

## **Raising Concerns**

### **Policy Principles**

The Foreign and Commonwealth Office is committed to maintaining 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. These standards are reinforced by the Civil Service Code as reflected in Diplomatic and Home Service Regulations. However, it is important that employees know what to do if, in the course of their work, they come across something that is fundamentally wrong, illegal or endangers others within the department or the public. The Policy, Procedures and Frequently Asked Questions are intended to guide employees through the process of raising a concern, which is sometimes referred to as 'whistleblowing'.

The following principles underpin the Raising Concerns Policy:

- Employees are encouraged to raise any concerns they may have about wrongdoing as soon as they notice it
- Employees raising a concern will be afforded protection as detailed in the procedure
- All genuine concerns will be handled responsibly, professionally and in a positive manner
- Help and support will be available to employees where concerns are raised under the relevant Whistleblowing and Raising Concerns Procedure.

### **Policy Summary**

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** (specific rules set out in the Civil Service Code are reflected in Home Service Regulations (HSR) and Diplomatic Service Regulations (DSR)) 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 Disclosures 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 the Home Office or a Nominated Officer; another senior officer; or even a Whitehall Partner such as the National Audit Office.

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 you believe is genuine your discussions with any of the contacts set out in para 8 remain 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.

## **Scope of Policy**

This policy applies to all staff, UKB and Locally Engaged, The general principles also apply to service providers such as contractors. These procedures are intended for raising concerns where you become aware of actions by others which you believe conflict with the Civil Service Code and its values. They are not intended to be used in relation to personal or collective grievances such as issues related to complaints of bullying, harassment or discrimination or to terms and conditions of employment where separate procedures exist.

Should an issue of conscience arise when you are asked to do work which conflicts with your faith or which you believe raises ethical or moral concerns, we would encourage you to raise this with your line manager, someone senior in the management chain, or a Nominated Officer. This includes concerns about the content and direction of foreign policy.

## **Policy Procedures**

### **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 Staff Conduct. 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, that person will be told before any further action is taken.

### **1. How to raise a concern -**

As set out in the Code of Ethics DSR 1 / HSR 1 (DSR 1/HSR1) and in this (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.

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 appointed 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.

## **2. 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 the Home Office ;
- for data handling concerns, you should contact the Information Risk and Data Handling Officer;
- for conduct matters the Conduct Adviser in HRD (or HRG for FCO Services);
- for other concerns one of the FCO's Nominated Officers. Their role and remit is further explained here

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.

## **3 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 any concerns related to the Civil Service Code direct to the National Audit Office, 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 you raise your concerns with the media, campaign groups, on social media or with MPs or political parties or similar external organisations. Raising a concern

outside of the prescribed routes would, if it amounts to an unauthorised disclosure, almost certainly constitute a disciplinary offence. It may also breach the Official Secrets Act.

#### **4. False or malicious complaints**

These procedures are designed to deal with genuine staff concerns. Submission of a concern that is found to be malicious, vexatious or fictitious or one that is made out of spite or for personal gain would almost certainly result in action under the FCO Conduct Procedure. This could result in dismissal unless it is possible to demonstrate a reasonable belief that the concern was raised in the public interest.

#### **5. 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 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 .

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

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;
- advice 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.

The Nominated Officers' role is designed to offer a confidential source of advice and guidance for matters that fall within the Code, not for personal or collective grievances and work-related disputes for which separate procedures exist. 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.

The FCO recognises however, that there may be occasions where staff face issues of conscience which arise when asked to do work which conflicts with their faith or which they believe raises ethical or moral concerns. We encourage staff to raise these concerns with their line manager or another senior manager in the first instance. Although these issues fall outside the Civil Service Code, staff can also discuss these concerns in confidence with Nominated Officers. Should the officer concerned wish them to do so, Nominated Officers will raise them in general terms with senior management, the COO or the PUS. If having gone through this process, an officer feels that the matter has not been resolved to their satisfaction, they can submit their concerns in writing to the COO or the PUS. As a final resort, if the matter cannot be resolved and an officer feels that they cannot carry out the instruction they have been given, they will have to resign from the FCO.

## **6. Promoting the Code**

Responsibility for promoting the Code rests with HRD. Nominated Officers have a role in supporting awareness and understanding of the Code and the Raising Concerns Policy across the FCO.

## **7. 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.

## **8. 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.