Directors/ CCPs/ Area, CCD or HQ Business Managers

- Promoting and providing a safe culture and environment where employees and other workers are confident that they can speak up and raise concerns without fear of reproach or recrimination and with the confidence that they will be listened to and supported;
- Ensuring that mechanisms are in place within the Area/ Division or Directorate to inform the Internal Audit and Assurance team of any matters of concern which are raised.

2.1.2. Line Managers

- Providing a safe environment where CPS employees and other workers are confident that they can speak up and raise matters of concern;
- Ensuring that any matters raised are treated seriously and dealt with promptly in accordance with this policy and procedure;
- Informing the Nominated Officer of all concerns reported to them under this policy and procedure;
- Maintaining confidentiality, as appropriate, of the employee(s) involved in the concern;
- Ensuring that anyone who raises a concern using this policy and procedure is supported and does not suffer any unfair or negative treatment as a result;
- Should deter and take appropriate action against bullying, isolating or victimisation of anyone using these procedures or against destruction of information about malpractice, not doing so may result in disciplinary action.

2.1.3. Employees and Other Workers

- Reporting and pursuing concerns reasonably believed to be in the public interest (see Section 3);
- Raising concerns to the appropriate person in the appropriate way in line with this policy;

- Not raising or pursuing any malicious or vexatious allegations relating to the department or colleagues.

2.1.4. Human Resources Directorate (HRD)

2.1.4.1. The Employee Relations, HR Policy and Performance Management team within HRD have responsibility for:

- Monitoring matters raised in liaison with the Nominated Officer to ensure that there is minimum risk of malpractice and unethical behaviour;
- Where appropriate, notifying the HR Complex Casework team within HRD of concerns raised with the Nominated Officer to ensure steps are taken to address the concern in accordance with this policy and procedure;
- Maintaining confidentiality, as appropriate, of the employee(s) involved in the concern;
- Where appropriate, ensuring steps are taken to prevent re-occurrence of any concerns;
- Providing data to the Cabinet Office, biannually, on the number of concerns raised;
- Jointly with the Nominated Officer, providing annual assurance to the Whistleblowing Champion that the process is working and that the arrangements in place are effectively communicated.

2.1.5. Nominated Officer

2.1.5.1. The Government Internal Audit Agency acts as the Nominated Officer for the CPS and have responsibility for:

- Managing the Whistleblowing Hotline;
- Acting as a point of contact, via the Whistleblowing Hotline, for those that suspect wrongdoing and who feel uncomfortable raising a matter of concern through their normal line management chain;
- Providing impartial advice and support, outside of the line management chain, to those who have raised a concern;
- Providing impartial advice and support to the Whistleblowing Champion and Chief Executive on the handling of matters raised, where appropriate;
- Ensuring matters raised are handled properly;

- Monitoring whistleblowing cases, in liaison with HRD, to report on the use of this procedure and the outcome of investigations, including disclosures where no further action is taken;
- Where appropriate, ensuring steps are taken to prevent re-occurrence of any concerns;
- Satisfy the Whistleblowing Champion, with HRD, that the process is working, and provide assurance that the arrangements in place are effectively communicated;
- Providing data to HRD when requested to ensure reporting obligations are fulfilled to the Cabinet Office and to the Audit and Risk Committee.

2.1.5.2. Further information on the Government Internal Audit Agency (GIAA) can be found in Annex One.

2.1.6. Whistleblowing Champion (a nominated Non-Executive Director)

2.1.6.1. A Non-Executive Director will be nominated to act as a Whistleblowing Champion, who will have a responsibility to ensure that the Department has effective processes for reporting concerns. Roles and responsibilities will also include:

- Seeking to satisfy themselves that the whistleblowing processes and arrangements in place are working and are effectively communicated;
- Acting as a point of contact for board members who feel uncomfortable about raising a concern via other avenues;
- Reporting concerns raised directly with them to the Nominated Officer and advising whether they should be involved in the investigations. Reporting can be direct or via the Employee Relations, HR Policy and Performance Management team within HRD;
- Recommending how investigations may proceed where a concern of malpractice involving a board member has been raised.

