



# Companies House

## Whistleblowing and Raising a concern

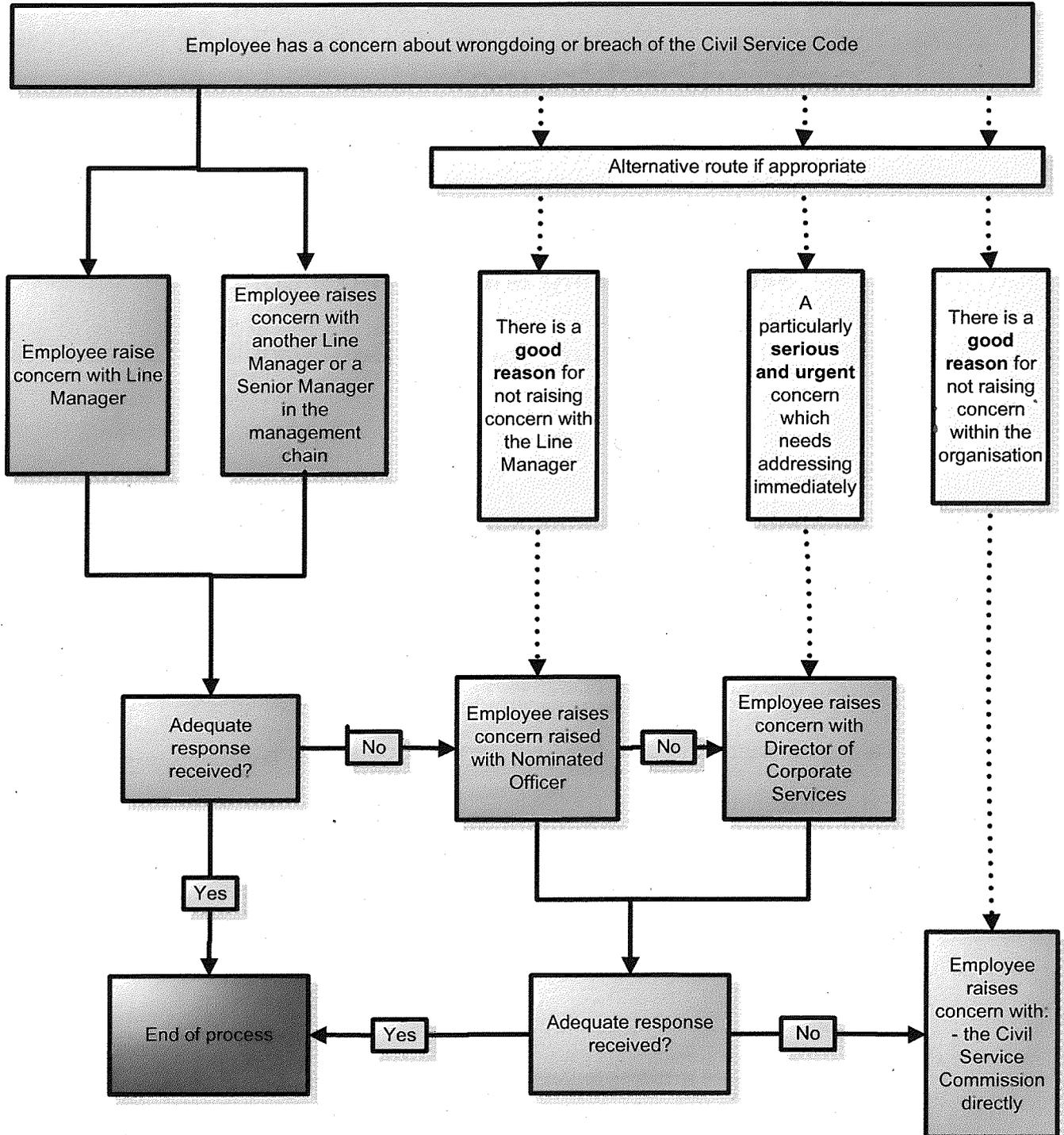
### Procedure for Civil Servants

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Annex A – Process Overview Flowchart - accessible version	<b>Error! Bookmark not defined</b>

