

Raising a Concern / Whistleblowing

Overview

1. Everyone who works for Defence has a responsibility to speak up if they are faced with or suspect wrongdoing and/or malpractice in the course of their work. It is important that they know what to do if they come across something that they think is fundamentally wrong, illegal or endangers others within Defence or the public.
2. Defence promotes a positive raising a concern culture, so that issues can be raised and dealt with promptly, professionally and in accordance with the law. Everyone should report their concerns immediately when they believe someone has done, is doing, is going to do, is asking them to do, fails to do something, or is covering up something that:
 - a. is contrary to the Civil Service Code or goes against the Values and Standards expected of His Majesty's Armed Forces, or is illegal;
 - b. endangers others or places the health and safety of people at risk; or
 - c. places Defence's property, assets, or money at risk through theft, fraud, or negligence.
3. Defence is committed to:
 - a. ensuring that anyone who has a concern understands their responsibility to speak up when they see something that doesn't feel right, is aware of how to raise it, and ensuring everyone is made aware of this policy and procedure upon joining Defence as part of their induction, with suitable training provided.
 - b. listening to those who raise a concern and treating them seriously and with respect, handling concerns responsibly, professionally, and lawfully, ensuring those raising a concern are afforded protection in accordance with its duty of care, with appropriate action taken consistently to tackle any mistreatment or victimisation, supporting those involved by fully investigating their concerns and escalating and taking action as appropriate.
 - c. maintaining the Department's Confidential hotline as the primary reporting route for whistleblowing concerns.
 - d. having sufficient Nominated Officers and Raising a Concern TLB Focal Points as alternative avenues and sources of advice and support to encourage individuals to feel safe to speak up, and a Board-level Whistleblowing Champion (2nd Permanent Under Secretary) to oversee and champion the process.
 - e. providing training for Nominated Officers on how to progress complaints and support those raising a concern.

4. Individuals who raise a concern often do so out of a sense of duty and a desire to 'do the right thing'. It is not always easy to come forward, so leaders, both Service and civilian at all levels within Defence should welcome and actively encourage open dialogue. This will help to create a culture where individuals feel safe to speak up when they need to, and when they do, feel confident that they are listened to and supported.
5. This document has been designed to ensure that individuals' concerns are addressed and resolved at the right level and as quickly and effectively as possible and reassure individuals of protection from victimisation when raising concerns.
6. Defence strives to maintain a positive culture for raising a concern because it has numerous advantages. For example, it can:
 - a. encourage an open culture, where individuals feel confident that concerns can be raised and dealt with quickly and that they will be appropriately protected for doing so.
 - b. detect and deter wrongdoing.
 - c. provide managers with the information they need to make decisions and control risk.
 - d. save and/or protect lives, the environment, property, jobs, money and both personal and organisational reputations.
 - e. minimise the chance of anonymous or malicious unauthorised disclosures of official information (including to the media).
 - f. reduce the likelihood of legal claims against Defence.
 - g. improve staff trust, engagement, and effective delivery of business.

Principles

7. Defence is committed to ensuring the highest standards of conduct in all that it does. Defence expects its people to share this commitment and understand that if they have a concern and suspect wrongdoing, then they have a responsibility to speak up immediately and not to assume that someone else will come forward. Defence's standards of conduct are reinforced by the ethos and standards of the Services, the Civil Service Management Code and the MOD Standards of Conduct and Behaviour policy and procedure.
8. The Royal Navy's Ethos states 'Unless we maintain our integrity, others will not trust us and teamwork will suffer. Putting this integrity into practice sometimes requires us to show moral courage, because our decisions may not always be popular. This is not always easy; however, doing the right thing will always earn respect'.
9. The British Army's Values and Standards states 'subordinates must be loyal to their leaders, their team, and their duty. Being loyal to one's leaders or subordinates does not mean that wrong-doing should be condoned or covered up'.

10. The Royal Air Force's Ethos, Core Values and Standards states, 'all personnel have a voice' and 'this includes having the moral courage to stop, prevent or report poor behaviour of others'.

11. The Civil Service Code states: 'As a civil servant, you are expected to carry out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality'. In this code:

a. 'integrity' is putting the obligations of public service above your own personal interests.

b. 'honesty' is being truthful and open.

c. 'objectivity' is basing your advice and decisions on rigorous analysis of the evidence.

d. 'impartiality' is acting solely according to the merits of the case and serving equally well governments of different political persuasions.

12. If you believe that you are being required to act in a way which conflicts with this Code, your department or agency must consider your concern, and make sure that you are not penalised for raising it'.

13. Wrongdoing can still occur, however, so it is important that everyone who works in Defence knows what to do if, in the course of their work, they come across suspected wrongdoing, risk or malpractice that affects a wider group of individuals such as colleagues, Defence, customers and the public. This policy and procedure will guide individuals through the process of raising a concern.

14. The following principles underpin this policy:

a. everyone working in Defence is expected to raise any concerns they may have about wrongdoing as soon as they become aware of them.

b. those raising a concern will be afforded protection – Defence will not tolerate the victimisation of anyone raising a concern and robust action will be taken against anyone found to be responsible for such actions.

c. all genuine concerns will be taken seriously, handled responsibly, professionally and in a positive manner.

d. help and support will be available to individuals when they raise a concern.

15. This policy and procedure is consistent with:

a. the Armed Forces Service Complaints Process;

b. the Civil Service Code;

c. the Civil Service Management Code; and

d. the Public Interest Disclosure Act, 1998 (PIDA).

16. This policy is designed to give individuals the confidence to speak up if they have a concern about wrongdoing or malpractice at work and be assured that it is safe and acceptable to do so. It enables individuals to raise and resolve issues in a way that is protected, secure and does not lead to wrongful disclosure of official information, such as unauthorised reports to the media.

17. Anyone who raises a concern using this policy and procedure will be supported and must not suffer any unfair or negative treatment (victimisation) as a result; this extends equally to Service personnel and civilian employees. Providing they are acting honestly; it does not matter if someone is mistaken in their concern.