2.1.7. Departmental Trade Unions (DTUS)

- Directing members to the policy and procedure to ensure concerns are raised in the correct manner;
- Providing support and advice to members when they raise a concern and making them aware of the correct routes as per this policy;
- Reminding members of the importance of following the correct procedures to ensure they are afforded the appropriate protection;

- Accompanying members raising a concern at any formal meeting under this policy, where requested;
- Treating matters raised under this policy in confidence, as set out in Section 8.

3. What type of concern can be raised?

- 3.1. A concern must be something which affects others such as your work colleagues or the general public.
- 3.2. Concerns can relate to matters of policy or misinterpretation of policy or can relate to (but not be 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;
 - Danger to the environment or people;
 - 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.
- 3.3. Furthermore, if an employee is asked to do something, or is aware of the actions of another, which they consider to be fundamentally wrong, illegal, have the potential to endanger others and/or breach the values of the [Civil Service Code](#), they can raise a concern using this procedure. The employee must have a reasonable belief that raising the concern is in the public interest.

- 3.4. This procedure should not be used to raise concerns of an HR or personal nature, for example, complaints relating to a management decision, individual treatment or terms and conditions of employment. These matters should be dealt with using the relevant alternative procedure, for example, the Grievance Procedure. Equally, this policy would not apply to matters of individual conscience where there is no suggestion of wrongdoing or a breach of the Civil Service Code by the Department but an employee is, for example, required to act in a way which conflicts with a deeply held personal belief.
- 3.5. If an individual suspects wrongdoing in another organisation, which may have a contractual or reputational impact on the CPS, they should raise their concern using one of the routes set out in Section 4.
- 3.6. If unsure whether a concern should be raised using the Whistleblowing procedure, further advice is available in the FAQs. Line managers or the Nominated Officer, via the Whistleblowing Hotline (0203 334 0320), will also be able to assist.

4. How to raise a concern

- 4.1. Civil Servants should speak up and raise a concern if they suspect wrongdoing.
- 4.2. If an employee experiences something in the workplace which they consider to be in conflict with the [Civil Service Code](#) and/or perceive to be wrongdoing, it is important that the concern is raised straight away. Proof is not required as this is the CPS's responsibility to acquire. The employee must, however, have a reasonable belief that disclosing the information is in the public interest before raising a concern using the procedure set out in this policy. The following paragraphs outline the different ways in which to raise a concern.
- 4.3. **Line Manager**
- 4.3.1. The concern should, in most instances, be raised with the employee's line manager though 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.
- 4.3.2. There may be certain rare occasions, however, when it would be inappropriate to raise the concern with the line manager 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.

4.3.3. Concerns may also be raised with a more senior manager or a manager outside of the line management chain if it is not appropriate to raise the concern with the line manager or the employee feels more comfortable doing so.

4.3.4. Once a concern has been raised with the manager under this procedure, the manager should notify the Nominated Officer using the Raising a Concern Notification Form.

4.4. Nominated Officer

4.4.1. Employees can raise a concern direct with the Nominated Officer using the Whistleblowing Hotline Number, 0203 334 0320.

4.4.2. The Whistleblowing Hotline may be a more appropriate route if:

- It is suspected that the concern may implicate the line manager in some way;
- The concern relates to someone more senior in the line management chain or another senior person in the CPS;
- It is felt that the concern is particularly serious and urgent and the employee is worried that approaching the line manager in the first instance may delay the resolution of the matter, for example in the case of National Security;
- An employee wishes to seek help or impartial advice;
- An employee has raised a concern with management but does not feel it has been adequately addressed.

4.4.3. A concern can also be raised with the Nominated Officer by sending an email to the [Whistleblowing Mailbox](#).

4.5. Chief Executive

4.5.1. If it is believed that the concern is extremely serious and urgent and it cannot be raised with management, the Nominated Officer or the Whistleblowing Champion, then it can be raised with the Chief Executive. The concern should only be raised in this way if the employee has given serious consideration to all other internal options.

4.5.2. Where appropriate, the Chief Executive may seek advice from the Nominated Officer or the Chief People Officer on any concerns raised and how any investigation should proceed.

4.5.3. When a concern is raised via the Chief Executive, the Chief Executive or the Chief People Officer will notify the Employee Relations, HR Policy and Performance Management Team of the concern raised. The Employee Relations, HR Policy and Performance Management team will be responsible for notifying the Nominated Officer of the relevant data required for reporting purposes.