## Process Overview

An accessible version of the flowchart is enclosed in Annex A

### Process Overview



## **Introduction**

1. This procedure outlines the process that civil servants must follow when reporting a perceived wrongdoing within Companies House, including something they believe goes against the values in the Civil Service Code i.e. integrity, honesty, objectivity and impartiality.
2. A wrongdoing reported under this procedure may be covered by the law concerning protected disclosures of information. The procedure has therefore been written with reference to the Public Interest Disclosure Act 1998 (PIDA), which offers protection to those in both the private and public sectors, who 'blow the whistle', in certain circumstances. The Directory of Civil Service Guidance and the Civil Service Management Code provide more information.
3. It is important that this procedure is followed when raising any concerns, to ensure that the matter is dealt with correctly. Where a concern is properly raised under this procedure, the individual will be protected from any unfair or negative treatment. PIDA protection may also apply.

## **What is a relevant concern?**

4. If an employee is asked to do something, or is aware of the actions of another, which they consider to be wrongdoing/breach of the values of the Code, they can raise their concern using this procedure.
5. Employees should not act in bad faith or raise malicious, vexatious or knowingly untrue concerns. Employees who raise concerns of this nature in order to harm colleagues or Companies House, will not be given protection under this procedure and may be subject to disciplinary action, which could ultimately result in dismissal.
6. This procedure should not be used to raise concerns of a personal nature, for example, complaints relating to a management decision or terms and conditions of employment. These matters should be dealt with using the relevant procedure, for example, the Companies House grievance procedure. Equally, this policy would not apply to matters of individual conscience where there is no suggestion of wrongdoing by Companies House but an employee is, for example, required to act in a way which conflicts with a deeply held personal belief.
7. If unsure whether a concern should be raised using the whistleblowing procedure, further advice is available in the [m FAQs](#). Line Managers or Nominated Officers will also be able to assist.
8. A summary of the procedure can be found in the flowchart: *Process Overview* at the beginning of this document.

## Raising a concern

9. If an employee experiences something in the workplace which they consider to be in conflict with the Civil Service Code and/or perceived to be wrongdoing, it is important that the concern is raised straight away. Proof is not required as this is Companies House responsibility. The employee must, however, act in good faith and have a reasonable belief in the information being disclosed.
10. It is important to follow the correct procedure when raising a whistleblowing concern. The following steps should be adhered to:
  11. The concern should, in most instances, be raised with the employee's line manager or sent to the line manager/responsible person who will know how to handle the matter, or where to go if not.
  12. There may be certain rare occasions, however, when this would be inappropriate because, for example, the concern:
    - may implicate the manager in some way
    - is about a senior manager within the line management chain or somewhere else in Companies House
    - is particularly serious and needs to be dealt with as a matter of urgency
    - it is important that the concern is raised with the person best placed to deal with the matter and with whom the employee feels most comfortable.
  13. If it is suspected that the concern may implicate the line manager in some way, then it should be raised with another line manager, or somebody more senior in the line management chain. If you are unable to do this, the concern should be raised directly with a Nominated Officer.
  14. If the concern relates to someone senior to the line manager or another senior person in the department, it will need to be raised at the appropriate level. If an employee feels uncomfortable doing this, the concern should be raised with a Nominated Officer instead.
  15. If it is felt that the concern is particularly serious and urgent and an employee is worried that approaching their line manager in the first instance may delay the resolution of the matter, for example in the case of National Security, then the concern should be raised immediately with a senior manager or a Nominated Officer.
  16. Where a concern has already been raised within the line management chain, but the employee feels that it has not been adequately addressed, they can raise the concern with a senior manager or a Nominated Officer.

17. If confident that the concern is extremely serious and urgent and it cannot be raised with the line manager, Nominated Officer, or a senior manager, then it can be raised with the Director of Corporate Services. The concern should only be raised in this way if the employee has given serious consideration to all other internal options. The employee may be asked to explain why they did not raise the concern with their manager or Nominated Officer.
18. If an employee has used this procedure to raise a concern within Companies House and does not receive what they consider to be a reasonable response, they may raise the concern with the Civil Service Commission (the Commission).
19. The Commission is an independent body who can hear and determine complaints raised by civil servants in relation to the Code. For example, if they have been required to act in a way that conflicts with the Code, or observes that another civil servant is acting, or has acted, in a way that conflicts with the Code. The [FAQs](#) provide additional information on the Commission.