18. Where a 'protected disclosure' (as defined in PIDA) is made, the individual also has an entitlement to protection as set out under Relevant Legislation.

19. Employment Tribunal and Employment Appeal Tribunals have found not only employers but managers and colleagues personally liable in respect of claims by those having suffered a 'detriment', e.g. having been victimised for having raised a concern.

20. Civil servants should ensure they are clear of their rights and obligations under the Civil Service Code and the Civil Service Management Code.

21. Service personnel should ensure they are clear of their rights and obligations as per their Service's Ethos, Values and Standards.

Scope

22. This policy applies to everyone working in Defence, both past and present.

23. The Confidential Hotline is the primary point of contact for raising a concern. Where local mechanisms for reporting and investigating concerns exist for particular sub-sections of the workforce, the Confidential Hotline team may refer callers to follow these in the first instance, such as:

a. **Service personnel.** The single Services have reporting and investigation mechanisms in place for dealing with issues relating to offences covered under The Armed Forces Act (AFA), 2006 and single service core values through the Chain of Command (CoC) and/or Service Police Authorities.

b. **MOD Police.** The MDP Professional Standards Department within the MDP receives reports of and investigates concerns.

c. **Defence Medical Services (DMS).** The Director General DMS has mechanisms in place for the reporting and investigation of concerns raised by DMS personnel in respect of the provision of healthcare. Please refer to JSP 950.

d. Other Arm's Length Bodies have local mechanisms in place for raising and investigating concerns.

e. **Defence Intelligence.** The Intelligence Staff Counsellor for the Security and Intelligence Agencies is available to be consulted on matters of conscience about an individual's work, provided that such matters arise from or are related to the individual's access to intelligence.

24. Particular sub-sections of the workforce have additional resources in place to facilitate effective management of concerns relating to the work they do. Such individuals should check local policies and procedures for more information. If in doubt regarding local policies and procedures, individuals should contact the Confidential Hotline.

25. The Civil Service Commission, other government departments, the Government Security Group, Defence's recognised Trade Unions and Government Legal Department have been involved and consulted in the development of this policy.

Types of concerns that may be raised under this policy

26. Raising a concern is a generic term relating to the internal (within the organisation) or external (outside of the organisation) disclosure of information to expose past, present, or future planned potential wrongdoing in an organisation. This policy and process explains how to report concerns internally, and externally for Civil Servants if raising a concern under the Civil Service Code with the Civil Service Commission.

What can be raised under this policy?

27. If an individual is asked to do something, or is aware of the actions of others, which they consider to be fundamentally wrong, illegal, have the potential to endanger others or breach the Services' Ethos, Values and Standards, or the values of the Civil Service Code, or The Official Secrets Act, they should raise a concern using this policy. The policy refers to this as 'wrongdoing'.

28. The potential wrongdoing should be something that affects a wider group, such as work colleagues, customers, or the public. Examples of the type of concern that might be raised under this policy include:

- a. threats or risks to national security, such as failure to follow security vetting procedures, falsifying documentation, or failure to disclose contacts with persons from, or travel to, Tier 1 and Tier 2 Restricted Countries on the Restricted Countries List JSP440 Leaflet 2C.
- b. actions that place Defence property, assets, and funds (public funds), at risk through theft, corruption, fraud, or waste.
- c. misuse of Defence assets, dishonest or fraudulent conduct relating to payments, falsifying documents, or creating inaccurate records.
- d. failure to comply with legal obligations such as not protecting personal data as required by data protection legislation.
- e. endangering others or placing the health and safety of others at risk.

- f. not controlling the keeping and use of dangerous substances and materials, including explosives and highly flammable materials as required by Health and Safety regulations, or any other relevant legislation.
- g. danger to the environment such as improper disposal of hazardous materials.
- h. danger to people such as hate speech or crime, abuse or mistreatment of children or vulnerable people, including concerns that a member of the Defence community has behaved in a way that has harmed, or may have harmed, a child or vulnerable / at risk adult.
- i. deceiving, or knowingly misleading Ministers, Parliament, or others.
- j. being influenced by improper pressure from others for the prospect of personal gain.
- k. ignoring inconvenient facts or relevant considerations when providing advice or making decisions.
- l. frustrating the implementation of policies once decisions are taken – this could be through declining to take, or abstaining from, actions which flow from those decisions.
- m. acting in a way that unjustifiably favours, or discriminates against, particular groups of individuals or interests.
- n. acting in a way that is determined by party political considerations, or using official resources for party political purposes.
- o. where someone else is allowing their personal political views to determine any advice they give, or their actions.
- p. acting in a way that goes against the values and standards of the Services or the Civil Service Code or is illegal.

The above list is not exhaustive.

What cannot be raised under this policy?

29. This policy cannot be used to raise individual/personal complaints about management decisions or concerns about individual treatment, such as complaints of bullying, harassment, discrimination, or victimisation affecting an individual. Concerns of this sort should be raised using the policy relevant to the individual's terms and conditions of service, such as JSP 831 - Redress of Individual Grievances: Service Complaints, the, JSP 763 - Behaviours and Informal Complaints Resolution Policy , the Civilian Grievance and Dispute Resolution policy and procedure or the Civilian Formal Bullying, Harassment, Discrimination and Victimisation Complaints policy and process.

30. This policy cannot be used to raise a matter of individual conscience, where for example, an individual is required to act in a way which conflicts with their faith or a deeply held personal belief, but where there is no suggestion of wrongdoing or a breach of the

Services' Ethos, Values and Standards or the Civil Service Code. If an individual has a 'crisis of conscience' they should discuss it with their Commanding Officer or another Service person within their Chain of Command, or their line manager or another manager they feel comfortable speaking to.

31. Unauthorised disclosure of sensitive official information outside of Defence can constitute a criminal offence. If individuals are unsure whether their concern can be raised under this policy, they are encouraged to speak with their Commanding Officer or other Service person within their Chain of Command, or their line manager or another manager in their line management chain. Alternatively contact the Confidential Hotline team, or a Nominated Officer, or a Raising a Concern TLB Focal Point.