4.6. Whistleblowing Champion

- 4.6.1. If it is believed that the concern is extremely serious and urgent and it cannot be raised with management, the Nominated Officer or the Chief Executive, then it can be raised with the Whistleblowing Champion. The concern should only be raised in this way if the employee has given serious consideration to all other internal options.
- 4.6.2. The Whistleblowing Champion should seek advice from the Nominated Officer and/or the Chief People Officer, as appropriate, on any concerns raised and on how any investigation should proceed.
- 4.6.3. Where a concern has been raised which suggests malpractice involving a board member, the Whistleblowing Champion will consult with the Nominated Officer and the Chief People Officer, as appropriate.
- 4.6.4. When a concern is raised via the Whistleblowing Champion, the Whistleblowing Champion or the Chief People Officer will notify the Employee Relations, HR Policy and Performance Management Team of the concern raised. The Employee Relations, HR Policy and Performance Management team will be responsible for notifying the Nominated Officer of the relevant data required for reporting purposes.

4.7. Civil Service Commission

- 4.7.1. If an employee has used this procedure to raise a concern within the CPS and does not receive what they consider to be a reasonable response, they may raise the concern with the [Civil Service Commission](#).
- 4.7.2. The Civil Service Commission is an independent body which can hear and determine complaints relating to the [Civil Service Code](#). Examples of complaints the Civil Service Commission can hear include if the employee has been required to act in a way that conflicts with the Civil Service Code, or observes that another civil servant is acting, or has acted, in a way that conflicts with the Civil Service Code. The FAQs provide additional information on the Civil Service Commission.
- 4.7.3. Only Civil Servants can raise a concern under the Civil Service Code with the Civil Service Commission.
- 4.7.4. 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 the department first, the Civil Service Commission will ask why it is not appropriate to raise the matter internally first. Annex One and the accompanying FAQs document provides details on how to contact the Civil Service Commission. Further information on the Civil Service Commission can also be found on their [website](#).

- 4.7.5. The Civil Service Commission cannot hear concerns related to individual treatment or management decisions, unless they believe that they are being required to act in a way that breaches the [Civil Service Code](#). These matters, including complaints of bullying, harassment and discrimination should be raised under the Grievance Policy. Nor can the Commission hear complaints in relation to matters of individual conscience, where there is no suggestion that the Civil Service Code has been breached.
- 4.7.6. Employees who are the subject of an ongoing investigation or procedure e.g. disciplinary or redundancy will not necessarily have their investigation or the procedure halted or suspended should they raise a concern under this policy. The decision in relation to this will be made by the Chief People Officer in consultation with the Nominated Officer.

5. Information needed to raise a concern

- 5.1. When raising a concern under this procedure, an employee should provide the following information where possible:
- The nature of the concern and its key elements;
 - When it happened;
 - Who was involved.
- 5.2. In addition to details of the concern, 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 other relevant dates;
 - If applicable, any personal interests must be declared from the outset.
- 5.3. It is important that matters are not investigated by employees themselves. Proof is not needed, just a reasonable, honest belief that wrongdoing, including breaches of the core values in the [Civil Service Code](#), has occurred or is likely to occur.

6. Procedure for Handling Concerns Raised

- 6.1. All investigations will be conducted sensitively, as quickly as possible, and under this procedure. The investigation should be concluded within three months of the matter being raised, though some scenarios may result in a longer timeframe. While the CPS cannot guarantee that the outcome will be as the employee may wish, the matter will be handled fairly and in accordance with the Whistleblowing Procedure.

