



Ministry  
of Defence



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Frequently Asked Questions  
**Whistleblowing and Raising a Concern**

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## Frequently Asked Questions

# Whistleblowing and Raising a Concern

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### 1. What is Whistleblowing?

*“Whistleblowing is when an employee reports suspected wrongdoing or danger at work. In legislation this is described as ‘making a protected disclosure.’”*

Whistleblowing occurs when an employee raises a concern about past, present or imminent wrongdoing (including in this context and for the purposes of this policy, a past, present or imminent danger), or an attempt to cover up wrongdoing, in an organisation.

The disclosure should be made 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 on [gov.uk](http://gov.uk)

### 2. What can I raise under the Whistleblowing and Raising a Concern policy and process?

If you are asked to do something, or you are aware of the actions of another, which you consider to be wrongdoing or a breach the Civil Service Code, you can raise it in line with this policy and process.

Types of concerns may include:

- A threat to national security;
- Failure to comply with legal obligations; or
- Danger to the environment.

### 3. What is not covered by the Whistleblowing and Raising a Concern policy and process?

Whistleblowing is not the same as a complaint. Issues around your treatment as a member of staff or personal complaints about your employment; for example complaints about your terms and conditions, or promotion or selection procedures are not covered by the Whistleblowing and Raising a Concern process.

Any complaints connected to your working conditions, including harassment, bullying and discrimination are also not covered by the Whistleblowing and Raising a Concern process. These would normally be dealt with by your Line Manager through day-to-day management action, or through the appropriate DE&S policy and process.

### 4. What is the Civil Service Code?

The Civil Service Code sets out the duties and responsibilities of civil servants, who are expected to carry out their role with dedication and a commitment to the Civil Service and its four core values:

- Integrity;
- Honesty;
- Objectivity; and
- Impartiality.

The Civil Service Code can be accessed online at the [gov.uk](http://gov.uk) website.

The Code forms part of the terms and conditions of employment of all civil servants.



### **5. What is the Civil Service Commission and what type of concern can I raise with them?**

The Civil Service Commission have been helping to uphold the standards of the Civil Service since their original appointment in 1854. The current Commission was established as an executive Non Departmental Public Body (NDPB) under the Constitutional Reform and Governance Act 2010. The Commissioners are appointed by the Crown following open competition. The Commission and its Commissioners are therefore independent of the Civil Service.

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 personnel management grievances.

### **6. How can I contact the Civil Service Commission?**

Further information on how to raise a concern with the Commission is available from:

Civil Service Commission  
G/8  
1 Horse Guards Road  
London  
SW1A 2HQ  
E-mail: [info@csc.gov.uk](mailto:info@csc.gov.uk)  
Tel: 020 7271 0831

### **7. Can I take my concern straight to the Civil Service Commission?**

You may raise a concern direct with the Civil Service Commission, however the Civil Service Commission will expect that you have raised the concern within the DE&S first. If you raise a concern directly with the Civil Service Commission, without the issue being raised within DE&S, then the Civil Service Commission will ask why it is not appropriate to raise the matter internally first. The Civil Service Commission will inform you directly about whether they are prepared to investigate the concern.

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

Whistleblowing is when an employee raises a concern about wrongdoing or malpractice at work which has wider issues that concern DE&S, colleagues or the public in general. For civil servants this could relate to Civil Service values, as outlined in the Civil Service Code or something which is in the public interest to raise. An employee may have a personal grievance if they feel they have received negative treatment at work and the issue only affects the employee.

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

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 DE&S. 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 a concern under the Whistleblowing and Raising a Concern process?**

You and your Line Manager should engage in regular, open discussion about your work and working environment. You may wish to informally discuss your concern with your Line Manager before raising it more formally under the Whistleblowing and Raising a Concern process. What is important is that it is raised within DE&S, not how it is done.



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

You do not need to wait for proof when reporting a concern. When raising a concern 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, as that is the responsibility of DE&S.

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

The Whistleblowing policy and process have been designed to:

- Offer you protection when raising a concern that is accepted under the policy; and
- Ensure that your concerns of the employee are addressed and resolved at the correct level and as promptly and effectively as possible.

