



Ministry
of Defence

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FOI2022/10613/10614/10615

E-mail: NavyStratPol-SECFOI@mod.gov.uk

[REDACTED]
[REDACTED]

12 October 2022

Dear [REDACTED]

Release of Information

Thank you for your correspondence of 12 September 2022 in which you requested the following information for the Royal Navy (RN), Royal Air Force (RAF) and Army:

'Please may you provide me with:

- A copy of the relevant whistleblowing or otherwise internal disclosure policy for the department

Can you also please address the following questions within the context of whistleblowing/disclosures:

- Does the department have channels or otherwise provisions for internal anonymous reporting
- Does the department have channels or otherwise provisions for provisions for external anonymous reporting
- Does the department have clear guidelines for timescales for resolutions of whistleblower complaints?
- Does the department provide mandatory training for whistleblowing report receivers (by example line managers/senior members of staff) with regards to the handling and management of whistleblowing disclosures?
- Does the department have any sort of incentive structure to encourage internal disclosures of wrongdoing, by example, formal recognition awards, positive contribution towards appraisals, or other non-monetary rewards?
- Does the department have any sort of financial or monetary incentive to encourage whistleblowing internal within the department, by example, a 'rewards' or 'bounty' programme for information of wrongdoing?
- Does the department have an internal policy or structure related to potential damages for retaliation following an internal whistleblowing disclosure? If so, what is the nature of internal damages that may be available following instances of retaliation?

Do the department collect the following statistics (a yes/no answer in this section is acceptable – although if it is possible to add explanatory or contextual notes without falling foul of cost/time restrictions, then this would be welcomed);

Initial disclosures

- o The number of whistleblowing disclosures made in any given year
- o What is the first point of the disclosure (i.e. line manager/departmental manager/designated officer/external body/dedicated phonenumber etc)
- o A categorisation of the nature and type of disclosure

Disclosure outcomes

- o The outcome and result of those disclosures - by example, does the department collect statistics around disclosures that were found to be with merit and acted upon to affect change, disclosures that were deemed to be vexatious, and/or disclosures that were made in good faith to their truthfulness but found to be without merit, and reasonable other considerations under this banner.

Appeal of outcomes

- o The number of whistleblowing disclosures escalated internally through an appeals process by the disclosing party following what they consider to be an unsatisfactory resolution
- o The number of times any appeal to a decision has been upheld or overturned
- o What learning is undertaken following a successful appeal

Timescales

- o The average or individual timescale for the final resolution following a disclosure or whistleblowing event
- o The average or individual timescales for initial response (outside of acknowledgement of receipt) to a disclosure or whistleblowing event

Retaliation

- o The number of times formal complaints have been raised regarding or following accusations of retaliation resultant of a protected disclosure, contrary to organisational policy and the Public Interest Disclosure Act 1998
- o The number of complaints investigated against the number of complaints made (i.e., is each complaint of retaliation investigated, and if not, how many are not investigated, including the reasons why)
- o The nature and type of alleged retaliation (i.e. dismissal, demotion, being passed over for promotion opportunities, being moved to different departments, bullying etc)
- o What number of complaints, on average or individually, are upheld following investigation, and how many are dismissed

Damages and compensation

- o The nature of damages and compensation internally awarded following instances of retaliation (i.e. where retaliation had been proven to have occurred resultant of a protected disclosure, and where damages or compensation were awarded without the requirement for judicial or regulatory intervention)
- o The amount of damages or compensation awarded internally (i.e. without judicial or regulatory intervention) following an instance of retaliation resultant from a protected disclosure
- o The amount of monetary compensation awarded to individuals following instances of retaliation resultant of a protected disclosure, resultant of judicial intervention or regulatory intervention.'

Your enquiry has been considered to be a request for information in accordance with the Freedom of Information Act 2000 (the Act). Please note that all three of your requests have been amalgamated.

A search for the information has been completed within the Ministry of Defence (MOD) and I can confirm that information in scope of your request is held.

In response to bullet point one of your request, please be advised that there is a central MOD whistleblowing policy. The RN, RAF and Army do not have their own individual policies. As such, the information we can provide will be MOD specific.

The MOD is permitted to withhold information where an exemption is considered justifiable. As the information you have requested is already available to the public, we have assessed your request falls under the absolute exemption at Section 21 (Information Reasonably Accessible to the Applicant by Other Means) of the Act. Consequently, we are not obliged to provide you with this information.

