

Annex

Request

Q1: Does your Organisation take action to protect external whistleblowers from unjustified treatment by their employers or others?

Q2: Does any protection against unjustified treatment provided by your organisation extend to persons reporting on behalf of external whistleblowers?

Q3: Does any protection extend to proposed or intended unjustified action against an external whistleblower contemplated by his/her employer or another in respect of the disclosure?

Q4: Does your organisation offer any reward or bounty for information received from an external whistleblower in respect of information about which you are the prescribed body or person?

Q5: Does your organisation publish for the public a step by step guide on how it follows up on external whistleblower information?

Q6: Where your organisation does not feel itself to be legally competent to engage with a disclosure made by an external whistleblower, do you have a policy and process to refer that disclosure to another prescribed body/person/regulator or other agency better placed to deal with it?

Q7: Where in the circumstances described in Q6 above, your organisation passes information to another prescribed body etc., do you have a policy and process to advise the external whistleblower that the disclosure has been passed to another body etc?

Q8: Where an external whistleblower may be dissatisfied with his/her dealings with your organisation, is there an appeals policy and process which engage someone who is independent of the investigating department?

Q9: Does your organisation publish FAQ to advise and assist external whistleblowers considering making a disclosure to you?

Q10: Does all your staff which communicates with or otherwise manages external whistleblowers receive specialist and on-going training for that purpose?

Q11: Where, following a disclosure to your organisation by an external whistleblower about a matter for which you are prescribed, an alleged act of retaliation occurs against the external whistleblower by the employer or another person, does your organisation investigate the alleged act of retaliation?

Q12: Please describe what criteria you consider in deciding whether to investigate information received from an external whistleblower about a matter in respect of which you are prescribed?

Q13: Does your organisation distinguish between public complaints and disclosures from

external whistleblowers?

Q14: Apart from any information on your website, does your organisation undertake any public awareness programme(s) regarding whistleblowing?

Q15: In respect of Article 5(c)(ii), Prescribed Persons (Reports on Disclosures of Information) Regulations 2017, please disclose any and all reports (suitably redacted, where appropriate) which describe how disclosures from workers in other organisations (not your Organisation) have impacted on your Organisation's ability to perform its functions and meet its objectives during the reporting periods 2017 – 18, 2018 – 19, 2019 – 20.

Response

Q1: The Food Standards Agency does take action to protect external whistleblowers from unjustified treatment by their employers or others. Specifically:

- Information identified as originating from a whistleblower is recorded on a secure IT system where it appropriately anonymised.
- A trained intelligence officer then conducts a risk assessment to reach a decision as to whether contact can be made safely with the whistleblower.
- Any additional information received from the whistleblower, if further contact is made, is also recorded on the secure IT system.
- A sanitised report with appropriate handling instructions is then made available to relevant FSA staff to facilitate decision making and undertaking proportionate actions to investigate the matter, without placing the whistleblower at undue risk of unjustified treatment.
- To protect the whistleblower their identity is not shared with those tasked to address the identified qualified disclosure.

Q2: The Food Standards Agency does take action to protect persons reporting on behalf of external whistleblowers. Specifically:

- Information identified as originating from a person reporting on behalf of a whistleblower is recorded on a secure IT system where it is appropriately anonymised.
- A sanitised report with appropriate handling instructions is then made available to relevant FSA staff to facilitate decision making and undertaking proportionate actions to investigate the matter, without placing the person reporting on behalf of the whistleblower at undue risk of harm or retaliation.
- To protect the whistleblower their identity is not shared with those tasked to address the identified qualified disclosure.

Q3: The Food Standards Agency does not take direct action to protect whistleblowers from specific proposed or intended unjustified action by their employer. Where a

whistleblower may be subject to specific proposed or intended unjustified action by their employer, the protections afforded by the Public Interest Disclosure Act 1998 are accessed by the whistleblower through an employment tribunal.

