



National Audit Office

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## WHISTLEBLOWING

Thank you for your Freedom of Information request of 31 October 2022 where you asked us for information in relation to Whistleblowing. Your request was considered in accordance with the terms of the Freedom of Information Act 2000 (FOIA), and it has been reproduced at Annex A for your reference. I can confirm that the NAO has information within the scope of your request.

### **1. When a whistle-blower comes forward, what criteria do you use to assess whether their disclosure is in the public interest and relevant to your area?**

When people write to us, we always consider whether any information received is indicative of a specific issue or wider thematic issues that deserve further investigation. We use the discretion provided to the Comptroller and Auditor General (C&AG), who is the head of the NAO to decide what action to take, if any, which is appropriate, and consistent with our audit role, and responsibilities by looking at:

- the subject matter
- our remit, and legal right to access and audit the relevant organisation(s)
- our professional standards, and core values
- whether other organisations are doing similar investigations
- the resources involved and the likely scale of the task
- our existing work commitments

### **2. Do you manage a whistle-blower's expectations when you receive a protected disclosure and how?**

To help manage a whistleblower's expectations we explain our role and remit. The reason for this is that being a prescribed person does not give the C&AG any additional powers nor does it require the C&AG to investigate every disclosure he receives; the decision whether to investigate is based on the matters raised and the C&AG's remit and powers. Our guidance on this subject can be found on our website [Whistleblowing - National Audit Office \(NAO\)](#)

**3. What support and/or advice do you provide whistle-blowers with – in terms of the difficulty of making a disclosure and its potential repercussions – when they come to you?**

We understand that whistleblowers who contact us may do so as a last resort and they may be anxious or concerned about their circumstances. Therefore, we seek to reassure them that we take their concerns seriously and be mindful of their position. When we have decided what to do, we write and inform the whistleblower, and provide regular updates whilst we carry out our assessment.

Furthermore, we may advise the whistleblower to seek advice if they wish, from [protect-advice.org.uk](http://protect-advice.org.uk) formerly Public Concern at Work, who are the independent charity for whistleblowers. Additionally, we may advise them to seek independent legal advice. However, we cannot give an opinion on legal matters or whether their concern will be protected. Further information can be found at [Employment Rights Act 1996 \(legislation.gov.uk\)](http://legislation.gov.uk)

**4. Where whistleblowing disclosures are deemed qualified and successfully taken to an employment tribunal – what types of action do you take on the companies involved in your remit?**

If our work identifies issues that we judge should be drawn to the relevant organisation's attention, we will ensure our findings and any recommendations are communicated at an appropriately senior level. In doing so, we will, where appropriate, continue to protect the identity of the whistleblower who raised the concern. We do not get involved in employment tribunal decisions or legal procedures, that is outside our remit.

**5. What guidance do you provide to the companies you regulate regarding their personal whistleblowing policies?"**

Our reports that provide the context around whistleblowing and examine the procedures in place for whistleblowing within government departments can be found at [Making a whistleblowing policy work \(nao.org.uk\)](http://nao.org.uk) and [Government whistleblowing policies \(nao.org.uk\)](http://nao.org.uk)

I hope you find this information and the details provided online are helpful.

Yours sincerely,

**NAO Team**

## Annex A

### Request for Whistleblowing Guidance

(Your request in italics)

- “1. When a whistle-blower comes forward, what criteria do you use to assess whether their disclosure is in the public interest and relevant to your area?*
- 2. Do you manage a whistle-blower’s expectations when you receive a protected disclosure and how?*
- 3. What support and/or advice do you provide whistle-blowers with – in terms of the difficulty of making a disclosure and its potential repercussions – when they come to you?*
- 4. Where whistleblowing disclosures are deemed qualified and successfully taken to an employment tribunal – what types of action do you take on the companies involved in your remit?*
- 5. What guidance do you provide to the companies you regulate regarding their personal whistleblowing policies?”*

## Annex B

### Statement of Policy

Our policy is to respond to requests made under the Freedom of Information Act 2000 as helpfully and promptly as possible, having regard to the principles set out in the Act. I therefore hope you are happy with the way we have handled your request. If you are not, then you should take the following steps.

In the first instance, within 40 working days, write to the National Audit Office Freedom of Information (FOI) Team at [FOI.requests@nao.org.uk](mailto:FOI.requests@nao.org.uk) or by post to:

FOI Team, Green 2, National Audit Office, 157-197 Buckingham Palace Road, London, SW1W 9SP

The Manager of FOI will arrange a review, which will be conducted by a senior member of staff who was not involved in decisions relating to your original request. Once the review has been completed, we will write informing you of the outcome.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

<https://ico.org.uk/> or Information Commissioner’s Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF