

Department of Energy & Climate Change

Head of HR Policy
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Your ref:
Our ref: FOI 12/0880

6 July 2012

RE: FOI 12/0880

Further to your request of 11 June 2012. Your request is –

Following a request made by my colleague REF FOI 10/2520 on the 06th December 2010, could you confirm whether the attached document included in this email is the most up to date Departmental policy?

If this document is outdated, I would be grateful if you or colleagues could send me the relevant documents that would be considered the whistleblowing policy or its equivalent plus any other relevant documents. I would also like your Department to treat this email as formal request under the Freedom of Information Act.

I would also be grateful to receive the name of the contact we should liaise with.

I can confirm that the document at Annex A outlining the policy on whistleblowing for staff in the Department of Energy & Climate Change (DECC) is the current Departmental policy. The document is located in the Standards of Behaviour section of the staff handbook and is accessible to staff via the departmental Intranet.

The relevant contact point for any enquiry on this HR policy in DECC is the Head of HR Policy.

Appeals procedure

If you are unhappy with the result of your request for information, you may request an internal review within two calendar months of the date of this letter. If you wish to request an internal review please contact the Head of HR Policy.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

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Annex A

Whistleblowing

The whistleblowing procedure provides a confidential way of raising concerns about malpractice at work. It was introduced as a result of the Public Interest Disclosure Act 1998. The aim of the Act is to encourage people to raise concerns about malpractice in the workplace.

Principles

The following principles underpin the whistleblowing procedure:

- Confidential - Any disclosures made will be treated in confidence (see criminal investigations section below).
- Timely - Any disclosures will be investigated and action will be taken as quickly as possible.
- Fair - The Department cannot promise that you will get the result that you want, but it can promise that your disclosure will be investigated fairly.

What is covered?

- Breach of the Civil Service Code of Conduct
- Conduct which breaches the civil or criminal law
- Potential maladministration (e.g. misuse of public money, abuse of position)
- Danger to the health and safety of individuals
- Danger to the environment

The concern must be raised in good faith and show one of the categories of malpractice set out above. It must also not be in breach of the criminal law, in order to receive protection.

If you have a complaint about how you have been treated in your employment then the correct procedure to follow is the Department's Grievance Procedure and not the whistleblowing procedure. If you try to raise a complaint under the whistleblowing procedure which is actually a grievance, you will be told of this when you raise it.

If you become aware of fraud within the Department then the whistleblowing procedure may be appropriate.

Protection guaranteed

The whistleblowing procedure allows you to raise concerns about certain categories of malpractice, while being sure that your identity will not be revealed without your permission (see criminal investigations section below).

Your identity will only be protected for concerns raised in good faith. If you raise a concern that you do not believe to be true, or you raise it for an improper reason, then you will not be protected and you could face disciplinary charges. You will not be protected if your disclosure breaches the criminal law.

If in doubt - raise it!

Many people, when they are concerned that another member or staff may be guilty of one of the types of malpractice set out above, will keep this to themselves. Making a disclosure will not harm your employment prospects. Remember that you do not need to be able to prove your claims, providing that you reasonably believe that the issue falls within one of the categories of malpractice set out above.

Whistleblowing procedure

If you want to report any malpractice, potential future malpractice, or attempts to cover up malpractice, that involves:

- Breach of the Civil Service Code of Conduct
- Conduct which breaches the civil or criminal law
- Improper or unethical conduct
- Potential maladministration (e.g. misuse of public money, abuse of position)
- Danger to the health and safety of individuals
- Danger to the environment.

then you should follow this procedure. You should take the following steps:-

Step 1: Please raise any concerns with your line manager if you can.

Step 2: If you feel unable to raise the concerns with your line manager then you can contact DECC's whistleblowing contacts.

Step 3:

If you have raised the concern with your line manager and/or the whistleblowing contact, and still feel unhappy (or if you feel you can't raise the concern with your line manager or a Whistleblowing contact) then you can take your concerns to the Permanent Secretary.

At any point in this process, you can ask a trade union representative or a work colleague to accompany you to any discussion, or act as an avenue for arranging any of the above approaches. You may contact DTUS Chair.

Personal interests

If you have a personal interest in the concerns that you are raising then it is very important that you reveal this to the person to whom you are making the disclosure.

How will we handle the matter?

When you tell the whistleblowing contact about your concerns they will assess what needs to be done and take action. They may not respond exactly as you want, but they will act fairly.

You will be told as much as possible about the action that is being taken, but this will always be subject to any duty of confidentiality that might be owed to anyone else. The information that you will be told will include:

- Who is dealing with any investigation.
- How you can contact them.
- What is being done.

If you request it, you will be provided with a written statement summarising your concern and setting out how the Department proposes to handle it.

The person who is investigating will keep your identity confidential as far as is possible. If, in order to investigate, your identity needs to be revealed, you will first be asked for your permission. If you do not give permission then it may be impossible for the concerns that you raise to be investigated properly.

You can raise your concerns anonymously if you wish, but you should remember that this may make it more difficult to investigate, and impossible to give you any feedback.

Independent legal advice

If you need advice on whether it would be appropriate to use the whistleblowing procedure, and feel that you could only get the advice by disclosing the information, then you should seek independent legal advice. You can do this by:

- Contacting a lawyer from [Public Concern at Work](#). This is a leading charity and authority on whistleblowing. As it is a charity this may not cost you anything.
- Contacting your Trade Union Side official, who may be able to refer you to a lawyer - contact DTUS Chair.
- Contacting a lawyer yourself, at your own expense.

Criminal Investigations

If, as a result of your work, you receive information about a suspected crime, you have a duty to inform your line management. You are also under a duty to assist investigators, prosecutors and defendants in their search for information about alleged offences and in these circumstances it may not be possible to guarantee anonymity.