



## Whistleblowing and Raising a Concern Policy

### Manager Guidance

*This guidance outlines how managers should deal with a concern raised under this Policy. It should be read in conjunction with: (i) the process flow setting out the actions to be taken when an employee raises a concern under the Policy; and (ii) the Policy document itself which provides important detail on what constitutes a relevant concern.*

*Note: If, at any stage, you are unsure of how to handle a concern, you should ask for advice from the Nominated Officer. **The FSA's Nominated Officer is the FOI, Complaints and Transparency Manager, Noel Sykes contact [noel.sykes@food.gov.uk](mailto:noel.sykes@food.gov.uk) or 01904 232127.** For further information on the role of the Nominated Officer, see the Frequently Asked Questions on the Digital Workplace.*

### Determining who should deal with the concern

1. Concerns should be handled by a manager of at least Grade 7.
2. If you are a manager below Grade 7 and an individual approaches you with a concern, you should escalate the concern to a manager of at least Grade 7 who will be responsible for taking the actions set out below. It is important that you do not hesitate before escalating the matter as any unnecessary delay in dealing with the issue could put the FSA at risk.
3. However where the Grade 7 manager receives a concern, they are responsible for taking the actions set out below.

### Taking the concern forward

*Concern falls outside the Whistleblowing and Raising a Concern Policy*

4. In some cases you may be able to tell from the outset that the concern does not fall under the Whistleblowing and Raising a Concern Policy. If this is the case you should explain why the matter does not fall under the policy and advise on the appropriate route if applicable. If unsure, you should contact your manager, or the FSA's Nominated Officer for advice.
5. You should keep a brief written record of any concern raised and the action you have taken regardless of whether the concern is accepted under the Policy.

6. Even if you decide that the concern does not fall under the Policy, you should send a brief outline of the matter to the FSA's Nominated Officer. This is to ensure a central record of all cases is kept and serves to inform management.

*Concern may fall under the Whistleblowing and Raising a Concern Policy*

7. If you think that the concern may fall under the Policy (or are not sure based on the information provided by the individual) you need to hold a meeting with the individual as soon as possible. The aim of this meeting is to:
  - gather more information about the issue to enable you to decide whether the concern falls under the Whistleblowing and Raising a Concern Policy
  - allow you to consider who would be best placed to investigate the matter further.
8. Wherever possible, this meeting should be held within two working days of the concern being raised, however different operational circumstances such as prolonged public holidays, shift-working and part time working must be taken into account. The employee may wish to be accompanied by a Trade Union representative or colleague who is not involved in the same work to which the concern relates.

*Confidentiality*

9. If the employee has requested confidentiality, you will need to respect it as far as possible, restricting it to a "need to know" basis. The FSA will make every effort to maintain this confidentiality, however it cannot be guaranteed. If the situation arises where it is not possible to resolve the concern without revealing the employee's identity beyond a "need to know basis" (for example in matters of criminal law), you must advise the employee before proceeding.
10. The same degree of confidentiality should be afforded to the employee(s) at the centre of the concern.
11. Employees can raise concerns anonymously if they choose to do so. Where a concern is raised anonymously it must be treated as credible until further and reasonable steps have been taken.

*Raising a concern outside the prescribed route*

12. If the individual indicates that they want to raise a concern outside the prescribed route, you will need to highlight to them that improperly raising a concern outside of the prescribed routes could result in disciplinary action against them and ultimately in dismissal. It might also breach the Official Secrets Act. The individual may seek further advice from the FSA's Nominated Officer.
13. Whilst not permitted under the Policy, disclosures to certain regulatory bodies, known as 'prescribed persons' may be permitted by PIDA in certain circumstances. See <https://www.gov.uk/whistleblowing/who-to-tell-what-to-expect>

14. In order to be protected, however, the individual will need to follow the procedure set out in the Act. If an individual maintains that they want to raise a concern in this way, you should suggest that they seek legal advice.

