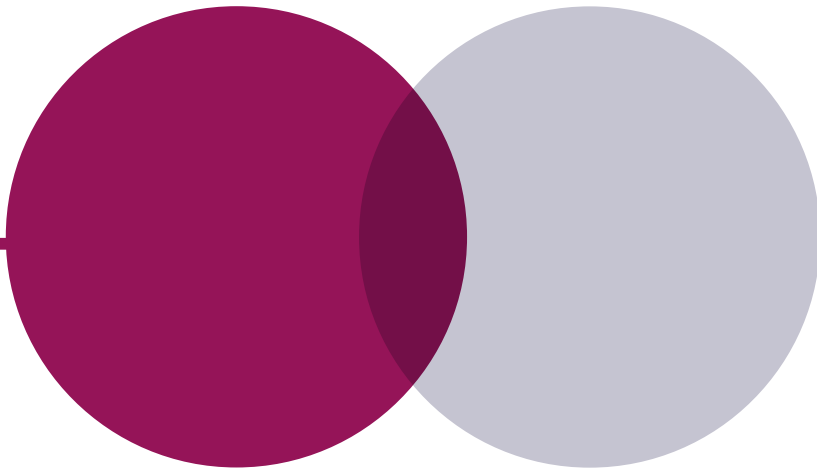




National Audit Office



# NAO internal whistleblowing policy

This policy covers situations where  
National Audit Office (NAO) employees  
need to raise a concern and how to do this


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**REPORT**

by the  
National Audit Office

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**APRIL 2023**



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This report can be found on the National Audit Office website at [www.nao.org.uk](http://www.nao.org.uk)


If you need a version of this report in an alternative format for accessibility reasons, or any of the figures in a different format, contact the NAO at [enquiries@nao.org.uk](mailto:enquiries@nao.org.uk)

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# Foreword from the Comptroller and Auditor General (C&AG) and the Chair of the Board

The NAO and our Board are committed to empowering our people to feel confident to speak up without fear of reprisal if you suspect that something is wrong. Or, if things at work “don’t feel right”.

The ability to raise concerns about potential wrongdoing plays a key role in promoting accountability and building trust. Both are fundamental components of our mission, our culture and our values.

Raising concerns in a safe environment is also vital to help surface issues and concerns so that appropriate action can be taken to detect and deter wrongdoing.

With this in mind, we have updated our internal whistleblowing policy to:

- provide greater clarity on roles and responsibilities when a concern is raised;
- clearly set out the range of ways you can raise concerns and sign-post the most appropriate route depending on the nature of the concern;
- provide more information on how concerns will be investigated to ensure a consistent and fair approach and support those raising concerns to understand the process;
- strengthen the appeal process by expanding the role of the senior independent director to review concerns investigated by management; and
- place greater focus on assurance by enhancing the annual reporting from the Audit and Risk Assurance Committee to the Board. This will extend to cover any lessons learnt from the application of the policy, so that we embed a culture of improvement.

We recognise that raising a concern can be difficult. This internal whistleblowing policy has been designed to make you feel comfortable and safe to speak up. It provides the mechanism by which issues can be investigated efficiently and effectively, in the public interest, for the benefit of our people, our organisation and, where relevant, related third parties.

**Gareth Davies**  
Comptroller and Auditor General

**Dame Fiona Reynolds**  
NAO Chair DBE

# Purpose and remit

**1** The NAO's internal whistleblowing policy provides a mechanism for you to speak up if you come across something in the course of your work– past, present or imminent – that you think is wrong, illegal or endangers others. It is based on, but not limited to, the requirements of the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998 (PIDA). For more detailed information about PIDA see Appendix One.

**2** Raising your concern in accordance with this whistleblowing policy will ensure that you are not disadvantaged as a result. It will also allow us to investigate your concern as swiftly as possible and take whatever action might be appropriate in the circumstances. In this document we also set out alternative routes, which may be more appropriate for you to use, depending on the circumstances of your concern.