**13. What are the benefits of Whistleblowing?**

A positive whistleblowing culture has numerous advantages, which include, but are not limited to:

- Encouraging an open culture where employees feel confident that concerns can be raised and dealt with quickly and that they will be protected for doing so;
- Detecting and deterring wrongdoing;
- Providing Managers with the information they require to make decisions and control risk;
- Saving lives, the environment, property, jobs, money and both personal and organisational reputations;
- Minimising the chance of anonymous or malicious unauthorised disclosures of official information (including to the media); and
- Reducing the chance of legal claims against DE&S.

**14. Will there be repercussions if I blow the whistle?**

As long as you have reasonable belief that the concern is in the public interest and have followed the process set out, you will be protected from unfair or negative treatment and you may also be protected under Public Interest Disclosure Act (PIDA). If you are victimised for raising a concern, DE&S will take appropriate action against those responsible, in line with the appropriate DE&S disciplinary policy and process. You may also be protected by PIDA. Provided you have a reasonable belief in the concern you raise, it does not matter if you are mistaken.

**15. I am a non-civil servant seconded into the Civil Service. What procedure should I use?**

If you are seconded into the Civil Service, you will be treated as being subject to the Civil Service Code and Civil Service Management Code. You should therefore use the Whistleblowing Procedure for Civil Servants. You will have access to the Civil Service Commission.

**16. 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 process 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. You should therefore use the Whistleblowing and Raising a Concern policy and process for civil servants. You will have access to the Civil Service Commission. [Note: this may depend on the terms of the particular secondment].



**17. I am a civil servant on loan to another Government Department and I want to raise a concern. What process 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 and Raising a Concern policy and process of your parent department or the department you are seconded to. You will have access to the Civil Service Commission.

**18. I am a service provider i.e. contractor, working within DE&S and I want to raise a concern. What process should I use?**

As you are not a civil servant you are not subject to the Civil Service Management Code, nor the Civil Service Code. However, service providers will normally be dealt with under the procedures of their host department and so the principles of the Whistleblowing policy and process for employees will still apply and you should follow this to raise a concern. As a non-civil servant, you will not be able to raise a concern with the Civil Service Commission.

**19. I am an employee working for a non-Crown non-departmental public body (NDPB) or Trading Fund and I want to raise a concern. What process should I use?**

As you are not a civil servant, you are not subject to the Civil Service Management Code, nor the Civil Service Code. Please refer to your own Whistleblowing and Raising a Concern policy and process. However, if you need advice, please contact the Confidential Hotline.

**20. Where can I go for support during this process?**

DE&S recognises that you may experience anxiety when raising or considering whether to raise a concern. There are various channels of support available to you throughout the process. These are not themselves bodies to whom you can raise your concern. They can only provide help and advice and you should not divulge details of the matter itself to them.

- 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](http://www.acas.org.uk)
- Public Concern At Work [www.pcaw.org.uk](http://www.pcaw.org.uk) is a whistleblowing charity which advises individuals on whistleblowing matters at work
- Trades Union members can seek advice from their representatives

The Confidential Hotline Team, your Line Management, TLB Focal Point, DE&S Nominated Officer (the Director of Corporate Affairs) or the MOD Nominated Officer (the Director of Audit, Risk and Assurance), can advise you on the support available.

**21. What is a TLB Focal Point and DE&S Nominated Officer and how might I contact them?**

TLB Focal Points and the DE&S Nominated Officer are DE&S employees, 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 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 Permanent Secretary / Chief Executive of Agency needs to be consulted / informed; and
- What the next steps should be.

The DE&S Nominated Officer is the Director of Corporate Affairs, and can be contacted on [DESCDM-Corp-Affairs-Dir@mod.uk](mailto:DESCDM-Corp-Affairs-Dir@mod.uk).

### **22. Will my identity remain confidential?**

The best way to raise a concern is to do so openly, as this makes it easier for DE&S to investigate and provide feedback. You can however request that DE&S keeps your identity confidential and they will respect this request 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, DE&S will advise you of this before proceeding.

### **23. Can I raise a concern anonymously?**

If you raise your concern openly, this makes it easier for DE&S to investigate your concern and provide feedback. You may choose to raise concerns anonymously, i.e. without providing your name at all. However, the investigation itself may serve to reveal the source of information. Employees are therefore encouraged, where possible, to put their names to concerns raised, but raising a concern anonymously is preferable to silence about potential serious wrongdoing.