15. See also the section on *Dealing with external disclosures* below.

## **Holding a meeting with the whistleblower**

### *Step 1: Before the meeting*

16. If you have any procedural queries which are not addressed in the Policy and procedure or Guidance for Managers, you may wish to speak with your manager, or the FSA's Nominated Officer.

17. You may wish to consider

- whether the individual feels uncomfortable meeting face to face. In such cases you could arrange a convenient time to speak over the telephone
- whether there are any reasonable adjustments that should be made to facilitate the meeting
- arranging a note-taker to be present during the meeting. This should be agreed with the person raising the concern.

### *Step 2: During the meeting*

18. You may wish to use the template at Annex A to guide you through the areas to cover during the meeting.

19. You should:

- thank the individual for raising the matter;
- recognise that this may be a troubling time for them and establish a supportive relationship;
- remind them of the FSA's position to support and protect whistleblowers;
- reassure them that they are being listened to and taken seriously;
- use open body language and an appropriate tone of voice;
- respect any concerns about their own position / career;
- if the employee is distressed, offer advice on the support available to them, for example, a trade union representative or the FSA's employee assistance provider;
- avoid giving unrealistic promises or raising expectations.

20. You are not required to commit to anything during the meeting. Listen carefully and ask the employee questions that will assist you in reaching a decision. If, as a result of the meeting, you are unsure whether the concern is covered by the Whistleblowing and Raising a Concern Policy, you may wish to seek advice from a senior manager, or the FSA's Nominated Officer before advising the employee.

### *Step 3 After the meeting*

21. After the meeting you should be able to decide whether the concern is covered by the Whistleblowing and Raising a Concern. You may wish to seek advice from the Nominated Officer.
22. **If the matter does not fall under the Whistleblowing and Raising a Concern Policy**, you should explain to the employee, either by telephone or face to face, the reason why this is. You should advise on the appropriate route, and confirm in writing, within 5 working days, using the template letter B1 in Annex B. Deal with any malpractice or misconduct that has been alleged, as appropriate. For example whilst the Whistleblowing and Raising a Concern Policy might not apply, there may be a need to initiate an investigation under the FSA Disciplinary Policy. A copy of the record of the meeting and confirmation of action taken should be sent to the Nominated Officer.
23. **Where a concern does fall under the Whistleblowing and Raising a Concern Policy** you should liaise with the FSA's Nominated Officer to appoint an Investigating Officer who will be able to carry out a timely investigation of the issues raised. The person appointed should have the knowledge, skills and objectivity to undertake the investigation. For example, if the concern relates to security, you may need to speak to the FSA Security Manager. You may also, if appropriate, take immediate steps to ensure the integrity of potential evidence.
24. You should inform the Nominated Officer as soon as possible of the action you are taking – and send them a copy of the note of the meeting. The Nominated Officer will arrange a case conference, within five working days of being notified of the outcome of the meeting, involving you, the Investigating Officer and other officials as required to clarify roles, responsibilities and to discuss and agree the scope of the investigation and timescales. The Nominated Officer will maintain oversight of the case. More information about the role of the Nominated Officer can be found in the FAQs on the Digital Workplace.
25. The Nominated Officer will also ensure, where appropriate, that the relevant senior managers are aware of the allegation and investigation, for example, senior managers in Internal Audit, Finance, Health & Safety, the Chief Executive and the FSA Chairman.
26. Following the case conference, you should write (copying the Nominated Officer), to:
  - the whistleblower, to confirm who will be investigating the concern, using template letter B2 in Annex B;
  - the Investigating Officer, to confirm the scope of the investigation and the timescales. You can use template letter B3 or B4 at Annex B to do this
27. The employee will want to know that their concern is resolved. You can use the template letter B5 at Annex B to keep the employee informed about progress and the outcome of the investigation once it is concluded. Send copies of all correspondence with the whistleblower to the Nominated Officer.