## What is whistleblowing?

**3** Whistleblowing is the term used when you, as an NAO employee, pass on information concerning suspected wrongdoing, which is in the public interest. The wrongdoing will typically (although not necessarily) be something that you have witnessed at work.<sup>1</sup>

**4** Whistleblowing is an important way of shining a light on areas of concern or when things just “don't feel right”. It helps us as an organisation to be open, transparent and accountable. Having a structured whistleblowing process in place, underpinned by a ‘speak up’ culture, is an effective way of detecting and preventing certain categories of wrongdoing. It also enables us to learn from events.

## Categories of concerns

**5** Whistleblowing covers situations where you raise a concern about suspected or actual malpractice or impropriety, improper conduct, or unethical behaviour within the NAO which in your reasonable belief has occurred, is occurring or is likely to occur. Your concern should have a public interest aspect to it, for example because it would have a detrimental impact on the NAO, central government bodies, the environment or the public.

<sup>1</sup> Definition drawn from the former Department for Business, Innovation & Skills: *Whistleblowing: Guidance for Employers and Code of Practice*, March 2015. Available at: [Whistleblowing: Guidance for Employers and Code of Practice \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/404406/whistleblowing-guidance-for-employers-and-code-of-practice.pdf)

The categories of concern will, or will tend to, show one or more of the following:

- **A crime.**
- **Breach of legal obligation.**
- **Miscarriage of justice.**
- **Danger to health and safety.**
- **Damage to the environment.**
- **Exceptionally serious failure.**

The categories above are listed in PIDA as qualifying for protection. You should raise any concern relating to these categories under this policy.

There are other areas of concern that may arise in the context of NAO work. These may or may not fall within the categories identified above – for example, financial malpractice or impropriety, or improper conduct and unethical behaviour. If you come across such concerns and you reasonably believe that they present a systemic problem or are of public interest, you should also report them under this policy.

## **Different ways of raising concerns**

**6** If your concern is about a personal grievance or a complaint specific to your own employment position, or a complaint about bullying, harassment or discrimination which does not have a public interest dimension, then you should raise this using our formal staff complaints procedure.

**7** If you prefer to raise issues relating to inappropriate behaviour on a confidential and informal basis, you should contact our dignity at work (DAW) leads. They are a source of support and can also offer informal advice on dealing with inappropriate behaviour and point you to appropriate guidance. A process overview of different ways of raising concerns is enclosed at Appendix Three.

**8** This policy does not apply to matters of individual conscience where there is no suggestion of wrongdoing by the NAO.

## **Roles and responsibilities**

**9** The NAO Board has overall responsibility for and approves this internal whistleblowing policy. The Executive Team has operational responsibility for the policy. The Board and the Executive Team are committed to creating a culture where people feel it is safe to raise concerns.

### Audit and Risk Assurance Committee

**10** The NAO Board has delegated the oversight of the internal whistleblowing policy to the Audit and Risk Assurance Committee (ARAC). ARAC reviews the arrangements we have in place to ensure that NAO people can raise concerns, in confidence, about possible wrongdoing in financial reporting or other matters, without fear of reprisal. ARAC ensures that these arrangements allow for proportionate and independent investigation of concerns raised, and that appropriate follow-up action is implemented. The ARAC's annual report to the Board will include any observations or lessons learnt from the application of the internal whistleblowing policy, including progress on recommendations for improvement.

### Senior independent director

**11** The NAO Board has nominated the senior independent director (SID) as a point of contact for NAO people who have a concern about potential wrongdoing by the Executive Team or the C&AG. The SID, in consultation with the NAO Chair, will decide the best way to proceed with a concern raised in these circumstances. This may include the SID investigating the concern themselves with the support of one of the nominated people – see overleaf. The SID may also consider appeals if there is dissatisfaction with how a concern raised under this policy has been handled by management.

### Line managers/performance coaches/directors

**12** Line managers/performance coaches/directors are responsible for:

- creating a culture where people feel safe and comfortable in raising concerns;
- ensuring issues raised with them are investigated promptly and thoroughly in line with the processes in this policy;
- escalating issues and engaging the support of nominated persons (see overleaf) where required; and
- notifying the head of Governance and Risk of concerns raised so that the whistleblowing register can be updated as necessary.