- 6.2. Once line management or other appropriate person has been approached about a concern they must inform the Nominated Officer using the Raising a Concern Notification Form and inform their Area/Division/HQ Business Manager or Level E manager immediately of the concern, maintaining confidentiality if this has been requested by the employee who raised the matter.
- 6.3. Where a concern has been reported directly to the Whistleblowing Champion or the Chief Executive, the Employee Relations, HR Policy and Performance Management team should be notified of the concern and they will be responsible for reporting to the Nominated Officer.
- 6.4. Once a concern has been raised, the person to whom a complaint has been raised to should arrange a meeting to establish facts and determine how the concern should be taken forward. If an employee approaches a manager with a concern, the manager should escalate this to someone of at least Level D or equivalent grade to take forward.
- 6.5. At the meeting, the employee may be accompanied by a trade union representative or a colleague who is not involved in the area of work to which the concern relates if they wish. If the employee prefers, this meeting can be conducted over the telephone rather than face to face or in a suitable location away from the place of work. If it is established at the meeting that the nature of the concern means the matter would be better dealt with using the Grievance Policy or another HR Policy, this will be explained to the employee and the person conducting the meeting must ensure the employee receives the support they need to progress their concern.
- 6.6. If it is established that a concern should be investigated under the Whistleblowing Policy and Procedure, please refer to Annex 3.
- 6.7. If it is identified that the nature of the concern means the matter would be better dealt with using the Grievance Policy, another HR Policy or appears to have no substantive basis, whomever the employee raised their concern with should still notify the Nominated Officer using the Raising A Concern Notification Form and they should also inform their Human Resources Advisory Manager (HRAM).
- 6.8. Once the Nominated Officer has been informed that an individual has raised a concern under this policy and procedure, they will formally acknowledge receipt of the concern within three working days to either the line manager, the Area/HQ Business Manager direct to the employee or other appropriate person, depending upon who referred the concern to them originally.
- 6.9. Within 10 working days, providing it hasn't already been established how the concern should be handled, the Nominated Officer will also confirm in writing:
 - How it is proposed to deal with the matter;

- Whether further investigations will take place, or if not deemed appropriate, why this decision has been made;
 - An estimate of how long it might take to provide a final response;
 - What support can be offered to the individual raising the concern.
- 6.10. Where appropriate, the Nominated Officer may also advise that the matter should:
- Be referred to the Department Security Unit; and/or
 - Be referred to the Police; and/or
 - Be referred to the external auditor; and/or
 - Be the subject of an independent inquiry; and/or
 - Be handled differently from that proposed by the Department; or
 - Have no further action taken.
- 6.11. If a concern has been raised about another organisation, which may have contractual or reputational implications for the CPS, whomever the concern has been raised with will notify the Employee Relations, HR Policy and Performance Management team who will have responsibility for discussing this with the Chief People Officer for consideration on how best to raise the concern with the organisation in question.
- 6.12. Some concerns may be resolved by agreed action without the need for formal investigation. If urgent action is required, this may be taken before any investigation is conducted.
- 6.13. The CPS may decide that no further action will be taken under this policy in the following (not exhaustive) set of circumstances:
- If, after investigation, there is no evidence that malpractice within the meaning of this procedure (see Section 3) has occurred, is occurring or is likely to occur;
 - If the matter concerned is already the subject of legal proceedings, or has already been referred to the police or other public authority;
 - If the matter is already, has already been, or should be, the subject of proceedings under one of the other CPS policies and procedures.
- 6.14. The CPS will aim to update the employee on the progress of the concern within 28 days of it being raised, where possible. However, in the event of a formal investigation or the involvement of police/security, the employee will receive sufficient information

about the outcome of any investigation to enable them to be informed that the concern is being dealt with.

- 6.15. Once the investigation has concluded, the individual and Nominated Officer will receive an explanation about how the concern has been addressed. If there are legal constraints, e.g. in a criminal investigation, the individual and Nominated Officer will receive sufficient information about the outcome of any investigation to enable them to be informed that the concern has been dealt with. If no further action is proposed the Nominated Officer will inform the reasons for this in writing to the individual who has raised the concern.
- 6.16. If the investigation is not completed within three months or in the time originally estimated for the investigation, the Nominated Officer will seek and provide regular updates as agreed with the individual.
- 6.17. Throughout any investigation, the employee will still be expected to continue their duties/role as normal unless deemed inappropriate. An employee should not suffer any unfair or negative treatment as a result of raising a concern. Any such treatment should be raised and discussed with the manager handling the concern.
- 6.18. A summary of the procedure can be found in the How to Raise a Concern Flowchart.