### **Receipt of investigation report**

28. Once you have received the Investigating Officer's report, you will need to make a decision on the action required, consulting senior management, HR or the Nominated Officer as appropriate.
29. You must inform the Nominated Officer of the outcome of the investigation and the action that you have arranged to take and / or have taken. The Nominated Officer is required to update the Chief Executive and the Chair on the outcome.
30. Inform the employee face to face or via telephone of the outcome of the investigation and, where appropriate, further action to be taken. Confirm the details in writing to the whistleblower, using the template letter B5 in Annex B.

## **Special Cases**

### *Anonymous concerns*

31. If a concern has been raised anonymously through email, letter or telephone call, it must be treated as credible until further steps are taken to establish the seriousness of the issue raised, the credibility of the concern and the likelihood of you being able to validate the allegation. If you are unsure whether to take the concern forward, talk to your manager or Nominated Officer for advice on how to do this. Even if you decide that the concern cannot be validated, you should send a brief outline of the matter to the Nominated Officer in case something else on the same subject is subsequently raised.

### *Vexatious / Malicious concerns*

32. If an employee acts in bad faith or raises malicious, vexatious or knowingly untrue concerns in order to harm colleagues or the FSA, 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. Raising a personal issue is unlikely to be in the public interest.

### *Suspected criminal offences*

33. If an employee brings a concern that you suspect is about a criminal offence impacting on the work of the Civil Service or the FSA, you should make sure it is investigated as soon as possible by someone at the appropriate level. You should also seek advice from the Nominated Officer.
34. If the employee has been requested to carry out an action which you think may constitute a criminal offence, you should also advise them not to carry out the activity.

## **Dealing with external disclosures**

35. You should be supportive and encouraging to those raising a concern with you and always direct them to internal routes and the independent Civil Service Commission. However, if an employee indicates that they are considering taking

their concerns outside the FSA to, for example, the media or social networking sites, you must advise them that:

- you will not be able to support them if they do so;
- external disclosures made to bodies other than the Civil Service Commission are not covered by the Whistleblowing and Raising a Concern Policy and procedures;
- their action may represent an unauthorised disclosure in which case they may face disciplinary action as explained in the procedure. It may also breach the Official Secrets Act; and
- they could jeopardise any legal protection they may have.

36. You should confirm this in writing, using the template letter B6 in Annex B. In such cases it is always a good idea to seek advice from the Nominated Officer and notify the Nominated Officer so they can inform the Chief Executive.

37. With external disclosures, whistleblowing legislation may offer protection under certain circumstances. If an employee has raised a concern externally, please seek advice from the Nominated Officer before instigating disciplinary proceedings.

**Annex A****Record of Meeting**

Manager	
Job Title	
Work Location	
Meeting Date	
Attendees	

**Checklist*****During the meeting***

<b>Action</b>	<b>Outcome</b>
Reassurance given that they will not be penalised for raising the concern if they genuinely have a reasonable belief it is in the public interest.	
Does the individual want their identity to remain confidential?	
If yes, individual advised that we will generally not disclose their identity without their consent but that there may be circumstances where we are not able to protect their identity as this could make it difficult to fully investigate the matter	
In order to describe the concern, will the individual need to refer to information relating to national security that they have gained access to in the course of their work?	
If yes, individual advised that you are not able to talk to them about the detail and will help them find someone to whom they can divulge this information.  (This does not apply if you are in their management chain)	
Would they like to make a written or a verbal statement?  If the individual is making a verbal statement, the record of the meeting will act as the written statement.	

**Record of Meeting**

To include	Notes
Outline of concern	
Facts discussed	
Individuals/ units suspected to be involved	
Supporting evidence, if available	
Advice given, if appropriate	

Please read this through with the individual and re-phrase / add any comments as necessary to ensure you have understood and agreed the issues.

Individual's signature:

Date:.....

Manager's signature:

Date:.....