## Nominated persons

**13** Nominated persons are an impartial source of advice to staff at any stage of raising a concern, with access to anyone in the NAO. They are responsible for:

- providing advice and support to line managers/performance coaches/directors investigating a concern to ensure a consistent and fair approach;
- investigating issues raised with them directly, promptly and thoroughly in line with the processes in this policy;
- informing the Executive Team, or the C&AG as appropriate, of whistleblowing cases and the actions being taken;
- escalating concerns where appropriate and engaging additional support if required; and
- informing ARAC of any whistleblowing activity, and the actions being taken, and keeping a central register of whistleblowing disclosures (kept by the head of Governance and Risk).

The nominated persons are:

**Head of Policy and Legal Advice.**

**Head of Governance and Risk.**

**Director of Internal Audit and Assurance.**

You can contact the nominated persons in the following way:

**email:** enquiries@nao.org.uk

**phone:** + 44(0) 20 7798 7264

**post:** National Audit Office, 157-197 Buckingham Palace Road,  
London SW1W 9SP

## Who can use this policy?

**14** This policy applies to everyone who works for or at the NAO, past and present. This includes people employed directly on permanent or fixed-term contracts; trainees, casual and agency staff; and people seconded to the NAO. Non-executive directors, contractors and consultants who provide services to the NAO may also use this policy to raise concerns.

**15** We have also set out information about further support available to individuals raising whistleblowing concerns – see ‘Advice and support’ section.

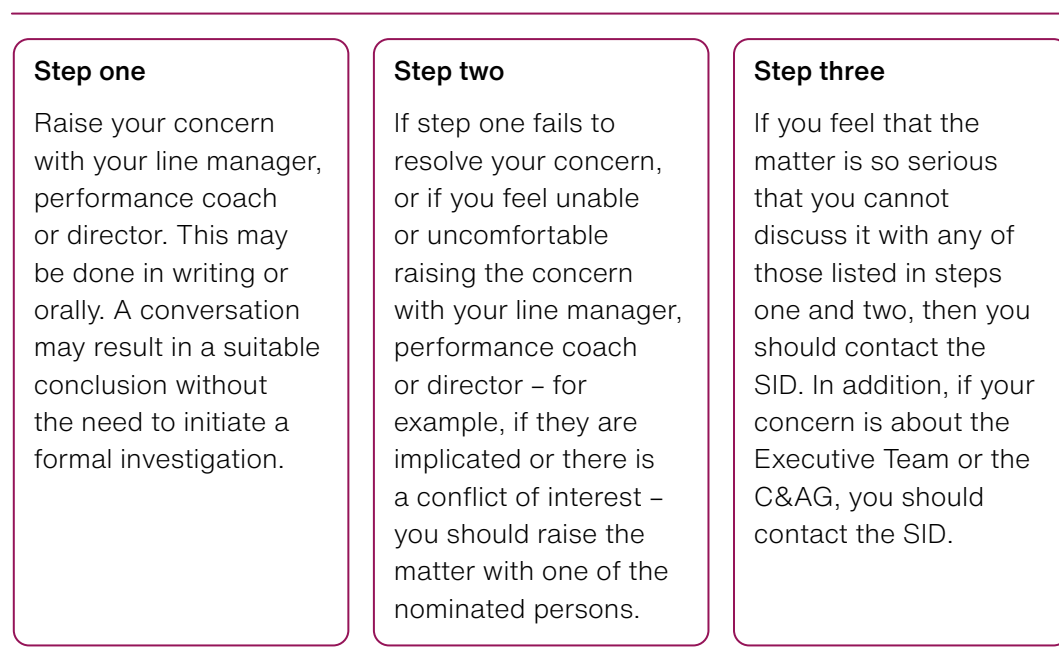


## Process for raising a concern

### How to raise a concern

**16** If you have a concern about suspected or actual malpractice, impropriety, improper conduct, or unethical behaviour within the NAO you should raise it using this policy. You can raise your concern either orally or in writing. You should have a reasonable belief that your concern is true and that you are acting in good faith, consistent with the public interest.

