



Whistleblowing and Raising a Concern Policy

Frequently Asked Questions

Note: The FSA's Nominated Officer is the FOI, Complaints and Transparency Manager, Noel Sykes

1. What is Whistleblowing?

A whistleblowing concern is usually a concern about illegal, immoral, irregular and / or dangerous activity which is under the FSA's control. It may concern a criminal offence, for example, fraud; a danger to someone's health and safety; a risk or actual damage to the environment; a miscarriage of justice; illegal activity; or the covering up of a wrongdoing. The person blowing the whistle is usually not directly / personally affected, i.e. the disclosure should be in the 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 in the policy and on gov.uk

2. What can I raise under the Whistleblowing and Raising a Concern Policy?

The Whistleblowing and Raising a Concern Policy and procedure provides a number of options for raising a concern. For example, the Civil Service Commission (see question 6) is able to consider concerns relating to the Civil Service Code (the Code). It is important to raise any concern you may have, whether or not you think it falls under the Code, as soon as possible and according to the procedure.

Below are examples of reasons for concern which fall under the Code and may therefore be raised with the Commission:

- misusing one's 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. This could be through declining to take, or abstaining from, actions which flow from those decisions
- acting in a way that unjustifiably favours or discriminates against particular individuals or interests;
- acting 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 you give or your actions.

This is not an exhaustive list and you may find that your concern relates to general wrongdoing and does not fall under the Code. In these circumstances it is still important that you raise it according to the Whistleblowing and raising a Concern Policy. However, you should be aware that the Commission may not be able to hear it.

3. *What is the Civil Service Code?*

The Civil Service Code forms part of the terms and conditions of employment of all civil servants and sets out their duties and responsibilities. The Civil Service expects civil servants to carry out their role with dedication and a commitment to its four core values: integrity, honesty, objectivity and impartiality. The Code can be accessed on GOV.UK.

4. *What type of concern can I raise with the Civil Service Commission?*

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, for example personal grievances.

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

Further information on how to raise a concern with the Commission is available from the Civil Service Commission website. You can email the Commission at: info@csc.gov.uk or write to them at:

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

Their telephone number is 020 7271 0831.

6. Can I take my concern straight to the Commission?

Yes. However, where appropriate the Commission will expect that you have raised the concern within the FSA first. If you raise a concern directly with the Commission, without doing this, they will ask why it was not appropriate to raise the matter internally first. The Commission will inform you directly about whether they are prepared to investigate the concern.

You can find further information on raising a concern directly with the Civil Service Commission on the [Civil Service Commission website](#).

7. What type of issues are not covered by the Whistleblowing and Raising a Concern Policy?

The procedure does not cover issues related to your treatment as a member of staff or personal complaints about your employment, for example, complaints about your terms and conditions, promotion or selection procedures. Additionally, complaints connected to your working conditions, including harassment, bullying and discrimination are not covered. Your line manager should deal with these issues through day-to-day management action or the appropriate FSA HR procedures.

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

Concerns raised under the Whistleblowing and Raising a Concern Policy should address wider issues that concern the FSA, colleagues or public in general, rather than personal complaints that you may raise under other policies. For civil servants, they 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 and Raising a Concern Policy and should be raised under the appropriate FSA policy.

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

No. A 'crisis of conscience' may occur when you are asked to do work which conflicts with your 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 FSA. If you have a crisis of conscience you should discuss this with your line manager in the first instance.

10. Do I need to formally raise every concern under the Whistleblowing procedure?

No. You and your manager should engage in regular, open discussion about your work and working environment. If something is on your mind, you may wish to informally discuss this with your manager.

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

You do not need to wait for proof when reporting a concern. When raising a concern with, for example, your line manager or Nominated Officer, you only need to have a reasonable belief that wrongdoing has occurred, is occurring or is likely to occur. It is not for you to investigate or prove that your concerns are justified. That is the responsibility of the FSA.

12. Why should I follow the Whistleblowing and Raising a Concern Policy?

The Policy has been designed to:

- offer you protection when raising a concern that is accepted under the Policy; and
- ensure that your concerns are addressed and resolved at the right level and as quickly and effectively possible.

13. What are the benefits of raising whistleblowing concerns?

A positive whistleblowing culture has numerous advantages. For example, it can;

- encourage employees to 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;
- save lives, the environment, property, jobs, money and both personal and organisational reputations;
- reduce the chance of anonymous or malicious leaks (including to the media); and
- reduce the chance of legal claims against the organisation.

14. Will there be repercussions if I raise a concern?

The Policy and procedure, if correctly followed, will afford you protection from any detrimental treatment or victimisation on the grounds of raising your concern.

15. What happens if an employee raises malicious, vexatious or knowingly untrue concerns?

An employee who raises a concern which they reasonably believe to be demonstrably true and in the public interest will be protected. If an employee raises concerns maliciously or vexatiously other than in the public interest or raises knowingly untrue concerns in order to harm colleagues or the FSA, they will face disciplinary action.