Information to answer bullet points two, three and four of your requests is detailed within the MOD whistleblowing policy which can be found at the following link:

<https://www.gov.uk/government/publications/ssro-whistleblowing-policy/whistleblowing-policy>

In response to bullet point five of your request, all Crown Servants complete mandatory training which covers aspects of whistleblowing. However please be advised that there is no specific training in respect of the handling and management of whistleblowing disclosures.

In response to bullet points six and seven of your request, please be advised that there is no financial or monetary incentive to encourage whistleblowing within the Department.

In response to bullet point eight of your request, there is no internal policy or structure related to potential damages for retaliation following an internal whistleblowing disclosure.

In response to your questions concerning the collating of statistics (bullets point nine to 24) in relation to whistleblowing cases, answers for these parts of your request can be found at Annex A to this letter.

Under section 16 (Advice and Assistance) of the Act, you may also be interested to note that the MOD has an anonymous Confidential Hotline service which employees, contractors and members of the public can use. Reports made to the Confidential Hotline are monitored by the Departments Fraud Defence team.

Information about the Confidential Hotline can be found in the following link:

<https://www.gov.uk/guidance/mod-confidential-hotline>

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of

Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>

Yours sincerely

Navy Command Secretariat - FOI Section

Response to bullet points nine to 24 of your request:

Your request for statistics and contextual information is noted below in red text.

Do the department collect the following statistics (a yes/no answer in this section is acceptable – although if it is possible to add explanatory or contextual notes without falling foul of cost/time restrictions, then this would be welcomed);

Initial disclosures

- The number of whistleblowing disclosures made in any given year – Yes.
- What is the first point of the disclosure (i.e. line manager/departmental manager/designated officer/external body/dedicated phoneline etc) – Yes.
- A categorisation of the nature and type of disclosure – Yes.

Disclosure outcomes

- The outcome and result of those disclosures - by example, does the department collect statistics around disclosures that were found to be with merit and acted upon to affect change, disclosures that were deemed to be vexatious, and/or disclosures that were made in good faith to their truthfulness but found to be without merit, and reasonable other considerations under this banner – Yes, the MOD capture outcomes.

Appeal of outcomes

- The number of whistleblowing disclosures escalated internally through an appeal process by the disclosing party following what they consider to be an unsatisfactory resolution – The information is not recorded in a format to enable the Department to ascertain this level of detail without a formal review of every case to identify if an appeal against decision had been made.
- The number of times any appeal to a decision has been upheld or overturned – The information is not recorded in a format to enable the Department to ascertain this level of detail without a formal review of every case to identify if an appeal against decision has been upheld or overturned.
- What learning is undertaken following a successful appeal – The information is not recorded in a format to enable the Department to ascertain this level of detail without a formal review of every case to identify any lessons learned following a successful appeal.

Timescales

- The average or individual timescale for the final resolution following a disclosure or whistleblowing event – Yes.
- The average or individual timescales for initial response (outside of acknowledgement of receipt) to a disclosure or whistleblowing event – Yes.

Retaliation

- The number of times formal complaints have been raised regarding or following accusations of retaliation resultant of a protected disclosure, contrary to

organisational policy and the Public Interest Disclosure Act 1998 – Yes although this would only be where the Confidential Hotline have been notified.

○ The number of complaints investigated against the number of complaints made (i.e., is each complaint of retaliation investigated, and if not, how many are not investigated, including the reasons why) – No, this would fall under the grievance and service complaints process.

○ The nature and type of alleged retaliation (i.e. dismissal, demotion, being passed over for promotion opportunities, being moved to different departments, bullying etc) – This also falls in to the grievance and service complaints process above processes. We would only be able to ascertain this detail if it was communicated to the Confidential Hotline. There is not a specific field which captures the type of detriment, just that detriment has been reported.

○ What number of complaints, on average or individually, are upheld following investigation, and how many are dismissed – This also falls into the grievance and service complaints process above processes. We would only be able to ascertain this detail if it was communicated to the Confidential Hotline. There is not a specific field which captures the type of detriment, just that detriment has been reported.

Damages and compensation

○ The nature of damages and compensation internally awarded following instances of retaliation (i.e. where retaliation had been proven to have occurred resultant of a protected disclosure, and where damages or compensation were awarded without the requirement for judicial or regulatory intervention) – No.

○ The amount of damages or compensation awarded internally (i.e. without judicial or regulatory intervention) following an instance of retaliation resultant from a protected disclosure – No.

○ The amount of monetary compensation awarded to individuals following instances of retaliation resultant of a protected disclosure, resultant of judicial intervention or regulatory intervention – No.