32. It is rare for an individual to knowingly raise an untrue concern. However, if they do so and it is found to be vexatious or malicious following proper investigation, it could result in disciplinary action being taken against them, which may ultimately result in their dismissal.

Sources of Advice and Support

33. It is not always easy to come forward and raise a concern. Considering whether to do so can be a difficult and stressful time. Talking to someone in confidence can help individuals gather and organise their thoughts to decide the best course of action. Investigations into wrongdoing can be a difficult and stressful time for others involved in the process too.

34. There are various channels of support available. These are not bodies to whom individuals can raise a concern, but they can provide help and advice. However, individuals should not divulge the details of the concern to them.

35. For anyone needing emotional support, the Employee Assistance Programme offers a free, confidential, 24 hour service. They also offer Military Commanding Officers and civilian line managers practical advice on how they can best support their staff.

36. The Advisory, Conciliation and Arbitration Service (ACAS) Helpline on 0300 123 1100 provides free and impartial advice for individuals on a range of issues, including raising a concern. For further information see [ACAS \(www\)](http://www.acas.org.uk). [Protect \(www\)](http://www.protect.org.uk) is a whistleblowing and raising a concern charity which advises individuals on whistleblowing and raising a concern matters at work.

37. Trade Union members can seek advice from their representatives.

38. The Confidential Hotline can provide advice on the process: telephone: 0800 161 3665 (STD) or +44 1480 44 6380 (Overseas) (open Monday to Thursday 0800 to 1630 hours and Friday 0800 to 1600 hours); email: Confidential-hotline@mod.gov.uk.

39. An individual's commanding officer or line manager, the Raising a Concern TLB Focal Point or Nominated Officers can also be contacted for support on whistleblowing or raising a concern, and can advise on available support.

40. A useful list of other supporting resources can be found on this page within the 'Channels of Support and Advice' section.

Victimisation

41. MOD will not tolerate any form of victimisation against an individual for raising a genuine concern. If an individual follows the correct procedures when raising a concern, they will not be penalised.

42. If an individual feels they have been victimised for raising a concern, they should report this immediately to the Confidential Hotline, which will support them in directing them to the correct procedures. They may also wish to contact their Commanding Officer or line manager or someone else in their Chain of Command or line management chain, or a Nominated Officer. If an investigation into their concern is ongoing, they should contact the Confidential Hotline for advice. Individuals should use the relevant bullying, harassment, discrimination, and victimisation complaints policy for their TLB to report the victimisation. For Service personnel, JSP 831 refers and for civilian employees, the Civilian Formal Bullying, Harassment, Discrimination and Victimisation Complaints Policy.

43. Where victimisation or unfair treatment is found to have occurred through the above procedures, misconduct action will follow. Major Administrative Action will be taken for Service personnel. For civilian employees, the misconduct and discipline policy will apply. Victimisation or unfair treatment of someone because they have raised a concern in accordance with the policy and procedure set out above, is classed as gross misconduct, for which the likely sanction is dismissal.

Protection

44. No-one who raises a genuine concern (one made in good faith that they reasonably and honestly believe to be true) in line with this policy and procedure should suffer a detriment because of raising that concern. This includes where further enquiries or an investigation subsequently finds there has been no wrongdoing.

45. If anyone is worried about the wellbeing of a Service person, they should escalate the matter to the pertinent Unit Commander immediately (or contact the Employee Assistance Programme if the matter relates to the Unit Commander).

46. If anyone is worried about the wellbeing of a civilian employee, they should contact an HR Caseworker from the DBS HR Casework and Advice Service immediately. If the HR Caseworker is unable to resolve the matter, they should escalate it to the pertinent Deputy HR Director/Civilian Workforce Advisor.

47. The [Public Interest Disclosure Act 1998](#) (PIDA) also serves to protect 'workers' who make a 'qualifying disclosure' in one of the permissible ways set out in the Act from detriment or dismissal. In order to be protected, the procedure set out in the Act must be followed. PIDA is not drafted in a manner which includes Service Personnel within its scope. However, as a matter of policy, Defence has decided to extend the principles of PIDA to Service Personnel. Defence has an equal duty to protect all its personnel and as long as you have reasonable belief that your concern is true and have followed the procedures set out in this guidance, you will be protected from any unfair or negative treatment (victimisation) due to raising the concern. If you are victimised for raising a concern, Defence will take appropriate disciplinary action against those responsible in accordance with their terms and conditions of service.

48. MOD may be able to provide support if an individual is involved in legal proceedings because of raising a concern, as outlined in Section 12.2 of the Civil Service Management Code. For details of support that can be provided to current and former Service personnel and civilian employees, see Support available for current and former staff involved in legal proceedings.

Relevant Legislation

49. PIDA protects workers who 'blow the whistle', in certain circumstances. Defence also extends the principles of the PIDA for Service personnel (who are not protected automatically because PIDA only applies to 'workers' and they would not fall within that category).

50. PIDA protects workers who make a disclosure from unfair dismissal and other adverse action on the part of their employer in response to the disclosure. To be covered by PIDA, the disclosure must be a 'qualifying disclosure'. For a qualifying disclosure to be protected, it must be made by a worker by one of the permitted methods of disclosure set out in PIDA. A "qualifying disclosure" is any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following:

- a. that a criminal offence has been committed, is being committed or is likely to be committed.
- b. that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject.
- c. that a miscarriage of justice has occurred, is occurring or is likely to occur.
- d. that the health or safety of any individual has been, is being or is likely to be endangered.
- e. that the environment has been, is being or is likely to be damaged.
- f. that information tending to show any matter falling within any one of the preceding categories has been, is being or is likely to be deliberately concealed.

51. The PIDA encourages disclosure to the worker's employer (internal disclosure) as the primary method of raising a concern. Disclosure to third parties (external disclosure) may be protected under PIDA but only if more stringent conditions are met. Disclosures to a 'responsible' third party, or a 'prescribed person' are also likely to gain protection. However, wider disclosures, such as to the police or to the media, will only qualify in very limited cases. See GOV.UK for information on ['Whistleblowing: list of prescribed people and bodies'](#). Individuals may wish to seek their own legal advice before reporting a concern externally.