7. External Disclosures

- 7.1. External disclosures may be made in the following circumstances and individuals are advised to seek their own legal advice before doing so. External disclosures may be made:
 - On a confidential basis directly with bodies such as the National Audit Office (NAO) or other appropriate public body or such person as may be prescribed by the Secretary of State under Section 43F of the [Public Interest Disclosure Act 1998](#). Before taking any such action employees are encouraged to inform the Nominated Officer;
 - If the employee has reasonable grounds for believing that disclosure would lead to evidence being concealed or destroyed or that they will be subjected to a detriment as a result of making the disclosure;
 - On a confidential basis for the purpose of seeking legal advice.
- 7.2. 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 and could, if it amounts to an unauthorised disclosure, result in disciplinary action. It may also breach the [Official Secrets Act](#). Please note that this list is not exhaustive.

8. Confidentiality

- 8.1. The best way to raise a concern is to do so openly as this makes it easier for the CPS to investigate and provide feedback. However, the CPS recognises that many people may not express their concerns due to fear of reprisal, worry of not being taken seriously or of being perceived as 'disloyal.'
- 8.2. Any concerns raised under this procedure will be treated in a sensitive manner. The CPS 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 is not revealed beyond the disclosure route without their consent.
- 8.3. The CPS will take steps in the investigation to ensure that confidentiality is maintained as far as possible and will endeavour to protect the identity of the person who raised the concern. This should be possible in the majority of cases. Thus, any document, report or recommendation prepared by the CPS in relation to the matter will not identify the person raising the concern unless:
- The person has consented to their identity being exposed in writing; or
 - There is evidence to show that the person who raised the concern has acted maliciously; or
 - The CPS is under a legal obligation to do so; or
 - The information is already in the public domain; or
 - It is necessary for the matter to be dealt with properly or fairly; or
 - It is on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.
- 8.4. All parties will be under an obligation to use all reasonable endeavours to ensure that they keep the matter and all information relating to the disclosure strictly confidential except, as permitted under this procedure, as required by law or until such time as it comes into the public domain.
- 8.5. The same considerations of confidentiality should be afforded to the employee(s) at the centre of the concern as far as appropriate.

9. Anonymous Allegations

- 9.1. Employees may choose to raise concerns anonymously, i.e. without providing their name at all. The CPS prefers that allegations are not made anonymously as it enables the matter to be investigated more fully. It is also easier to protect someone raising a concern if the CPS knows their identity. However this is a matter of choice and depending on the concern raised, there may be the rare occasion where the employee

may feel uncomfortable revealing their identity when making an allegation. However, raising a concern anonymously is preferred to silence about potential serious wrongdoing.

- 9.2. If a concern is raised anonymously it will be treated as credible, unless it is obviously a hoax, and investigated so far as possible. The allegation will be considered at the discretion of the CPS. In exercising this discretion factors to take into account would include:

- The seriousness of the concern raised;
- The credibility of the concern; and
- The likelihood of confirming the allegations from an attributable source – that is someone other than the anonymous source.

10. Protection

- 10.1. An employee will not be penalised for raising a concern, when using the most appropriate route, where they feel they are being required to act in a way which conflicts with the [Civil Service Code](#).
- 10.2. This policy seeks to implement the statutory protection, given under the [Public Interest Disclosure Act](#), to workers who raise concerns in accordance with this policy. The CPS will protect any person who raises a concern in the belief that it is in the public interest to do so, from victimisation or reprisals such as being subject to discipline, dismissal or any other detriment as a result of raising the concern.
- 10.3. If an employee has been victimised for raising a concern, either during or after the concern has been raised, the CPS will take appropriate action against those responsible, in line with the Disciplinary policy.
- 10.4. If, at any point during the process, the manager handling the concern, the investigating manager or the Nominated Officer is concerned for the well-being of an individual involved in the process, they should speak with the individual to ensure that they are in a safe working environment and that they have the support they need, as far as it is reasonably possible. Where appropriate, advice should be sought from Occupational Health.
- 10.5. If a concern is raised in the belief that it is in the public interest to do so, but a subsequent investigation confirms this not to be the case then no action will be taken against the employee who has raised a concern.
- 10.6. If an employee acts in bad faith or raises vexatious, malicious or knowingly untrue concerns in order to harm colleagues or the CPS, this will result in disciplinary action which may lead to dismissal. Advice should be sought from the HRAM as to how to proceed in line with other HR policies.