Q4: The Food Standards Agency does not offer any reward or bounty for information received from an external whistleblower.

Q5: The Food Standards Agency does not currently publish a step by step guide on how it follows up on external whistleblower information. The FSA is currently reviewing its end-to-end whistleblowing process and information for whistleblowers may be published externally in due course.

Q6: The Food Standards Agency does have a process to refer a whistleblower disclosure to another prescribed body, regulator or other agency where the FSA is not the appropriate authority for managing the disclosure. Specifically:

- A trained intelligence officer will assess whether the matter is appropriate for the FSA to manage.
- If the matter should be referred to another appropriate authority, a sanitised report with appropriate handling instructions is then made available to relevant staff in the appropriate authority. This is to facilitate their decision making and the undertaking of any proportionate actions to investigate the matter. The source of the information is not routinely disclosed by the FSA to the recipient of such reports, unless it is essential to ensure either the safeguarding of the whistleblower or the effective investigation of the matter.

Q7: The Food Standards Agency does have a process to advise the external whistleblower their disclosure has been passed to another organisation.

- Upon initial contact with a whistleblower, FSA intelligence officers explain that where appropriate, a sanitised version of the information they provide will be disseminated in an intelligence report to the appropriate authority for action. To manage the risk to the whistleblower they are not routinely informed to which authority the sanitised intelligence report has been disseminated by the FSA.

Q8: The Food Standards Agency has a complaints process which is open to all, including an external whistleblower who may be dissatisfied with their dealings with the agency. The FSA Complaints Policy sets out how the Agency will investigate public complaints, including allocating a person from the FSA to investigate the complaint. This will be someone who is independent of the circumstances relating to the complaint. The FSA complaints policy also sets out the escalation process for someone to appeal against the handling of a complaint by the FSA, which includes the option to refer the matter to the Parliamentary and Health Service Ombudsman. A copy of the policy can be found on the FSA website [here](#).

Q9: The Food Standards Agency does not currently publish FAQ to advise and assist external whistleblowers considering making a disclosure to the FSA. The FSA is currently reviewing its end-to-end whistleblowing process and information for whistleblowers may be published externally in due course.

Q10: Staff in the Food Standards Agency who engage with whistleblowers through the reporting system have received training which is directly relevant to that aspect of their role.

Q11: The Food Standards Agency does not investigate alleged acts of retaliation by an employer against a whistleblower.

Q12: The Food Standards Agency has an established set of criteria against which it assesses whether the information received from an external whistleblower is a matter for the FSA to manage. These criteria are:

- Does the FSA have a statutory responsibility to address the matter raised in the disclosure?
- Does the FSA have the statutory authority or powers to address the matter raised in the disclosure?

Decisions are made using the National Decision Model. The FSA decision may include an offer to support or coordinate the activity of other agencies, where they are the appropriate authorities to manage the matter raised in the disclosure, if the FSA has resources or a capability not available to the appropriate authority.

Q13: The Food Standards Agency does distinguish between managing public complaints and disclosures from external whistleblowers. Disclosures from whistleblowers are managed as per the process described at question 1 above. Public complaints are managed in accordance with FSA Complaints Policy which can be found on the FSA website [here](#).

Q14: The Food Standards Agency does undertake activity to raise external awareness of the contact information whistleblowers can use to contact the FSA. Specifically:

- The contact details are published on the FSA [website](#).
- The FSA has a number of staff roles which involve liaison with industry bodies and food businesses. As appropriate, during engagements with industry, the contact details for whistleblowers may be promoted.

Q15: The following information is attached:

- 2017-18 Prescribed Persons Report on Disclosures can be found on the FSA data catalogue [here](#).
- 2018-19 Prescribed Person Report on Disclosures can be found on the FSA data catalogue [here](#).

The 2019-20 Prescribed Person Report on Disclosures is currently being drafted and will be published on the [FSA data catalogue](#) website no later than 30th September 2020.