16. What happens if an employee is treated badly by a co-worker because they raised a concern?

It is the responsibility of the employer 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 a Nominated Officer.

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

17. I am a non-civil servant seconded into the FSA. What procedure should I use?

If you are seconded into the Civil Service, although you are not a civil servant, for the duration of your secondment you should observe and follow the general principles of the FSA Whistleblowing and Raising a Concern Policy, the Civil Service Code and Civil Service Management Code. You will also have access to the Civil Service Commission.

18. I am a civil servant 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?

If you are a civil servant seconded out of the Civil Service, you retain your status as a civil servant. This means you will continue to be bound by your Civil Service terms and conditions, the Civil Service Code and the Civil Service Management Code. If your concern relates to the actions of another civil servant, you may use the Whistleblowing and Raising a Concern Procedure and will 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.

19. I am a civil servant on loan to another department and I want to raise a concern. What procedure should I use?

As a civil servant you are bound by the provisions applicable to all civil servants, including the Civil Service Code and the Civil Service Management Code. You should therefore, depending on the terms of your loan, either use the whistleblowing policy and procedure of your parent department, or the department you are loaned to. You will also have access to the Civil Service Commission.

20. I am a service provider i.e. contractor, working within the FSA and I want to raise a concern. What procedure should I use?

You may use the FSA policy to raise a concern regarding practices within the FSA. As a non-civil servant, you will not be able to raise a concern with the Civil Service Commission.

21. Where can I go for support during this process?

We recognise that you may experience anxiety when raising or considering whether to do so. There are various channels of support available to you throughout the process to provide help and advice. Please note however that other than line managers, FSA's Nominated Officer and FSA departmental Trade Union Representatives, you should not divulge details of the concern itself to them.

Your line manager, or another manager and the FSA's Nominated Officer can advise you on available support.

Trade union members can seek advice from their representatives.

The FSA's Employee Assistance Programme (EAP) may provide counselling and legal advice.

The ACAS Helpline 0300 123 1100 provides free and impartial advice for employees on a range of issues, including whistleblowing in the workplace www.acas.org.uk

Public Concern At Work www.pcaw.org.uk is a whistleblowing charity which advises individuals on whistleblowing matters at work

22. What is a Nominated Officer and how do I contact them?

A Nominated Officer is someone who can offer impartial support and advice, outside of the management chain, to those who have potential whistleblowing concerns. They are able to provide advice on:

- the Civil Service Code
- whether your concern falls under the Whistleblowing and Raising a Concern Policy
- the appropriate channels available for you to raise your concerns
- the alternative channels to follow where your concern falls outside of the Whistleblowing and Raising a Concern Policy
- whether the Chief Executive needs to be consulted / informed
- what the next steps should be.

The Nominated Officer in the FSA is Noel Sykes, FOI, Complaints and Transparency Manager noel.sykes@food.gov.uk or on 01904 232127.

23. Will my identity remain confidential?

Undoubtedly investigations are helped where individuals are content for their identity to be released and this also makes providing feedback easier. You can however request that the FSA keeps your identity confidential and this will be respected as far as possible. If requested, your 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. If this is the case, the FSA will advise you of this before proceeding.

24. Can I raise a concern anonymously?

You may choose to raise concerns anonymously, i.e. without providing your name at all. However, the investigation itself may reveal your involvement. Employees are encouraged, where possible, to put their names to concerns raised, but raising a concern anonymously is preferred to silence about potential serious wrongdoing.

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

The FSA seeks to complete the investigation of concerns within a three month period. Often this will take a lot less time than this. The FSA will try to keep you informed of progress and, where possible, provide you with an update every 28 days. You will be advised when the matter has been concluded. It cannot be guaranteed that you will be given all the details of the investigation or that the final outcome will be disclosed. Security and confidentiality must be maintained for all parties.

26. If I am not happy with the outcome of the investigation, what happens next?

If you have used the Whistleblowing and Raising a Concern Policy and procedure to raise your concern within the FSA and you do not consider that you have received a reasonable response, you may raise your concern with the independent Civil Service Commission.

27. What is PIDA and how does it relate to the FSA's Whistleblowing and Raising a Concern Policy?

The Public Interest Disclosure Act 1998 (PIDA) is more commonly known as "whistleblowing legislation", and is part of employment law.

The FSA's whistleblowing procedure primarily focuses on breaches of the Civil Service Code and this will apply to many whistleblowing cases. However, in some cases 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. These disclosures however fall outside of the Whistleblowing and Raising a Concern Policy. For more information on prescribed persons see GOV.UK.

In order to be protected, an employee will need to follow the procedure set out in the Act. If you wish to raise a concern in this way, it is advisable to seek legal advice.