52. PIDA provides protection to workers from suffering any detriment on the grounds that they made a protected disclosure. It also provides protection against dismissal as a result of making a protected disclosure. The extension of the principles of PIDA to Service Personnel means that the fact that they are not workers is disregarded for the purposes of the definition of a 'qualifying disclosure' and a 'protected disclosure' and they also have the

right not to be subjected to any detriment on the grounds that they have made a protected disclosure.

53. Defence has an equal duty to protect all its personnel and as long as you have reasonable belief that your concern is true and have followed the procedures set out in this guidance, you will be protected from any unfair or negative treatment (victimisation) due to raising the concern. If you are victimised for raising a concern, Defence will take appropriate disciplinary action against those responsible in accordance with their terms and conditions of service.

54. The PIDA makes special provision for disclosures to 'prescribed persons'. These are regulatory bodies such as the Health and Safety Executive and the Financial Conduct Authority.

55. [The Official Secrets Act 1989](#). Under the Official Secrets Act it is a criminal offence for current and former Crown Servants and government contractors to disclose information in six specific categories without lawful authority:

- a. security and intelligence.
- b. defence.
- c. international relations.
- d. information which may lead to the commission of crime.
- e. information resulting from unauthorised disclosures or entrusted in confidence.
- f. information entrusted in confidence to other states or international organisations.

56. The policy outlined above explains how to raise a concern involving these categories internally without breaching the Official Secrets Act.

57. Any concerns that could be covered by the Act should be raised through the Confidential Hotline team.

Roles and Responsibilities

58. Everyone who works for Defence has a responsibility to speak up immediately if they are faced with, or suspect wrongdoing and/or malpractice, if they suspect or come across something that they think is fundamentally wrong, illegal or endangers others within Defence the public or are aware of something they believe goes against the Ethos, Values and Standards of His Majesty's Armed Forces or the core values of The Civil Service Code.

59. The **Confidential Hotline** is the primary point of contact for raising concerns for everyone in MOD. It is also a source of authoritative and impartial advice and guidance on all aspects of this policy and procedure. The Hotline team will advise on:

- a. whether a concern falls under this policy and procedure.
- b. the appropriate channels available to individuals to raise their concern.

- c. alternative channels to follow where the concern falls outside of this policy and procedure.
- d. whether the concern is a breach of the Official Secrets Act.
- e. whether the Permanent Secretary needs to be informed/consulted.
- f. the policy, process, and next steps.

60. The Hotline team will review and triage concerns raised and identify the most appropriate route to resolve them. Where other specific policies and procedures apply to a particular concern or area of work, the Hotline team may refer individuals to them.

61. **Nominated Officers** are senior individuals in the department who can offer impartial support and advice, outside of the Chain of Command or line management chain, to those who suspect wrongdoing and want to raise a concern. Their role is to ensure individual voices are heard and help make sure that concerns are properly addressed. MOD Nominated Officers are a minimum SCS1 / 1-Star grade/rank. Nominated Officers can also provide information about the [Civil Service Code](#) and the role of the [Civil Service Commission](#) in hearing concerns that relate to a breach of the Code. They can also provide advice on:

- a. whether a concern falls under this policy and procedure.
- b. the appropriate channels available to individuals to raise their concern.
- c. alternative channels to follow where the concern falls outside of this policy and procedure.
- d. whether the concern is a breach of the Official Secrets Act.
- e. whether the Permanent Secretary needs to be informed/consulted.
- f. next steps.

62. A list of Nominated Officers and how to contact them can be found on the MOD intranet. Nominated Officers do not carry out investigations.

63. **Raising a Concern TLB Focal Points** are MOD employees who can offer impartial support and advice, outside of the Chain of Command or management chain, to those in MOD TLBs who have potential concerns.

64. **The Departmental Speak Up Champion** for Defence is the Second Permanent Secretary, an executive champion on the Board who oversees this process for both Service and civilian staff. The Speak Up Champion also helps promote the annual Speak Up Week campaign and demonstrates Defence's commitment to improving the ethical culture in Defence. The Champion acts as focal point for Nominated Officers, including highlighting issues and trends to the Board on their behalf.

65. **Prescribed persons** are [regulatory bodies](#) such as the Health and Safety Executive and the Financial Conduct Authority.

Procedure

66. This procedure sets out:

- a. how to determine whether a concern should be handled under this policy, or a different policy.
- b. how to raise a concern which falls within the scope of this policy.
- c. how it will be handled, including confidentiality and anonymity.
- d. how to access support for / provide protection to individuals raising a concern.

67. Individuals should follow this procedure if they suspect or come across something that they think is fundamentally wrong, illegal or endangers others within Defence or the public. This includes something they believe goes against the Services' Ethos, Values and Standards or the core values of The Civil Service Code. They don't need any proof that there is, or has been wrongdoing, nor is it for them to investigate whether their concerns are justified, as it is Defence's responsibility to identify this as part of the assessment process.

68. If an individual is asked to do something which they believe would constitute a criminal offence, they should not carry out the activity, but raise a concern as detailed in this procedure.

69. Examples of concerns that may be raised may include, but are not limited to, those set out in the 'types of concerns that may be raised under this policy' section at paragraph 27 above (noting the list is not exhaustive). A flow-chart summarising the procedure to follow is at Annex A.

How to raise a concern

70. If an individual has a concern, they should raise it immediately. There are a number of ways to raise a relevant concern under this policy.

71. The ways in which a concern can be raised are shown below.

Use the Confidential Hotline

72. The Confidential Hotline is the primary point of contact for raising concerns and is also a source of authoritative and impartial advice and guidance on all aspects of this policy and procedure. The Confidential Hotline team will review and identify the most appropriate route to resolve the concerns raised. Everyone who works in Defence can use the Confidential Hotline. The Confidential Hotline should be consulted if there is any doubt as to whether a concern can be raised under this policy or not and is to be made aware of all concerns that fall under this policy so they can triage appropriately and liaise with the pertinent team/unit to ensure the concern is properly considered and investigated as necessary.