11. Changes to policy or procedures as a result of whistleblowing

- 11.1. If changes are made to CPS policies and procedures as a result of whistleblowing investigations, they will be publicised to employees, taking into consideration the importance of protecting the anonymity and confidentiality of individuals.

12. Other documents accompanying this Procedure

- 12.1. This procedure is accompanied by Frequently Asked Questions and Guidance for Managers where employees can find more information.

Annex One: Sources of Advice

Whistleblowing Hotline

Employees and other workers are encouraged to raise matters of concern with their line manager in the first instance. However, where this is not appropriate or possible, the Whistleblowing Hotline number, managed by the Government Internal Audit Agency (GIAA) (see below), can be used to report any concerns about wrongdoing, malpractice or fraud.

Whistleblowing Hotline 0203 334 0320 (Monday – Friday, 9am – 5pm with voicemail facilities outside of these hours)

Whistleblowing Mailbox Fraud.Reporting@justice.gov.uk

Nominated Officer

The role of the Nominated Officer is carried out by the (GIAA), who is able to provide impartial advice and support to CPS employees.

In line with the Civil Service Reform move to greater use of shared services across government, the CPS Internal Audit function is provided by the GIAA under a memorandum of understanding between GIAA and the CPS Accounting Officers

This status enables the GIAA to facilitate, monitor and/or investigate any issues of malpractice or misconduct brought to their attention by CPS employees where it has not been appropriate or possible to inform line management, without risk of interference or intimidation by management.

Alternative Contacts

Employees and other workers are able to make an external disclosure using the following routes to raise a matter of concern should they feel uncomfortable using the procedure outlined in this document. This list is not exhaustive.

Please note; individuals are advised to seek legal advice before making an external disclosure.

National Audit Office 020 7798 7999 (Monday – Friday, 9am – 5pm with voicemail facilities outside of these hours)

Civil Service Commission info@csc.gov.uk

Sources of Advice and/or Support

Public Concern at Work 020 7404 6609 (Monday – Friday, 9am – 6pm) (Independent charity) whistle@pcaw.org.uk

Workplace Wellness 0800 1116 387 (Monday – Sunday, 24 hours a day)
(CPS Employee Assistance
Programme)

ACAS Helpline 0300 123 1100 (Monday – Friday, 8am – 6pm)

Annex Two: Accessible Version of How to Raise a Concern Flowchart

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

Step One

If you suspect wrongdoing or a breach of the Civil Service Code you should raise it within the Department, go to step two.

If you are not comfortable raising your concern with management, go to step three.

If you have an extremely serious and urgent concern that cannot be raised with management or the Nominated Officer, go to step four.

Step Two

Concerns should be raised with management who will in turn notify the Nominated Officer. Then go to step five.

Step Three

If you are not comfortable raising your concern with management, you should speak to the Nominated Officer via the Whistleblowing Hotline on 0203 334 0320. Then go to step five.

Step Four

If you have an extremely serious and urgent concern that cannot be raised with management or via the Nominated Officer, you can raise the concern with the Chief Executive or Whistleblowing Champion.

The Chief Executive or Whistleblowing Champion may seek advice from the Nominated Officer or the Chief People Officer, as appropriate.

Then go to step five.

Step Five

Where appropriate, an exploratory meeting will be held to decide how your concern will be taken forward.

If your concern is to be dealt with under the whistleblowing policy and procedure, go to step six.

If your concern is about a matter outside the CPS, go to eight.

If your concern is to be dealt with under the grievance policy or another HR policy go to nine.

Step Six

If required, concern to be referred to a suitably senior manager. Then go to step seven.

Step Seven

Concern investigated under the whistleblowing policy and procedure. Then go to step ten.

Step Eight

Concern referred to Nominated Officer and Chief People Officer to consider contractual implications, reputational risk to CPS and how best to raise the matter with the organisation outside the CPS. This concludes the process.

Step Nine

Concern referred to appropriate manager to take forward under the relevant policy. This concludes the process under the whistleblowing policy and procedure.

Step Ten

Investigation concluded and referred back to appropriate manager for decision/action. Then go to step eleven.

Step Eleven

Individual and Nominated Officer notified of outcome. If the concern has been addressed and adequate response received, go to step thirteen. This concludes the process.

If you were unable to raise your concern with the appropriate manager or you did not receive an adequate response that addressed your concern, go to step three and continue following through the process.