**After the meeting**

Action	Outcome
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If giving written statement, date agreed for this to be sent to you	
Individual advised that you will confirm in writing what will be done about the concern. You will then keep them informed about further progress but it may not always be possible to give as much detail as they might wish to receive	
Assurance given that you are available should they have any queries or wish to discuss anything related to their concern	
Individual reminded that support is available via the Employee Assistance Programme	

**Next steps - To be completed after meeting**

Consideration	Action
Is the concern likely to present a significant risk to the department (e.g. reputational, operational or financial)?	
If yes, please explain the risks	
Concern referred for investigation?	
If yes -please specify details of Investigating Officer	Referred to: Name Job Title Work Location Date referred
Concerns not referred as it falls under a different policy (please specify).	Name of policy:
Concerns not referred as it does not fall under Whistleblowing and Raising a Concern Policy nor any other policy (please explain).	Reasons:

**A copy should be sent to the Nominated Officer (for central record keeping). You may also want to attach a copy to the letter when you refer the concern for investigation. The record should be marked with the appropriate protective marking.**

## Annex B – Template Letters

### **B1 Letter to Whistleblower confirming that concern does not fall under the Whistleblowing and Raising a Concern Policy**

***[DN: Insert appropriate protective marking]***

Date:

Dear **[DN: Whistleblower's name]**

Thank you for attending the meeting on **[DN: Insert date]** to discuss your concern regarding **[DN: Insert topic]**. I can confirm that your concern does not fall under the Whistleblowing and Raising a Concern Policy for the following reason/s:

**[DN: Explain why it does not fall under the policy]**

**[DN: To include the following paragraph if appropriate]**

Your concern does however fall under the **[DN: Insert name of procedure]**.

I am sorry that on this occasion I am unable to help further but if you have other future concerns, please do not hesitate to contact me on my direct line **[DN: Insert direct line]** or my e-mail address **[DN: Insert e-mail address]**. I would like to remind you that you should not disclose your concern outside the department.

Yours sincerely

**[DN: Insert Manager's name]**

**[D B2 Letter to Whistleblower confirming that concern has been referred for investigation]**

***[DN: Insert appropriate protective marking]***

Date:

Dear **[DN: Whistleblower's name]**

Thank you for attending the meeting on **[DN: Insert date]** to discuss your concern regarding **[DN: Insert topic]**. I can confirm that your concern falls under the Whistleblowing and Raising a Concern Policy and I have passed it on to **[DN: Insert unit/name]** for investigation. We will do our best to keep you informed about the progress of the investigation, although this may not always be possible. We will however let you know the outcome of the investigation once concluded.

Do not hesitate to contact me should there be any changes to the situation or if there is anything else you would like to discuss. I would like to remind you that you should not disclose your concern outside the department.

My direct line is **[DN: Insert number]**, and my e-mail address is **[DN: Insert e-mail address]** if you wish to discuss any matter relating to your concern.

We will do everything we can to ensure confidentiality but may not be able to guarantee anonymity. I would like to reassure you that your concern will be investigated thoroughly.

Yours sincerely

**[DN: insert Manager's name]**

**B3 Letter to Investigating Officer (individual has asked to remain anonymous)**

*Please include any other information that might be relevant to the specific concern*

**[DN: Insert appropriate protective marking]**

Date:

Dear **[DN: Manager's name]**

As discussed, you are responsible for leading the investigation of a concern about **[DN: Insert topic]** that was raised with me under the Whistleblowing and Raising a Concern procedure.

**[DN: Outline concern, you may wish to attach a copy of the meeting record/ written statement. You must ensure the whistleblower's name is removed to maintain anonymity]**

I would like to ask you to respect the individual's wishes and not to attempt to identify them, even if you believe you know who they are. I understand that there may be cases where it is not possible for you to progress the investigation without their identity being disclosed. If this is the case, we can discuss how we will progress. I would also like to ask you to respect the confidentiality of the information provided and the confidentiality of any other individuals who may be linked to the investigation.

