



Ministry
of Defence

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Telephone: +44 (0)20 7218 9000

Ref: [REDACTED]

[REDACTED]

[REDACTED]

26 February 2015

Email: [REDACTED]

Dear [REDACTED]

Thank you for your email of 29 January 2015 requesting the following information:

I am currently conducting research for a law book on whistleblowing and unauthorised disclosures by Crown servants (including whistleblowing in the UK Armed Forces). I would like to request the following information:

1. In conducting research on the internet I found the following document had been disclosed via an FOI request: EDRM file reference: 20081201-Reporting Concerns and Whistleblowing v1 2008-U. Please confirm whether this document is still the current version. If it is not please disclose the most recent version of the document.
2. The response to question 2 on page 11 of the aforementioned document (headed 'Tips, Hints and FAQs) makes reference to members of the armed forces working in a mixed environment and that they should follow 'established Navy, Army or Air Force procedures.'
 - (a) For each of the Services, please identify what procedures there are for Service personnel to raise whistleblowing concerns and/ or disclose any guidance/ policy documentation which makes reference to these procedures.
 - (b) For each of the Services, please identify whether there are procedures in place for the central recording of whistleblowing concerns.
3. The response to question 2 on page 11 also states that 'the Service authorities have agreed to honour the spirit of the Act in dealing with qualifying disclosures.'
 - a) Please identify when this agreement was made.
 - b) Please disclose any policy documentation, memoranda of understanding/ agreements which confirm this.
 - i) Please indicate for each service whether whistleblowing concerns are centrally tracked, recorded, monitored.

- c) The response to question 3 of the document makes reference to two PIDA Focal Points. For each of the PIDA Focal Points please indicate:
- i) When the PIDA Focal Points were established.
 - ii) Whether disclosures to the Focal Points by Armed Forces Personnel are subject to different procedures/ handling processes in comparison with disclosures from civilian staff.
 - iii) Please identify whether the number of whistleblowing disclosures are being recorded by the Focal Points and whether these reports are categorised/ distinguished separately (so that it may be possible to ascertain whether a report is from a member of service personnel or civilian personnel). If categorised/ distinguishable, for each PIDA FP please identify the number of concerns raised by Service Personnel only in the last 5 years (until the latest date available)."

I will answer each part of your request in order:

1. In conducting research on the internet I found the following document had been disclosed via an FOI request: EDRM file reference: 20081201-Reporting Concerns and Whistleblowing v1 2008-U. Please confirm whether this document is still the current version. If it is not please disclose the most recent version of the document.

Please see attached the current policy, rules and guidance document entitled "Whistleblowing and Raising a Concern" which has replaced EDRM file reference: 20081201-Reporting Concerns and Whistleblowing v1 2008-U. This document took effect on 31 March 2014.

2. The response to question 2 on page 11 of the aforementioned document (headed 'Tips, Hints and FAQs) makes reference to members of the armed forces working in a mixed environment and that they should follow 'established Navy, Army or Air Force procedures.'

(a). For each of the Services, please identify what procedures there are for Service personnel to raise whistleblowing concerns and/ or disclose any guidance/ policy documentation which makes reference to these procedures.

(b). For each of the Services, please identify whether there are procedures in place for the central recording of whistleblowing concerns

HM Armed Forces are excluded from the Public Interest Disclosure Act. However, the Whistleblowing and Raising a Concern document sets out a whole workforce policy based on shared principles of fairness that can be drawn from the various codes of conduct, values and standards that apply to the two communities.

In keeping with the attached "Whistleblowing and Raising a Concern" policy, the Service authorities have agreed to honour the spirit of the Public Interest Disclosure Act in that they will recognise and adhere to the criteria for protected disclosures and follow the prescribed procedures whether dealing with or making a qualifying disclosure. Prior to 31 March 2014 there were no specific procedures for whistleblowing by members of the Armed Forces and 'established procedures' refer to the fact that Service personnel may report any allegations of wrongdoing to their Commanding Officer or to the Service

Police. The Armed Forces Act 2006 provides for the Service Justice System – a worldwide legal framework which recognises the unique environment in which the Armed Forces operate. The Service Justice System reflects UK civilian law as closely as possible but it goes further still: high standards of behaviour are required by the Armed Forces at all times and wherever they serve. Should a member of the Armed Forces suspect that an offence has been committed the matter may be reported to the Service Police or to their Commanding Officer.

3. The response to question 2 on page 11 also states that ‘the Service authorities have agreed to honour the spirit of the Act in dealing with qualifying disclosures.’

a. Please identify when this agreement was made.

3a. Centrally held records only go back as far as 2006 and we are unable to advise when the agreement was made.

b. Please disclose any policy documentation, memoranda of understanding/ agreements which confirm this.

3b. The MOD does not centrally hold historic records related to this.

i. Please indicate for each service whether whistleblowing concerns are centrally tracked, recorded, monitored.

3bi. Records relating to allegations made by Service personnel under the Service Justice System do not include whether their purpose was for whistleblowing

c. The response to question 3 of the document makes reference to two PIDA Focal Points. For each of the PIDA Focal Points please indicate:

i. When the PIDA Focal Points were established.

3ci. As mentioned above centrally held records only go back to 2006.

ii. Whether disclosures to the Focal Points by Armed Forces Personnel are subject to different procedures/ handling processes in comparison with disclosures from civilian staff.

3cii. The “Whistleblowing and Raising a Concern” document sets out a whole workforce policy based on shared principles of fairness that can be drawn from the codes of conduct, values and standards that apply to the two communities

iii. Please identify whether the number of whistleblowing disclosures are being recorded by the Focal Points and whether these reports are categorised/ distinguished separately (so that it may be possible to ascertain whether a report is from a member of service personnel or civilian personnel). If categorised/ distinguishable, for each PIDA FP please identify the number of concerns raised by Service Personnel only in the last 5 years (until the latest date available).”

3ciii. Fraud, Theft or Corruption disclosures are recorded by PIDA Focal Points. However, they do not currently record whether the information received is from a civilian member of staff, a member of the services, a contractor or a member of the public.

PIDA for all other concerns; these disclosures have only been recorded in a reportable format since 1 April 2014. The reports do not distinguish whether the concern was raised by a member of service personnel or civilian personnel

We are therefore unable to provide the number of concerns raised by Service personnel in the last 5 years.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,
Defence Personnel Secretariat