

## Raising Concerns

**If you are concerned about wrong doing in the Foreign and Commonwealth Office you are strongly encouraged to raise your concerns. These pages tell you how and who to contact.**

The Foreign and Commonwealth Office is committed to high standards of conduct and acting in accordance with the law. It expects all staff to show honesty and integrity in carrying out their official responsibilities.

Some of you may be aware of business practices in your Post or Department that “do not appear to be quite right” or that may be or are in breach of the **Civil Service Code** as implemented in the Diplomatic/Home Service Regulations (DSR/HSR) and would like to discuss the issue with someone. There are procedures in place for doing so which are straightforward and ensure confidentiality.

The FCO is fully committed to the principles in the **Public Interest Disclosure Act 1998**. This means that you can, with an assurance of confidentiality and that no action will be taken against you, discuss the matter with your line manager, a specialist team i.e. Financial Compliance Unit, Operational Integrity Section of UKBA or a Nominated Officer; another senior officer; or even a Whitehall Partner such as the National Audit Office.

It is stressed that staff should not seek to gain hard evidence before raising a concern. This may alert the person under suspicion and cause evidence to be destroyed. It does not matter if your concern is proven or not. If you raise a concern in good faith (i.e. not maliciously) your discussions with any of the above units/ officers remains completely confidential. It is fully appreciated that this may be a difficult decision to take, but we give you our assurance that any discussions or written reports will be in the strictest confidence.

The FCO is aware that some people may feel uncomfortable with the concept of “Whistle blowing”. But this system is in place to help ensure the integrity and reputation of the organisation and to protect the limited resources we receive from Parliament. As an employee of the FCO, you have a duty to report suspected impropriety so that this can be properly investigated.

### **What “Raising Concerns” does not cover**

These procedures for Raising Concerns under the Civil Service Code should not be used in relation to personal or collective grievances where separate procedures already exist.

### **Confidentiality**

These procedures allow members of staff to raise concerns in confidence. So far as possible, the anonymity of members of staff will be preserved in the course of any subsequent action. An exception is where the matter raised suggests a member of staff may have been guilty of a breach of the law and/or the department’s rules of conduct (link to FCO Guidance HR Volume 1 Chapter 21). Also, should criminal proceedings follow as a direct consequence of a revelation by a member of staff, it might not be possible to guarantee their continued anonymity. Where it becomes apparent that it will be difficult to maintain confidentiality, you will be told before any further action is taken.

### **False or malicious complaints**

These procedures are designed to deal with genuine staff concerns that are made in good faith. Submission of a concern that is found to be fictitious or one that is made in bad faith (e.g. out of spite or for personal gain) would almost certainly result in action under the FCO Misconduct Procedure.

### **How to raise a concern**

#### **Procedure for Staff:**

As set out in the Code of Ethics (DSR 1/HSR1) and the FCO’s Raising Concerns Policy, members of staff should come forward if, in the course of their duties, they become aware of acts which appear to them to be unlawful, unethical or improper.

The Code specifically states that:

You must report any matters in respect of which you believe you are being required to act in a way which is illegal, improper or unethical;

Is in breach of constitutional convention or a professional code;

May involve maladministration;

Is otherwise inconsistent with the Code.

You must also report to the appropriate authorities evidence of criminal or unlawful activity by others. You may also report concerns (in accordance with FCO procedures) if you become aware of other breaches of this Code or are required to act in a way which, for you, raises a fundamental issue of conscience.






This procedure is in line with arrangements in place across the Civil Service to ensure that staff who have concerns relating to the Code are able to receive impartial advice from someone outside their management chain should they wish it. This procedure is also to be followed for reporting suspected human rights abuses.

The PUS has also nominated certain members of staff to act as Nominated Officers in addition to their normal duties. The role of a Nominated Officer is to provide support and advice outside the management chain.