73. Any concerns relating to potentially criminal activity should be raised through the Confidential Hotline, which will triage and liaise with the pertinent team or unit to ensure the concern is properly considered and investigated as necessary.

74. Where specific policies and procedures apply to a particular concern or area of work, the Hotline team may refer individuals to them as a first step, for example:

a. where issues fall within the scope of the Service Complaints process, individuals may raise them in accordance with the instructions detailed in JSP 831 - Redress of Individual Grievances: Service Complaints.

b. where issues fall within the scope of the civilian complaints processes such as the MOD Main Grievance and Dispute Resolution policy, or the Civilian Formal Bullying, Harassment, Discrimination and Victimisation Complaints Policy and Procedures.

75. The Confidential Hotline may be contacted in one of the following ways: telephone: 0800 161 3665 (UK) or +44 1480 44 6380 (Overseas) (open Monday to Thursday 0800 to 1630 hours and Friday 0800 to 1600 hours); email Confidential-hotline@mod.gov.uk; online: [Confidential Hotline Reporting Form](#).

Other routes to raise a concern

76. Although the Confidential Hotline is the primary source of information, advice and support, there are other avenues for individuals to choose from to raise a concern initially, depending on what they're comfortable doing. Ultimately though, concerns may still be channeled to the Confidential Hotline later in the process, if appropriate.

Talk to a commanding officer or line manager

77. This might be the individual's own commanding officer or line manager, or another within their chain of command or line management chain that they feel comfortable talking to. They will be able to either help them progress the matter or arrange for them to speak to someone who can help. This might be a more senior individual or a Nominated Officer. Individuals may wish to discuss a concern more informally with the above points of contact, who all have a duty to support them, before they raise it more formally under this policy and

procedure. What is important is that it is raised within Defence and the Confidential Hotline is informed and consulted as appropriate.

Speak with a Nominated Officer

78. Nominated Officers can provide helpful and impartial advice on the appropriate steps to take. Nominated Officers will direct cases to the Confidential Hotline if there is a matter for investigation under this procedure.

Contact the Intelligence Staff Counsellor

79. For ethical issues and matters of conscience arising from or related to an individual's access to intelligence, they can contact the Intelligence Staff Counsellor. Other concerns may be raised via this route in respect of security, or which could constitute a breach of the Official Secrets Act in parts of the organisation where workers have higher security clearance.

Contact the Permanent Secretary

80. Individuals may contact the Permanent Secretary but should note that a concern should only be raised in this way if proper consideration has been given to other internal options first. If, however, it is believed that the concern is extremely serious and urgent, for example, an individual believes that contacting the Confidential Hotline in the first instance may delay the resolution of an urgent or particularly serious matter which needs addressing immediately (e.g. in the case of National Security) then it can be raised with the Permanent Secretary. Individuals should consider consulting with their line management / chain of command, TLB focal point or Nominated Officer before doing this. The individual may be asked to explain why they did not raise the concern with the Confidential Hotline.

External routes

81. The [Service Complaints Ombudsman](#) may be contacted by Service personnel in respect of Service Complaints. The Ombudsman provides independent and impartial oversight of the Service Complaints system for members of the UK Armed Forces.

82. Civil servants can also raise a concern about a breach of the core values of the [Civil Service Code](#) if they believe they have been required to act in a way that conflicts with the core values of honesty, integrity, objectivity, or impartiality, or believes that another civil servant is acting, or has acted, in a way that conflicts with the Code. If a civil servant has raised a matter in accordance with these procedures and does not receive what they consider to be a reasonable response, they may report the matter to the Civil Service Commission. The Commission will also consider taking a complaint direct.

Information needed to raise a concern

83. When raising a concern under this procedure, individuals should try to provide as much information as possible, including:

- a. the background and reason behind the concern.
- b. whether the concern has already been raised with anyone else and if so, the response received.
- c. any relevant dates.
- d. if applicable, how the Services' Ethos, Values and Standards have been breached.
- e. if applicable, how the values and behaviours in the Civil Service Code have been breached.
- f. if an individual has, or could be perceived to have, any personal vested interest in the outcome, it is important that they declare this at the outset.
- g. any relevant evidence currently held.

84. The information provided should demonstrate that there are reasonable grounds for the concern to be acted upon. It is important that matters are not investigated by individuals themselves. Proof is not needed, just a reasonable, honest belief that wrongdoing, including breaches of the Services' Ethos, Values and Standards or core values of the Civil Service Code has, or is likely to occur.

85. It can be helpful if the concern is set out in writing. It does not have to be in any particular format but setting the matter out in writing can help to make sure nothing is missed. Nominated Officers can advise if there is difficulty doing this or if support is needed. If the matter is particularly urgent it may be sensible to speak to the Confidential Hotline immediately to avoid any delay, depending on the concern that is being raised. Raising a concern directly with the Confidential Hotline is usually the most efficient and effective way within Defence to ensure concerns are considered swiftly and by the appropriate person or team.

Confidentiality and Anonymity

86. Individuals should feel able to voice concerns openly under this policy. This makes it easier for Defence to investigate the matter and provide feedback. Any disclosures made under this procedure will be treated in a sensitive manner. Defence recognises that an individual may want to raise a concern in confidence, i.e. they may want to raise a concern on the basis that their name is not revealed without their consent. Defence will do everything it can to respect any such request as far as possible, restricting it to a 'need to know basis' to investigate and progress the matter. However, if a situation arises where it is not possible to resolve the concern without revealing the individual's identity (for example, in matters of criminal law) particularly if the individual has themselves subsequently disclosed that they raised a concern, Defence will advise the individual before proceeding. The same considerations of confidentiality should be afforded to others at the centre of the concern, as far as appropriate.

87. Individuals may choose to raise concerns anonymously, i.e., without providing their name at all. If a concern is raised anonymously, it may limit the extent to which the department can investigate the matter and may therefore put others at risk. The individual

will not be notified once any investigation into the concern has been completed. The assurances offered to individuals under this policy, or the protection afforded by the PIDA, are not available for someone whose identity is unknown. In some circumstances, the likely source of the information may become apparent during the course of the investigation. Individuals are therefore encouraged, where possible, to put their name to concerns raised. In this way, Defence can support them during the process and help to ensure they do not suffer any unfair or negative treatment as a result.