### **24. Will I be able to find out the outcome of the investigation?**

DE&S will try to keep you informed of progress and where possible provide you with an update within 28 calendar days. You will be advised when the matter has been concluded. However, it cannot be guaranteed that you will be given all the details of the investigation and that the final outcome will be disclosed. Security and confidentiality must be maintained for all parties.

### **25. I'm not happy with the outcome of the investigation – what can I do?**

If you have raised the concern with the Confidential Hotline, your Line Manager, an employee in your management chain, the DE&S or the MOD Nominated Officer and you do not think that you have received a satisfactory outcome, you may raise your concern with the Permanent Under Secretary, and, if still not satisfied, the Civil Service Commission. Although DE&S and the Civil Service Commission cannot guarantee that the outcome would be as you may wish, it will seek to handle the matter fairly and correctly.

### **26. Can I go straight to my Permanent Under Secretary (PUS) with a concern?**

You may raise a concern directly with PUS if you consider that it is justified.

### **27. What would happen 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 another colleague in their line management chain, or they should seek advice from the DE&S Nominated Officer.



Where an employee has been victimised for raising a concern, DE&S will take appropriate action against those responsible, in line with its disciplinary policy and procedures.

**28. What is PIDA and how does it link with the Department's Whistleblowing Procedure?**

The Public Interest Disclosure Act 1998 (PIDA) is more commonly known as 'whistleblowing legislation' and is part of employment law under sections 43A-L and 103A of the Employment Rights Act 1996. However, the MOD's whistleblowing procedure primarily focuses on breaches of the Civil Service Code, although PIDA legislation may also be relevant.

Disclosures to certain regulatory bodies, known as 'prescribed persons' can be permitted by PIDA in certain circumstances. [Blowing the whistle to a prescribed person.](#)

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, you may wish to obtain your own legal advice.

**29. I am a member of the Armed Forces and have a concern about a Civilian's behaviour or actions. What should I do and how will my concern be managed?**

You should raise your concern with the Confidential Hotline who will ensure the concern is managed in line with the Whistleblowing and Raising a Concern policy and process.

**30. I am a member of the Armed Forces and I have a concern about a member of the Armed Forces behaviour or actions. What should I do and how will my concern be managed?**

If you are unclear, contact the Confidential Hotline who will advise you how you should raise your concern.

**31. I am a Civil Servant with a concern about a Service person's behaviour or actions. What should I do and how will my concern be managed?**

You should raise your concern with the Confidential Hotline who will advise you on the relevant service personnel procedures. However, if you are unclear, contact the Confidential Hotline who will advise you how you should raise your concern.

**32. I have blown the whistle – what happens next?**

The Confidential Hotline Team may arrange a meeting with you to determine how the concern should be taken forward which may involve an internal inquiry or a formal investigation. The Confidential Hotline Team will inform you who will be dealing with the matter and written confirmation will be sent to you, if it has been requested.

**33. Who are the Confidential Hotline Team and what do they do?**

The Confidential Hotline forms part of Fraud Defence.

The team will manage and record all concerns raised and assess how the concern should be handled. They will pass the matter to the appropriate area (MOD Police, Service Personnel Authorities, Fraud Defence or the Concerns team), to be dealt with the concern and retain an overview of any subsequent investigations to completion.

**34. Who are the Concerns Team and what do they do?**

The Concerns team sit within Fraud Defence. The team will undertake independent investigation into matters of concern raised to the Confidential Hotline which are not fraud or criminal.



**35. I am a whistleblower who feels I received detrimental treatment (Harassment, Bullying or Victimisation) since I 'Blew the Whistle', what should I do?**

As long as you raised your concern with reasonable belief that the concern is in the public interest you will be protected from any unfair or negative treatment and you may also be protected under the PIDA.

If the investigation into your concern is ongoing you should contact the Investigating Officer in the Concerns Team.

You should familiarise yourself with the appropriate DE&S Grievance, Harassment and Bullying policies. You should contact the DBS People Services (93345 7772 or 0800 345 7772) or email your concern via the DBS 'Contact Us' page, recording that you are receiving unfair treatment and giving details to the People Services Team to ensure your issue is properly managed.