### **Who should I contact if I suspect malpractice and want to report it?**

#### **Stage 1:**

There are various departments and staff who deal with malpractice if you feel unable to raise your concern within the line management chain. In the case of

-  fraud and theft, you should contact Financial Compliance Unit (FCU);
-  malpractice within Visa Sections, you should contact the Operational Integrity Section in UKBA;
-  for data handling concerns, you should contact the Information Risk and Data Handling Officer;
-  for other matters Conduct and Discipline Section in HRD (or HRG for FCO Services) or one of the FCO's Nominated Officers.
-  Local Staff Policy Section, HRD.

#### **Stage 2:**

If you have raised your concern under Stage 1 but do not feel that the matter has been resolved to your satisfaction, you may submit your concerns in writing to the Chief Operating Officer (COO).

#### **Stage 3:**

If, having raised your concerns with the (COO), you do not believe that the matter has been resolved to your satisfaction you may submit your concerns in writing to the PUS.

### **Disclosure outside of the Foreign and Commonwealth Office**

Although you are encouraged to raise your concerns internally, if you consider that you need to speak to someone independent of the FCO you can report your concerns direct to the National Audit Office. Alternatively you can report your concern direct to the Civil Service Commission or the Serious Fraud Office.

You must ensure that you use the channels listed above for raising your concerns. Under no circumstances should your concerns be directed to the press or media in general - this would almost certainly constitute a disciplinary offence.

### **Nominated Officers**

The FCO encourages members of staff to report any acts that they come across in the course of their work which they believe to be illegal, improper or unethical. All approaches will be treated in confidence and will be taken seriously. The FCO will not tolerate victimisation of anyone who comes forward to raise a genuine concern. The Public Interest Disclosures Act 1998 provides protection for employees who make disclosures about suspected malpractice in the workplace.

The FCO is committed to dealing responsibly and professionally with any genuine concern any members of staff may have about malpractice, be it danger to members of staff or to customers, financial malpractice, breach of legal obligations, damage to the environment, or violations of human rights.

Each Government Department now has Nominated Officers to whom civil servants can turn if they have concerns that they are being asked to act in a way which is inconsistent with the Civil Service Code (specific rules set out in the Civil Service Code are reflected in Home Service Regulations and Diplomatic Service Regulations).

It should normally be possible to resolve concerns through the management line in the first instance. However, Departments also have Nominated Officers outside the line management line chain who can be approached in confidence. They will be directly responsible in this role to the PUS, and will act with his authority.

### **Core role**

Nominated Officers will, as needed:

- advise individual members of staff on the interpretation and implications of the Code;
- advise individuals on steps that might be taken to resolve a concern relating to the Code, including suspected human rights abuses;
- advise on how to take such a concern forward through the departmental procedures should the individual wish to do so;
- if requested, pass the concerns on to the appropriate point within the department if they are satisfied that the matter may fall within the Code;
- be directly responsible to the PUS and will act with his authority.

Their role is that of an impartial intermediary between the individual raising the concern and any other parties. They will, however, wish to be satisfied that due process is followed by those handling the concern. Should the need arise, they will consult the Chief Operating Officer (COO) and/or the PUS. They are able to advise on the procedure for appealing to the Civil Service Commissioners.

Nominated Officers' responsibilities do not extend to matters that do not fall within the Code. These include personnel management grievances and disagreements about the merits of policy or management decisions. Such matters should be pursued through the normal channels within the department. If there are circumstances where issues that relate to the Code are connected with other issues that do not do so, Nominated Officers will make clear that their responsibilities cover only the Code issues.

### **Promoting the Code**

The Civil Service Commissioners and the Cabinet Office are working with departments to promote staff awareness and understanding of the Code. Responsibility rests with the department e.g. the Human Resources function, and is not a direct part of the Nominated Officer role.

### **Reporting to the Civil Service Commissioners**

Nominated Officers report on their activity – in summary form - to the Civil Service Commissioners. The Commissioners will use this information in advising departments on the promotion of the Code and in identifying any particular issues that may need to be addressed.

### **Confidentiality**

Nominated Officers will – as far as is practicable - respect whatever wishes staff who approach them may have for confidentiality. In reporting on their activities, Nominated Officers will maintain confidentiality with regard to any approaches made to them by staff, and will report on them only in anonymised form and in a way that does not identify individuals.