88. Raising a concern anonymously is preferred to silence, but it is much better to raise a concern openly. Raising a concern openly makes it easier to investigate fully and provide feedback on the outcome and any remedial action taken. If an individual is concerned about remaining anonymous, speaking in confidence to a Nominated Officer may help alleviate any concerns.

89. If a concern is raised anonymously, steps will be taken to establish the seriousness of the matter and the likelihood of being able to investigate further. If a concern that is raised anonymously cannot be progressed due to insufficient information, the Confidential Hotline team should be notified of all reported concerns so that they can independently assess and record the matter for future reference.

90. If a concern is referred to the chain of command or line management chain by the Confidential Hotline or Investigating Officer, they should not attempt to identify who made the disclosure if the individual raising the concern did not give their consent for their identity to be passed on. If the identity of the individual raising the concern is known to the Chain of Command or line management chain, the individual's confidentiality should be respected at all times. Attempts to establish who raised a concern will be considered victimisation and will be dealt with as such under the relevant misconduct procedures. Where victimisation is found to have occurred, the likely outcome for Service personnel is Major Administrative Action. For civilian employees, where victimisation is found to have occurred, it is deemed to be gross misconduct and the likely outcome is dismissal.

Discussing the concern

91. If a concern has been raised with the Confidential Hotline team, they will take a report of the matter over the phone or via email/in writing. If further information or clarification is required, they will arrange for a follow up meeting to discuss the matter further.

92. If not raised directly with the Confidential Hotline, the person who it has been raised with should arrange an initial meeting with the individual to discuss their concern. The seriousness or urgency of the matter will dictate how quickly this needs to happen, but in all cases the meeting should usually be held within five working days of the concern being raised.

93. This meeting is an opportunity for the person initially dealing with the concern to check they have a clear understanding of the matter. It is also an opportunity to discuss how the matter should be taken forward, either using this policy, or via another route such as another HR policy/JSP if that would be more appropriate, to ensure it is handled correctly from the outset.

94. Depending upon the circumstances, this meeting can be conducted virtually or by telephone rather than face-to-face if preferred, or in a suitable location away from the normal place of work.

95. Individuals may choose to be accompanied by a companion at this meeting. A chosen companion may be a colleague (who is not involved in the concern), or a trade union representative. The companion cannot be a friend or relative unless they are also a colleague, and neither can they be a legal representative. Companions can be a helpful source of moral support for the individual, but they cannot answer questions on behalf of the person raising the concern. All those present at the meeting are expected to maintain confidentiality and not discuss the matter with others outside of the meeting. The person to whom the concern has been raised must ensure the individual reporting the concern and their companion (if they have one) are provided with any reasonable adjustments they need to attend the meeting and engage fully in the process.

96. If, after this discussion, it is established that the nature of the concern means the matter would be better dealt with using a different route (such as another HR policy/JSP) this will be explained. The Confidential Hotline is to be consulted by the person dealing with the matter if there is any doubt as to whether the concern should be raised under this policy.

97. The person dealing with the matter should make sure the individual is directed to the sources of support available.

98. If after the initial meeting the person dealing with the concern decides it is to be dealt with under this policy, then they should refer it to the Confidential Hotline team immediately for action.

How the Confidential Hotline team will handle a concern

99. Once a concern has been raised with the Confidential Hotline team, they will assess how it should be handled. Once they have checked and agreed it is a concern within scope of this policy, they will pass the matter to the appropriate area to deal with the concern. They will retain an overview of its handling to completion, acting as a single point of contact for the person raising the concern unless the nature of the concern necessitates the area dealing with the concern to act as sole point of contact.

100. The Confidential Hotline team will discuss with the individual raising the concern how frequently they will be contacted to be informed of the status of their concern.

101. The Confidential Hotline team will decide how the concern is taken forward. It may be taken forward with other organisations or areas within Defence, depending on the nature of the concern, including the:

- a. MOD Police.
- b. Service Police.
- c. Service Personnel Authorities.
- d. Fraud Defence.

- e. chain of command / line management chain of the individuals concerned.
- f. Director of Resources for the business area concerned.
- g. Director of Health, Safety and Environmental Protection.
- h. Defence Safety Authority.
- i. Defence Nuclear Security Regulator.

102. If during the handling of the concern it becomes clear that it relates to matters of security, the Directorate of Security and Resilience (DSR) and/or the relevant local Security Officer (Unit or Local, Branch or Establishment Security Officer) or local Warning, Advice and Reporting Point (WARP) should be made aware. For matters of security within the Defence Nuclear Enterprise, the Defence Nuclear Security Regulator should also be made aware.

Investigations

103. All investigations will be conducted professionally, sensitively, and as efficiently as possible.

104. Throughout any investigation, the individual will usually be expected to continue their duties/role as normal unless instructed/agreed otherwise.

105. The Confidential Hotline team will aim to update the individual on progress of the concern they raised within 28 calendar days. In the event of an investigation or the involvement of police/security, it may not always be possible or appropriate to provide full details of the steps that have been taken.

106. The Confidential Hotline team will confirm to the person who raised the concern when the matter is concluded. They will explain the outcome of the investigation in as much detail as they are able, whilst maintaining security and confidentiality for all parties. Depending on the circumstances this can be done face-to-face, virtually, or over the telephone but should always be confirmed in writing.

107. Raising a concern can help to detect and deter wrongdoing but it can also reveal that policies and processes need to be improved. If changes are made to MOD policies and procedures because of a concern being raised, feedback on such should be provided to the individual who raised the concern. Where practical (taking into consideration the importance of protecting individuals and confidentiality), it may also be helpful to make it clear to others across the organisation that changes to policy or procedure have been made because of a concern being raised to demonstrate the value placed on speaking up.

Escalating/appealing the outcome

108. If the Confidential Hotline refer the concern for handling in accordance with another policy and procedure (as the matter was not covered by the raising a concern policy), then the other, correct policy and procedure should be followed, including for any escalation or appeal.