**17** There are different ways in which you can raise a concern under this policy to take account of specific circumstances. The illustration below shows a three-step approach for raising a concern. A process overview of the internal whistleblowing process is enclosed at Appendix Two.



The NAO's nominated persons are:

**Head of Policy and Legal Advice.**

**Head of Governance and Risk.**

**Director of Internal Audit and Assurance.**

See contact details of the nominated persons on page 8. If your concern is about the Executive Team or the C&AG you should contact Sir Martin Donnelly the NAO's Senior Independent Director: [Martin.Donnelly@nao.org.uk](mailto:Martin.Donnelly@nao.org.uk)<sup>2</sup>

<sup>2</sup> Sir Martin Donnelly was appointed Senior Independent Director in January 2024.

## How we will investigate your concern

**18** Your concern will be taken seriously by the person with whom it is raised. In discussion with you, they will build their understanding of the issue and take account of any sensitivities. For example, you may wish for your identity to be protected.

**19** The person you raised your concern with will determine the most effective way to proceed having sought advice and support as necessary – for example, from the nominated persons. This will include determining whether your concern is best addressed under this policy or whether other routes may be more appropriate. They will identify who is best placed to take forward any related investigation, ensuring that this does not cause any conflict of interest.

**20** The person who takes forward any subsequent investigation under this policy will:

- clarify the details of the case with you;
- set a clear scope for the investigation and draw up a detailed investigation plan;
- consider whether they need any additional assistance to perform the investigation – for example, where a particular skill set or expertise is needed to provide appropriate insight. This may include engaging an independent third party to investigate, for example Internal Audit or an external adviser;
- consider who else may need to be consulted, for example, the Executive Team or the C&AG;
- ensure that all investigative work is clearly documented;
- agree with you how to inform you of progress;
- recognise that raising a concern may have an impact on your health and wellbeing and be sensitive to this;
- protect your identity as necessary; and
- contact the head of Governance and Risk to ensure that the whistleblowing register is updated accordingly.

**21** If there is evidence of criminal activity at any stage, the person investigating the concern will need to respond accordingly. This may include contacting the police directly or seeking the advice of NAO's money-laundering reporting officer (MLRO) to ensure any reporting obligations are met.

**22** At the end of their inquiries, the person who carried out the investigation will liaise with the person with whom you raised the concern and will:

- produce a report for the C&AG (or the Chair if the Executive Team or the C&AG is implicated) covering: the concern raised, the investigation process and the outcome, including any specific recommendations;
- discuss the next steps with the C&AG (or the Chair if the Executive Team or the C&AG is implicated) including whether to use the corporate disciplinary procedure;
- if appropriate, inform our external auditors to allow them to consider the findings; and
- inform you, where appropriate, of the outcome of the investigation. We may not be able to tell you the full details of the findings nor the details of any disciplinary action taken.

**You should treat any information disclosed to you about the investigation as confidential.**

## **Timescales**

**23** The person you have raised your concern with will aim to contact you in writing within three working days of being notified to acknowledge receipt of your disclosure. They will contact you again, as soon as practicable, to set out what will happen next and explain who will carry out the investigation.

**24** The person who has been nominated to investigate your concern will aim to contact you as soon as possible after being briefed on your concern. They will agree with you how to keep you updated during the investigation.

**25** The person investigating your concern will tell you as much as they can about the progress of the investigation and its likely timescale. They will write to inform you when the investigation has been completed. However, the need for confidentiality may prevent them from giving you specific details of the investigation or actions taken.

## **What to do if you are dissatisfied with the handling of your concern**

**26** If you are not satisfied with how your concern has been handled, you may contact one of the nominated persons, who will arrange for the case to be reconsidered by an NAO director or executive director unconnected with your concern. This review will consider whether due process was followed, consistent with this policy. It will also consider whether the conclusion reached was rational and reasonable based on the evidence available and whether any further action is necessary. Where appropriate, the outcome of this review will be communicated to you, along with any further action taken.

