



# Whistle Blowing Policy

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## WHISTLEBLOWING

### What is whistleblowing?

Whistleblowing is an early warning system; it enables staff to be protected while reporting unethical, criminal or unlawful activity to employers in time for corrective action to be taken. You should use this Whistleblowing channel to report an ethical concern about serious malpractice which breaches the Civil Service Code, legal or ethical standards, and threatens the interests of others (such as staff and the public) and the Department itself.

Under a Whistleblowing policy, the individual raises the concern about serious misconduct by others for their employer to investigate.

If you are aware of serious misconduct, this policy tells you how to use Whistleblowing to raise concerns in confidence. In this way, problems can be identified and dealt with quickly.

### What is covered?

Whistleblowing might cover any misconduct (malpractice) that involves:

- a breach of the Civil Service Code of Conduct; (e.g. misuse of information gained in the course of official duties to further private interests or gain an unfair advantage; falsifying official statistics to achieve objectives) This Whistleblowing channel is a fast track supplement to help staff report concerns through internal procedures in accordance with the Civil Service Code
- a crime or breach of rules or law; (including fraud and corruption e.g. using favoured contractors for reward)
- improper or unethical conduct; (e.g. discrimination in recruitment/promotion where the whistleblower has good reason to preserve their anonymity)
- a possible maladministration; (e.g. bias in the Public Appointments process, misuse of Department's funds or public money)
- danger to health and safety; (e.g. known failings in the fire alarm system endangering the health and safety of any individual)
- damage to the environment; (e.g. poor maintenance of water/heating systems allowing Legionnaire's Disease bacteria to spread - NB. BBC case).

It also includes attempts to cover this up, or occasions where those who should be addressing the issue appear unconcerned or are themselves involved. The malpractice could be happening currently, in the past, or is likely to happen in the future. The disclosure must be made in good faith and show the specified malpractice.

### If in doubt – raise it!

You may be worried about raising such issues. You may feel that raising the matter would be disloyal to colleagues, managers or to the Department. The Department has introduced this procedure with Trade Union Side agreement to enable you to feel confident to raise your concerns about misconduct at an early stage, without any risk to yourself.

A supplement not a substitute

Staff who are aggrieved about their own situation can use a number of existing complaints channels to raise their concerns. This policy is not designed to replace these channels, which are set out at the end of this statement, and should be used. Your line manager or HR Business Manager can advise you. Your rights under the Crisis of Conscience rules are unaffected by the Whistleblowing procedure, which enables you to raise concerns quickly and in confidence with named individuals - the Whistleblowing Advisers.

This Whistleblowing procedure compliments the current guidance for dealing with fraud and reporting serious misconduct, and can be used when circumstances make it too difficult, or inappropriate, to go through the usual channels.

### **How to raise a concern internally**

Step one: If you have a concern about malpractice we hope you will feel able to raise it first by talking or writing to your line management

Step two: If you feel unable to raise the matter through your line management, for whatever reason, please contact the Department's Whistleblowing Advisers. For internal emails the address is: WHISTLEBLOWING team

Please say if you want to raise the matter in confidence. We encourage you to contact us confidentially rather than anonymously, as it will be easier to investigate

Step three: If circumstances arise where:

- the above channels are not appropriate (for instance in the event of a Whistleblowing incident where the Whistleblowing Team are concerned);
- these channels have been followed and you still have concerns;
- or if you feel that it is the only course open to you (the matter is so serious that you cannot discuss it with any of the above), you may contact:-Sue Higgins, Director General of Corporate Services, or you can go direct to David Bell, the Permanent Secretary.

For public sector Non-Departmental Public Bodies (NDPBs) sponsored by the Department Staff in NDPBs should normally raise any Whistleblowing concerns internally, through their employer's procedures. If this is not appropriate however, they can raise them with DfE as the sponsoring department.

### **Our assurances to you**

#### **Your safety**

The Department, supported by the Trade Union Side, is committed to this policy. If you raise a concern under this policy, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue.

#### **Your confidence**

The Department will not tolerate the harassment or victimization of anyone raising a genuine concern. We recognise that you may want to raise a concern in confidence under this policy. If you ask the Whistleblowing Officer to protect your identity by keeping your confidence, the Whistleblowing Officer will not disclose it without your consent.

If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), the Whistleblowing Officer will discuss with you whether and how we can proceed.

The Department encourages you to trust in the confidentiality provided, and to raise concerns confidentially rather than anonymously. It will be much more difficult to look into the matter, to protect your position or to give you feedback if you raise a concern anonymously.

### **False or vexatious complaints**

Just as the Department will seek to protect those who raise concerns in good faith, so it will seek to protect those against whom claims are made which turn out to be unfounded. A concern which is made in good faith may turn out to have no basis in reality and both parties would be protected equally. However, it is possible that vexatious ('seeking only to annoy and not having sufficient grounds for action') or malicious claims may be made. The Department will take disciplinary action against anyone who makes such a claim.

### **How we will handle the matter**

Once you have told the Department of your concern, the Whistleblowing Officer will look into it to assess initially what action should be taken. You will be told:-

- who is handling the matter;
- how you can contact them;
- whether your further assistance may be needed;
- and if you ask for it, a written summary of your concern and how it will be handled will be provided.

Please note, however, that the Whistleblowing Officer may not be able to tell you the precise action taken where this would infringe a duty of confidence owed to someone else. The process will be as open as possible within these constraints.

### **Independent advice**

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact:

- your Trade Union; or
- the independent Whistleblowing charity Public Concern at Work on 0207 404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

- **External Contacts**

The policy is designed to encourage you to raise such matters internally and we hope very much that you will do so. However there may be circumstances where you can properly report matters to outside bodies, such as regulators or the police. The independent Whistle-blower's charity Public Concern at Work (or your Trade Union representative) will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body. The disclosure will not be protected if you commit a criminal offence in disclosing it (such as breaking the Official Secrets Act).

### **If you are dissatisfied**

By using this policy, you will help us to achieve standards of public service of which we can all be proud. The Department is committed to dealing with matters fairly and properly. Once you have exhausted internal procedures, if you believe that the Department's response does not represent a reasonable response to the grounds of your concern, you may then report the matter in writing to:

Mr Bill Brooke  
Office of the Civil Service Commissioners  
3rd Floor  
35 Great Smith Street  
London  
SW1P 3BQ

You can also go to the other bodies as detailed in this policy.

### **When Whistleblowing is not appropriate**

#### **Other complaints procedures**

You should not turn a blind eye if behaviour falls below the standards the Department expects. If you are concerned about your personal position, or about other problems, the following routes may be followed: -

**Direct line manager; the first step** - The first step with any concern, including Whistleblowing, would normally be to raise the matter with your line manager. Staff are then encouraged to use any or all of the channels below for raising concerns.

**The Grievance Procedure** - If you wish to raise any matter of a personal nature or about a management decision that you feel dissatisfied with (except where another channel of review exists e.g. an appeal against non-promotion or an annual report marking). The Whistleblowing policy is not intended to replace the Grievance procedure.

**Crisis of Conscience procedure** - If you believe you are being required to act in a way which breaches the Civil Service Code, you should report the matter.

Contact your Trade Union representative

Contact Right Corecare Welfare - phone contact is 01489 553000

**Anti-Fraud Procedures** - These are documented in Finance Matters and in the Staff Handbook. (Any suspected fraud, corruption or other financial irregularity involving Departmental staff should be reported as above. For concerns relating to external bodies these should be reported to Internal Audit Unit.