109. Where a concern has been raised through this 'raising a concern' procedure and the individual feels that the matter has not been adequately addressed, they may escalate their concern to the Head of Fraud Defence via the Confidential Hotline team. The Confidential Hotline team will ensure this is brought to the attention of the Head of Fraud Defence, and that all material is made available to them to enable them to review and assess whether the concern has been considered and dealt with appropriately. The Head of Fraud Defence will direct any further action as required. The individual will be informed once consideration by the Head of Fraud Defence is complete. If the individual is still not satisfied following consideration by the Head of Fraud Defence, they may escalate to the Permanent Secretary, who will review and seek assurance from the Head of Fraud Defence that the concern has been satisfactorily dealt with, directing any further action as required. The individual will be informed once consideration by the Permanent Secretary is complete.

110. Throughout the escalation/appeal process, a Nominated Officer may be consulted to ensure that the individual's concerns have been properly addressed, but they are not involved in deciding whether an investigation was completed satisfactorily. Defence will normally limit the number of times a concern is investigated to two, in order that concerns are properly managed.

111. If a civil servant remains dissatisfied with the outcome and their concern involves a potential breach of the [Civil Service Code](#), they may refer the matter to the Civil Service Commission. Service Personnel may raise matters relating to service complaints to the Service Complaints Ombudsman.

Other routes to raising a concern

The Permanent Secretary

112. If it is believed that the concern is extremely serious and urgent and it cannot be raised with the Confidential Hotline, within the chain of command or line management chain or a Nominated Officer, then it can be raised directly with the Permanent Secretary using pus-privateoffice@mod.gov.uk. A concern should only be raised in this way if proper consideration has been given to other internal options first. The individual may be asked to explain why they did not raise the concern with the Confidential Hotline initially.

The Civil Service Commission

113. Individuals are encouraged to use this policy and procedure to raise concerns whenever possible. However, they may also raise a concern directly with the Civil Service Commission (if they are a civil servant) if they feel there is a good reason for not raising a concern within Defence. However, where appropriate, the Civil Service Commission expects civil servants to have raised concerns within their own Department first. If a concern is raised directly with the Civil Service Commission without it being raised within their department first, the Civil Service Commission will ask why it was not appropriate to raise the matter internally first. For those working in Arm's Length Bodies, it will be sufficient to have raised the concern either within the Arm's Length Body or with Defence first – the Commission does not require that the individual raise the concern with both the Arm's Length Body and Defence before raising it with them. The Commission will inform an individual directly about whether they are prepared to investigate a concern raised with them.

114. Non-civil servants cannot raise a concern with the Civil Service Commission.

Raising a concern with the Civil Service Commission

115. The [Civil Service Commission](#) is an independent body that can hear and determine concerns that relate to the Civil Service Code. Only civil servants can raise a concern under the Civil Service Code.

116. The [Civil Service Code](#) forms part of the terms and conditions of every civil servant. The Code expects civil servants to carry out their role with dedication and commitment to its four core values of integrity, honesty, objectivity, and impartiality. Links to relevant Codes for Welsh, Scottish and Diplomatic Services are available from the [Civil Service Commission website](#).

117. If a civil servant is asked to do something that conflicts with the values in the Civil Service Code, is aware, or has reason to suspect that another civil servant is acting in conflict with the values, they should:

- a. raise a concern within their own department immediately;
- b. give the department time to consider the matter; and
- c. if not satisfied with the response, refer the matter to the Civil Service Commission, using the Commission's procedure.

118. The Civil Service Commission can only deal with matters that relate to the Civil Service Code and usually that have already been raised formally within the Department first.

119. The Civil Service Code is concerned with the outward-facing roles of civil servants rather than their internal relations, which means there is likely to be a public interest dimension to a concern raised under the Code. The Commission cannot hear concerns related to individual treatment or management decisions. These matters, including complaints of bullying, harassment and discrimination should be raised under the Department's appropriate HR procedures for prompt resolution. Nor can the Commission hear complaints in relation to matters of individual conscience, where there is no suggestion that the Civil Service Code has been breached.

120. Below are examples of the type of concern that may fall under the Civil Service Code:

- a. misusing one's official position, for example by using information acquired in the course of official duties to further one's private interests or those of others.
- b. knowingly misleading or deceiving Ministers, Parliament, or others.
- c. being influenced by improper pressure from others or the prospect of personal gain.
- d. ignoring inconvenient facts or relevant considerations when providing advice or making decisions.

- e. frustrating the implementation of government policies once decisions are taken - this could be through declining to take, or abstaining from, actions which flow from those decisions.
- f. acting in a way that unjustifiably favours or discriminates against particular groups of individuals or interests.
- g. acting in a way that is determined by party political considerations or using official resources for party political purposes.

This is not an exhaustive list.

121. In very limited circumstances a concern may be raised directly with the Civil Service Commission. However, the Commission will normally expect civil servants to raise a concern within their own department first, and they will want to understand why this has not been possible. The Commission will decide on a case-by-case basis and reserves the right to exercise discretion when deciding whether to deal with a matter directly.

122. The Commission will not usually accept concerns raised anonymously. However, where it provides evidence of a Civil Service Code risk, the Commission may forward the matter to the relevant department for them to consider and establish the likelihood of being able to investigate further.

123. Further information on how to raise a concern with the Commission is available on the [Civil Service Commission website](#) and from the following address:

Civil Service Commission
G/8
1 Horse Guards Road
London
SW1A 2HQ

Email: info@csc.gov.uk

Tel: 020 7271 0831

Special Circumstances

124. **Former MOD Service Personnel or civilian employees.** If a concern is raised by an individual who formerly worked in Defence, the presumption should always be that it is made in good faith, and it should be handled in accordance with this policy. Where the individual provides details that allow them to be contacted, the concern should be acknowledged, and the individual should be told that they will be contacted to confirm when the matter is concluded and where possible/appropriate, will be told the outcome, whilst maintaining appropriate security and confidentiality for all interested parties.