### **FAQs**

#### **What is the Public Interest Disclosure Act 1998?**

The Public Interest Disclosure Act (PIDA) is legislation that provides protection for employees who make disclosures in certain circumstances about suspected malpractice in the workplace.

#### **Who can use the Public Interest Disclosure Act?**

Any member of staff whether they are UK based, Local Staff or a short-term contractor can make use of the Public Interest Disclosure Act.

#### **What forms of malpractice are covered?**

Examples which may be covered include malpractice that is suspected to be in breach of either the law or the Civil Service Code (specific rules are set out in HSR 1 and DSR 1), such as financial malpractice including fraud, danger to colleagues or customers; breach of legal obligations or damage to the environment.

#### **Why not just report malpractice to my line manager?**

Ideally malpractice should be reported to your line manager or Deputy Head of Post or Department. However, if you feel unable to do so, provided the issue is raised in good faith, PIDA is likely to offer you protection from any detriment to you for raising the matter.

### **What are Nominated Officers?**

Nominated Officers are FCO colleagues who have volunteered to act as a point of contact outside the line management chain for any UK-based member of staff who has a concern about their work relating to the CS Code/DS Code of Ethics.

### **What will happen if I report a concern about malpractice to one of these staff or Departments?**

The officer will discuss with you possible methods for taking your concern forward. All approaches will be taken seriously and treated in confidence as far as possible (see below).

### **Do I have to give my name or can I make an anonymous report?**

You can make an anonymous allegation. However we would prefer that you identify yourself, safe in the knowledge that provided your concerns are raised in good faith, you will be protected against any detriment on account of raising them. It will also offer better opportunity to take your concerns forward properly.

### **What if my concern turns out to be unfounded?**

Providing you are acting in good faith, it does not matter whether or not your concern proves to be well founded. If the allegation does turn out to be unfounded, there is no negative impact on you and your name will remain confidential.

### **Who else will be informed that I have made an allegation?**

Your identity remains totally confidential. In the case of making a report to Financial Compliance Unit, the Operational Integrity Section in UKBA or the Information Risk and Data Handling Officer, nobody outside of that Unit is made aware. Any files are appropriately marked and not released outside of the Unit.

### **What happens if my concern cannot be taken forward without releasing my identity?**

Confidentiality is of paramount importance. Wherever possible your identity would not be released without your specific agreement.

### **How am I protected under PIDA?**

PIDA protects you from any detriment which results from you reporting a genuine concern. If you raise a concern under PIDA, you will be protected from losing your job or suffering any form of retribution as a result. We will not tolerate the harassment or victimisation of anyone raising a genuine concern.

### **Is HRD/HRG informed that I have made an allegation?**

Only if you report it directly to them, i.e. to Conduct and Discipline Section.

### **What about my Indiv File, does anything go on there?**

No. Reports under PIDA are not recorded on your Indiv File.

### **What about the Freedom of Information Act and Data Protection Act?**

Reports received under PIDA are exempt from release under either Act.

### **If I report a concern, how will I know what is happening in the investigation?**

Although we may offer some initial feedback on the information you have supplied, the detail of the investigation will not be shared with you as the Department has a duty of confidentiality to the subject of the investigation.

### **How should I make a report, in writing or simply on the telephone?**

You can do either. All we ask is that the information you give is as factually accurate as possible and that the concern is genuine.

### **What happens if I don't have real evidence, I just believe that malpractice is going on?**

Provided your concern is genuine, and raised in good faith, you should still make the report. The person receiving the report will discuss with you any evidence and concerns that you have and agree the best way forward.

### **Should I carry out my own investigation into the malpractice first?**

No. We would always encourage you to make contact with us first. We can then agree the best way forward between us to avoid putting you at risk.

**What if I am a local member of staff and am reporting a concern about a UK based member of staff?**

Your grade and position make no difference, provided that you are reporting a genuine concern. Any investigation will be taken forward on the basis of facts rather than the particulars of the person reporting the concern.

**What if I want to report a concern but am happy to be named as the source of the allegation?**

You can still report the concern under PIDA. Even though you are named, you will still be protected by the Act (i.e. protected from any form of retribution or detriment as a result of you making the allegations).

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