**27** If you remain unsatisfied, you may contact the SID who will determine the most appropriate course of action. This may include carrying out a review of the handling of your concern. However, if the concern has already been investigated by the SID, then there is no further internal route of appeal. The conclusion of an investigation by the SID marks the end of our internal whistleblowing process.

## **Raising your concern externally**

**28** We expect that raising a concern in line with this policy will be the best course of action in most circumstances. However, there may be occasions where you feel you cannot raise your concern internally, or with the SID, and you wish to disclose information externally. In these circumstances you should consider raising your concern with a relevant prescribed person/body to whom you can make a disclosure.<sup>3</sup>

**29** If you decide to raise a concern externally, you should ensure that you adhere to the PIDA requirements so that you are in the best position should you subsequently seek protection under the Act (See Appendix One). Before taking this step, we strongly recommend that you:

- consult the Protect website, which contains helpful advice on whistleblowing and PIDA requirements;<sup>4</sup>
- remind yourself of the requirements of the NAO Code of Conduct and your duties under the Official Secrets Act 1911 and 1989; and
- consider seeking your own independent advice before reporting a concern externally (See the section on 'Advice and support' on page 15).

<sup>3</sup> Department for Business and Trade and Department for Business, Energy & Industrial Strategy, *Whistleblowing: list of prescribed people and bodies*, updated 31 March 2023. Available at: [Whistleblowing: list of prescribed people and bodies](https://www.gov.uk/government/publications/whistleblowing-list-of-prescribed-people-and-bodies) – GOV.UK ([www.gov.uk](https://www.gov.uk)).

<sup>4</sup> Protect website: *Protect – Speak up stop harm – Protect – Speak up stop harm* ([protect-advice.org.uk](https://protect-advice.org.uk)).

## Safeguards under this policy

### Protection

**30** It is important that people feel able to raise legitimate concerns without fear of adverse consequences. Please bear the following in mind:

- If you have a relevant concern, you should raise it in accordance with this policy, rather than investigate it yourself. This mitigates risks to both you and any subsequent investigation.
- If you have a reasonable belief that your concern is true and that you are acting in good faith, consistent with the public interest, it does not matter if you are mistaken about your concern.
- Raising a concern in accordance with this policy will not, in itself, cause you to suffer detriment – for example, disciplinary action, dismissal or other unfavourable treatment.
- If you believe that you have suffered detriment as a consequence of whistleblowing in accordance with this policy, you should inform your human resources business partner or the director of Human Resources without delay. If the matter is not remedied, you should raise it formally using our staff complaints procedure.

### Confidentiality

**31** This policy is designed to make you feel comfortable and safe to speak up, so that issues can be investigated efficiently and effectively.

**32** We recognise that in raising a concern you may wish to remain anonymous. We would prefer that you raise the concern anonymously than not at all, but this may make it difficult for us to investigate fully. It will also be difficult for us to support you during the process and provide you with feedback, where appropriate, on the outcome of the investigation.

**33** In taking forward an investigation, we will make every effort to protect your identity as required. If it is necessary for others to know your identity – for example, the person investigating the concern – or we think your identity may be exposed because of the investigation, we will discuss this with you.

**34** The NAO may be required by law to disclose some, or all, of the information obtained through a whistleblowing case to a third party, such as the police. Wherever possible we will inform you if such disclosures are necessary. However, there may be occasions when we cannot inform you for reasons of confidentiality. You may also be required to make a statement as part of a third-party investigation.

### Concerns found to be untrue

**35** You will not face sanctions where you honestly believe that your information is true, irrespective of whether your concern is upheld. However, providing information that you know is untrue may constitute serious misconduct and we may take action under our procedure for managing misconduct as set out in the NAO HR Manual.