Please could you reply by **[DN: Insert date, up to five days depending on urgency]** outlining the steps you are planning to take to progress the investigation and the expected timescale for this. This may be an informal enquiry or a more formal investigation depending on your assessment of the situation. **[DN: In some cases it may be appropriate to suggest follow-up actions]**. Please keep me informed about the progress of the investigation, if possible. I will need to know the outcome once it is concluded, along with any steps that are being taken to address the concern, so that I can feed this back to the individual who raised it.

Do not hesitate to contact me if you have any questions.

Yours sincerely

**[DN insert Manager's name]**

## **B4 Letter to Investigating Officer (individual has agreed to their name being disclosed)**

Please include any other information that might be relevant to the specific concern

***[DN: Insert appropriate protective marking]***

Date:

Dear **[DN: Manager's name]**

As discussed, you are responsible for leading the investigation of a concern about **[DN: Insert topic]** that was raised with me by **[DN: Insert name]** under the Whistleblowing and Raising a Concern procedure.

**[DN: Outline concern, you may wish to attach a copy of the meeting record/ written statement]**

**[DN: Insert name]** has agreed to their name being disclosed only to the person investigating the concern and no wider. I would like to ask you to respect their confidentiality. This information should only be passed on if it is absolutely necessary to progress the investigation. Please also respect the confidentiality of the information provided and the confidentiality of any other individuals who may be linked to the investigation.

Please could you reply by **[DN: Insert date, up to five days depending on urgency]** outlining the steps you are planning to take to progress the investigation and the expected timescale for this. This may be an informal enquiry or a more formal investigation depending on your assessment of the situation. **[DN: In some cases it may be appropriate to suggest follow-up actions]**. There is no reason why you should not talk to **[DN: Insert name]** direct and I have advised them that you may be in contact. You will need to keep me informed about the overall progress of the investigation and how it is concluded, but I will not need to know the detail.

Do not hesitate to contact me if you have any questions.

Yours sincerely

**[DN insert Manager's name]**

CC. Individual raising the concern

## **B5 Letter to Whistleblower concluding concern**

***[DN: Insert appropriate protective marking]***

Date:

Dear **[DN: Whistleblower's name]**

I am writing in relation to the concern that you raised with me under the Whistleblowing and Raising a Concern Policy on **[DN: Insert date]**.

**[DN: Include following paragraph if investigation does not lead to action being taken]**

You did the right thing in raising your concern. However, after thorough investigation, we were not able to identify any wrongdoing. **[DN: Include any information that recognises their concern, that they raised it in good faith and gives reassurance that they did the right thing by raising it]**

As you know, it was passed on to **[DN: Insert name]** for investigation.

**[DN: Outline the outcome of investigation]**

**[Outline steps that will be taken as a result of investigation/ explain why no action can be taken].**

This matter is now closed.

I would like to thank you for raising the concern. Do not hesitate to contact me should you have any questions. If you do not believe you have received a reasonable response, you may report the matter to the independent Civil Service Commission. Its address is: Civil Service Commission, Room G/8, 1 Horse Guards Road, London SW1A 2HQ. I would also like to remind you that you should not disclose your concern to anyone else outside the department.

Yours sincerely

**[DN: Insert Manager's name]**

**B6 Letter to Whistleblower if they indicate that they are considering raising outside the internal routes**

***[DN: Insert appropriate protective marking]***

Date:

Dear **[DN: Whistleblower's name]**

I am writing to confirm our discussion on **[DN: Insert date]** in relation to a concern that you raised with me.

I reminded you that if you wish to raise a concern you should follow departmental Whistleblowing and Raising a Concern procedure. This includes the option to raise your concern direct with the independent Civil Service Commission. You indicated that you were considering raising a concern outside the department **[DN: Insert detail of outside route]**. I need to advise you that failure to follow the department's procedure may result in disciplinary action and may jeopardise your legal position.

I urge you to review how you intend to raise a concern and to follow the department's procedure.

Please, do not hesitate to contact me should you have any questions.

Yours sincerely

**N insert Manager's name]**