125. **Concerns raised during notice periods.** If an individual raises a concern either before resigning or during their notice period, the presumption should always be that it is made in good faith, and it should be handled in accordance with this policy. The concern should be acknowledged, and the individual should be updated on progress, even after they leave, when they have provided contact details for such. Defence should also confirm when

the matter is concluded and where possible/appropriate, the outcome, maintaining security and confidentiality for all parties involved. Treating the matter in this way may help avoid any external disclosures. Former civil servants will not generally have recourse to The Civil Service Commission unless they raised their concern whilst still a civil servant.

126. Non-civil servants - inward secondees. Non-civil servants seconded into the Civil Service should use this policy to raise a relevant concern. Non-civil servants are not subject to the Civil Service Code, so do not have recourse to the Civil Service Commission. They are, however, required to observe the provisions of the Civil Service Code and departmental rules on conduct, confidentiality, and security whilst on secondment.

127. Concerns raised by civil servants seconded out. A civil servant seconded out of the Civil Service will retain their status as a civil servant. This means they will continue to be bound by Civil Service terms and conditions and the Civil Service Code. Therefore, to raise a concern about a departmental matter they should use this policy and if they do not receive what they consider to be a reasonable response, they may refer the matter to the Civil Service Commission. If the concern relates to matters within the non-Civil Service organisation they have been seconded to, they should use that organisation's own policy and the matter cannot be brought to the Civil Service Commission. In cases such as this, the correct actions may depend on the terms of the secondment.

128. Concerns raised by civil servants on loan. A civil servant on loan to another department is bound by the provisions applicable to all civil servants, including the Civil Service Code. They should therefore, depending on the terms of their loan, either use the policy of their parent department for raising a concern, or the department they are on loan to. If they do not receive what they consider to be a reasonable response, they may refer the matter to The Civil Service Commission.

129. Concerns raised by someone external to Defence. If a concern is raised about potential wrongdoing within Defence by someone outside of the department, the presumption should always be that it is made in good faith, and it should be handled in accordance with this policy. If contact details are provided, the concern should be acknowledged. Defence should also confirm when the matter is concluded and, if the matter were to become the subject of court proceedings, provide details relating to any trial dates or convictions, whilst maintaining security and appropriate confidentiality.

130. Concerns about matters in other organisations. If, during the course of their work, an individual from Defence suspects wrongdoing in another organisation, they should raise this through the Confidential Hotline who will identify the correct route or procedure for the disclosure. Defence will consider how to take the matter forward and if appropriate will confirm when the matter is concluded whilst maintaining appropriate security and confidentiality.

Unauthorised Disclosures

131. It is important that concerns are raised internally, or with the Civil Service Commission, Regulatory Body or Prescribed Person, and at the earliest time possible. This will allow Defence the opportunity to address and resolve any concerns quickly and by the most

appropriate means. Defence is confident that there are sufficient internal avenues available to deal with any concerns raised.

132. Raising a concern outside the prescribed routes listed in this procedure (for example, with Parliamentarians, the media, campaign groups, on social media or with third parties) may result in disciplinary action being taken, save in the very limited circumstances that such a disclosure would be protected by the [Public Interest Disclosure Act \(PIDA\)](#) including as extended to Service Personnel under MOD policy. This is subject to MOD's policy on contact with your elected parliamentarian (2024DIN005-040 Contact with Parliamentarians). It may be an offence under the Official Secrets Act 1989 if you disclose official or classified information (and you may be prosecuted). If an offence is committed when making a disclosure, PIDA does not apply. You may wish to obtain independent legal advice before making an unauthorised disclosure.

133. If a Commanding Officer or line manager becomes aware that a member of their staff has made a disclosure outside of the routes prescribed in this procedure, they should inform the Confidential Hotline and their own Chain of Command or line management chain immediately.

Vexatious and Malicious Concerns

Vexatious Concerns

134. A vexatious concern is one made in bad faith and is pursued, regardless of its merits, solely to harass, annoy or subdue somebody. It is something that is unreasonable, without foundation, is frivolous, repetitive, burdensome, or unwarranted. In identifying vexatious concerns, care should be taken to distinguish between individuals who are raising genuine concerns, be mindful of neurodivergence considerations, and recognise where people are simply being difficult.

135. A concern may be regarded as vexatious where someone:

- a. persists in pursuing something that has already been investigated and provides no new or material information.
- b. seeks to prolong contact by continually changing the substance of a concern or by continually raising further concerns or questions whilst the concern is being addressed.
- c. fails to clearly identify the substance of a concern, or the precise issues which may need to be investigated, despite reasonable efforts by others to assist them.
- d. reports solely trivial matters to an extent which is out of proportion to their significance.
- e. makes excessive contact with those handling their concern or seeks to impose unreasonable demands or expectations on resources, such as requests for responses being provided more urgently than is reasonable or necessary.

Malicious Concerns

136. Malicious use of this policy and procedure will not be tolerated. A malicious concern in the context of this policy is one that is dishonest. This could be dishonesty through lying about an issue or incident, or through not telling the whole truth by knowingly withholding relevant information.

137. Vexatious or malicious concerns are rare. The presumption should always be that a concern is raised honestly. A concern will not be malicious simply because it is not upheld. Where the Chain of Command or line management suspects that the concern is unfounded and was malicious or vexatious, advice should be sought before taking any such action. It will not be possible to make any judgement until the matter has been properly investigated through the appropriate process.

138. Each case should be considered on its merits, be evidence based and investigated as appropriate. If vexatious or malicious concerns have been proved, any mitigating factors should be taken into account as part of the misconduct and discipline process or Service equivalent. For example, stress, physical or mental illness, or certain behaviours which may be outward symptoms of underlying problems, as these may have a significant bearing on the matter.

139. If the advice and any investigation conclude that a concern was either vexatious or malicious, the individual(s) it was raised about should be informed as soon as possible that it will no longer be investigated.

140. If a concern is proven to have been vexatious or malicious, the person who raised it will be liable to have appropriate action taken against them under the misconduct and discipline policy and procedures or Service equivalent. The level of misconduct is determined by the misconduct and discipline policy and process or Service equivalent.

RAISING A CONCERN PROCESS MAP