### Concerns relating to other bodies

What to do if someone raises a concern with you about another organisation

**36** You may be contacted by an external whistleblower raising concerns. This might be during the conduct of audit work (for example, a member of staff at a client body) or a member of the public. In this instance you should:

- consult NAO's external whistleblowing guidance to inform your thinking;
- contact NAO's Correspondence Team to log the contact and obtain further advice and support as required;
- discuss any potential implications for your audit (financial or value-for-money) with your line manager and agree next steps; and
- consider whether you need to complete a report to NAO's MLRO.

## Advice and support

**37** There are additional sources of advice and support available should you need them.

**38** These include:

- the charity Protect provides free impartial and confidential advice to individual whistleblowers (see footnote 3);
- the NAO Employee Assistance Programme (EAP): this free service is provided by Workplace Wellness. It is entirely confidential, and no information is shared with the NAO.
- your trade union representative;
- your professional body as appropriate; and
- independent legal advice (at your own cost).

Please email us on [enquiries@nao.org.uk](mailto:enquiries@nao.org.uk) with any queries or suggested amendments to this policy.

# Appendix One

## Public Interest Disclosure Act 1998 (PIDA)

**1** PIDA was introduced to protect workers who report wrongdoing at work from detriment. If you raise a concern in the public interest that you reasonably believe fits into the categories of information set out in PIDA as a relevant failure, and you raise that concern with the appropriate person, for example the NAO as your employer or a relevant prescribed person or body, then raising that concern may be a protected disclosure.

**2** If you make a valid protected disclosure, then you will have a legal right not to suffer detriment – for example, dismissal by your employer – because of raising your concern. In the event of an employment tribunal case, the tribunal will consider your actions and those of your employer in the context of the protections available under PIDA and reach its conclusions accordingly.

**3** PIDA applies different evidential tests depending to whom you raise your concern. If you have any doubts and wish to rely on protection under PIDA, then it would be prudent to seek independent expert advice. See the sections on 'Raising your concerns externally' (page 12) and 'Advice and support' (page 15).

**4** You will not be protected under PIDA if, in disclosing information, you commit an offence, for example, if in disclosing information you breach the Official Secrets Act 1911 and 1989.

**5** The charity Protect's (formerly Public Concern at Work) website includes a guide to PIDA, which may help you understand the requirements further.