If you have already raised your concern with management and the Nominated Officer and you did not receive an adequate response that addressed your concern, go to step four and continue following through the process.

If you have raised your concern within the Department and no adequate response was received to address your concern, go to step twelve.

Step Twelve

Raise your concern with the Civil Service Commission.

Step Thirteen

This concludes the process. Please complete the feedback form.

Annex Three: Investigations carried out under the Whistleblowing Policy

Once an employee raises a concern, the person to whom the concern has been raised to should arrange to meet with the employee to establish the facts and gather more information, unless this person is grade A1 – B3 (or equivalent grade). In these circumstances the concern should be escalated to a Level D or equivalent grade to take forward.

If it is established at the meeting that the concern should be investigated under the Whistleblowing Policy and Procedure, the below steps should apply.

All reasonable endeavours must be used to ensure that the concern and all information relating to it is strictly confidential except, as permitted under this procedure (see Section 8).

Step One: Concern raised with management

A manager who considers that an investigation is required should, in consultation with their HRAM, appoint another manager of at least Level D or equivalent grade (Investigating Officer) who is not involved in the area of work to which the concern relates, who is appropriately experienced to carry out the type of investigation required, and who is considered to have no conflict of interest.

If the manager is unsure of how the concern should be investigated or who should investigate the concern, they should seek advice from their HRAM or the Nominated Officer.

Once appointed the Investigating Officer is, from that point, responsible for managing the progression of the concern and for keeping all relevant parties updated (including the Nominated Officer). These responsibilities transfer back to the manager once the Investigating Officer has submitted their completed investigation report to the manager.

On receipt of the completed investigation report, the manager will decide on the appropriate course of action.

Step Two: Concern raised with Nominated Officer

If a concern has been raised with the Nominated Officer, the Nominated Officer will notify the Employee Relations, Policy and Performance Management team of how it is proposed to deal with the concern. If the Nominated Officer has established that an investigation is required, the Employee Relations, Policy and Performance Management team will refer the concern to the HR Complex Casework team.

The HR Complex Casework team will appoint an Investigating Officer who is not involved in the area of work to which the concern relates, who is appropriately experienced to carry out the type of investigation required, and who is considered to have no conflict of interest.

Where appropriate, this may include, but is not limited to, referring the concern to an external or specialist investigator.

Once appointed the Investigating Officer is, from that point, responsible for managing the progression of the concern and for keeping the HR Complex Casework team updated on progress. On receipt of the completed investigation report, the HR Complex Casework Team will decide on the appropriate course of action and notify relevant parties.

The HR Complex Casework team will have responsibility for ensuring that the Nominated Officer is kept up to date on progress and may seek advice from the Nominated Officer as required.

Step Three: Concern raised with either the Chief Executive or Whistleblowing Champion

If a concern has been raised with either the Chief Executive or the Whistleblowing Champion, the Chief Executive or the Whistleblowing Champion will notify the Employee Relations, Policy and Performance Management team, directly or via the Chief People Officer, of how it is proposed to deal with the concern. If it is established that an investigation is required, the Employee Relations, Policy and Performance Management team will refer the concern to the HR Complex Casework team.

The HR Complex Casework team will appoint an Investigating Officer who is not involved in the area of work to which the concern relates, who is appropriately experienced to carry out the type of investigation required, and who is considered to have no conflict of interest. Where appropriate, this may include, but is not limited to, referring the concern to an external or specialist investigator.

Once appointed the Investigating Officer is, from that point, responsible for managing the progression of the concern and for keeping the HR Complex Casework team updated on progress. In turn, the HR Complex Casework team will keep relevant parties updated on progress (including the Nominated Officer).

On receipt of the completed investigation report, the HR Complex Casework Team will share this with the Chief Executive or Whistleblowing, as appropriate, either directly or via the Chief People Officer for a decision on the appropriate course of action.

Advice may be sought from the Nominated Officer, at any point in time, as required by any of the parties.

Step Four: Concern raised with the Civil Service Commission

The Civil Service Commission is an independent body that can hear and determine concerns that relate to the Civil Service Code. For more information on how the Civil Service Commission handle concerns raised with them, please refer to the [Civil Service Commission website](#).