### **Taking concerns direct to the Civil Service Commission**

20. Civil servants can also raise a concern direct with the Civil Service Commission. The Commission believes it is usually better that concerns are raised with the employee's organisation and so the individual will need to explain why they think this is not appropriate in their case. The [FAQs](#) for Civil Servants provide details on how to contact the Civil Service Commission.

### **External disclosures**

21. It is important that concerns are raised internally, or to the Civil Service Commission, and at the earliest time possible. This will allow Companies House the opportunity to address and resolve any concerns quickly and by the most appropriate means. Companies House is confident that there are sufficient internal avenues available to deal with any concerns raised.
22. Concerns should not at any time be raised outside the prescribed routes listed in this procedure. For example, concerns must not be raised with the media, campaign groups, on social network sites or with MPs or political parties, under any circumstances. Please note that this list is not exhaustive. Raising a concern outside of the prescribed routes could, if it amounts to an unauthorised disclosure, result in disciplinary action. It may also breach the Official Secrets Act.

## **Information needed to raise a concern**

23. When raising a concern an employee should try to provide the following information:

- the background and reason behind the concern
- any relevant dates.

24. This information should demonstrate that there are reasonable grounds for the concern to be acted upon. It is important that matters are not investigated by employees themselves. Remember, proof is not needed, just a reasonable, honest belief that wrongdoing, including breaches of the values in the Code, has or is likely to occur.

25. If applicable, personal interests must be declared from the outset.

26. Companies House appreciates that this might be a difficult time for employees, who may feel uncertain about how to progress a concern. Support is available at all stages of the process and a contact list is included in the [FAQs](#)

## **How the concern will be handled**

27. All investigations will be conducted sensitively and as quickly as possible. While Companies House cannot guarantee that the outcome would be as the employee may wish, it will handle the matter fairly and in accordance with the Whistleblowing Procedure.

28. Once a concern has been raised with the line manager or Nominated Officer, a meeting may be arranged with them to determine how the concern should be taken forward. This may involve an internal inquiry or a formal investigation. Companies House will establish who will be dealing with the matter, for example Human Resources, external investigator and a written confirmation will be sent to the employee, if it has been requested.

29. If a meeting is arranged, the employee may wish to be accompanied by a trade union representative or a colleague who is not involved in the area of work to which the concern relates. The meeting can be conducted over the telephone rather than face to face.

30. Companies House will seek to update the employee on the progress of the concern as far as possible. However, in the event of a formal investigation or the involvement of the police, it may not be possible or appropriate to provide full details.

31. Companies House will confirm when the matter is concluded and, if appropriate, the outcome of the investigation, maintaining security and confidentiality for all parties as far as possible.

32. Throughout any investigation, the employee will still be expected to continue their duties/role as normal unless deemed inappropriate.

### **Confidentiality**

33. Any disclosures made under this procedure will be treated in a sensitive manner. Companies House recognises that the employee may want to raise a concern in confidence and will respect any request for anonymity as far as possible, restricting it to a 'need to know basis'. However, if the situation arises where it is not possible to resolve the concern without revealing the employee's identity, Companies House may need to continue with the investigation and may not be able to guarantee anonymity. Companies House will however advise the employee if this is the case. The same degree of confidentiality should be afforded to the employee(s) at the centre of the concern, as far as appropriate.

### **Protection**

34. If a concern is raised in good faith and the procedure is followed correctly, the employee will be protected from any unfair or negative treatment, as required by the Civil Service Code.

### **Board Responsibilities**

35. The Director of Corporate Services has overall responsibility for Whistleblowing in Companies House and whistleblowing will be regularly considered by Main Board and the Audit Committee.

### **Other documents accompanying this Procedure**

36. This procedure is accompanied by Frequently Asked Questions where employees can find more information.