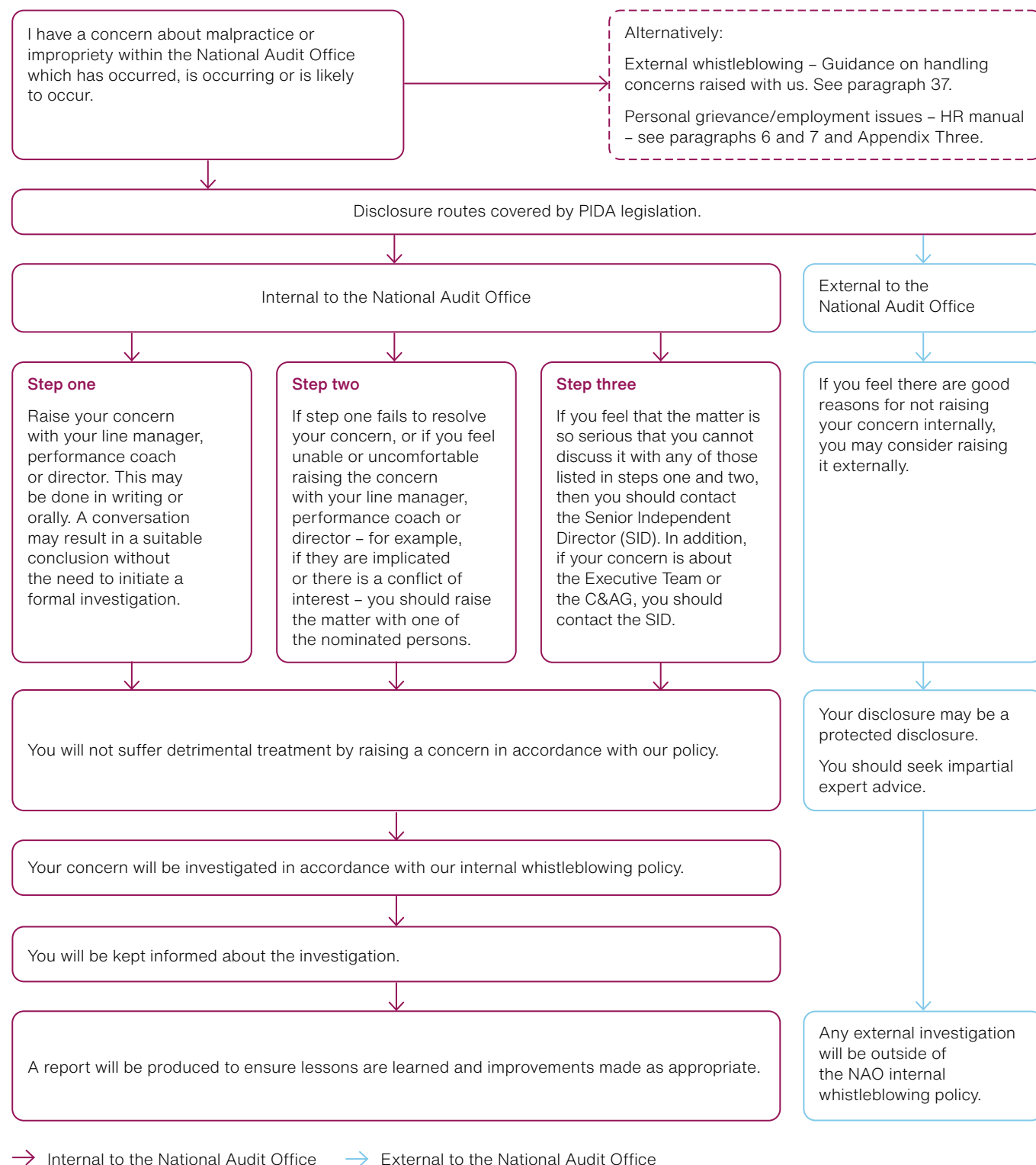


## Appendix Two

### Summary of the NAO's internal whistleblowing process

**1** See diagram overleaf.

## Summary of internal whistleblowing process in the National Audit Office



## Appendix Three

### Process overview of different ways of raising concerns

- 1 See diagram overleaf.

## Different ways of raising concerns

### Personal grievance

If your concern is about a personal grievance or a complaint specific to your own employment position, or a complaint about bullying, harassment or discrimination which does not have a public interest dimension.

#### Formal route

Raise your concern using our formal Staff Complaints Procedure.

#### Informal route

If you prefer to raise issues relating to inappropriate behaviour on a confidential and informal basis, you should contact our Dignity at Work (DAW) leads. They are a source of support and can also offer informal advice on dealing with inappropriate behaviour and signpost you to appropriate guidance.

### Concerns relating to Anti-Money Laundering

Money laundering is the process that turns dirty money into funds that appear lawful and can therefore be spent as if they were from legal sources. Money laundering legitimizes the proceeds of crime and allows drug gangs, human traffickers and other criminals to expand and benefit from their operations. The public sector is not immune to money laundering, although typically audited bodies are the victims of criminal activity rather than the suspects.

In the course of carrying out audit work, you may come across information which gives rise to a suspicion of money laundering.

- Consider whether you need to complete a report to the NAO's Money Laundering Reporting Officer (MLRO).
- You can also contact the Anti-Money Laundering Team if you need advice via the MLRO inbox [MLRO@nao.org.uk](mailto:MLRO@nao.org.uk).

### Concerns relating to other bodies

You may be contacted by an external whistleblower raising concerns. This might be during the conduct of audit work (for example, a member of staff at a client body) or a member of the public.

In this instance you should:

- Consult NAO's [external whistleblowing guidance](#) to inform your thinking.
- Contact NAO's Correspondence Team to log the contact and obtain further advice and support as required.
- Discuss any potential implications for you audit (financial or value for money) with your line manager and agree next steps.
- Consider whether you need complete a report to NAO's Money Laundering Reporting Officer (MLRO).

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