



National Audit Office



REPORT

Investigation into whistleblowing in the civil service

Cabinet Office

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Investigation into whistleblowing in the civil service

Cabinet Office

Report by the Comptroller and Auditor General

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National Audit Act 1983 for presentation to the House
of Commons in accordance with Section 9 of the Act

Gareth Davies
Comptroller and Auditor General
National Audit Office

11 December 2023

Investigations

We conduct investigations to establish the underlying facts in circumstances where concerns have been raised with us, or in response to intelligence that we have gathered through our wider work.

This report covers whistleblowing in the civil service. By whistleblowing in the civil service, we mean when someone working in or working with the civil service raises a concern about wrongdoing or malpractice connected to the civil service that has a public interest aspect to it. The report aims to increase transparency and support improvement in whistleblowers' experiences by taking stock of actions taken on whistleblowing since 2015, publishing data on whistleblowing, and providing information on practice and gaps in assuring whistleblowing arrangements and learning from whistleblowing.

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Key facts

939

the total number of concerns reported to Cabinet Office by civil service bodies between 2019-20 and 2021-22

77%

the percentage of total concerns raised between 2019-20 and 2021-22 that were reported by five organisations

12%

the number of completed concerns where wrongdoing was found between 2019-20 and 2021-22

- 139** number out of 142 annual reports and accounts that contain material on whistleblowing between 2018-19 and 2021-22
- 52%** percentage of people that 'think it is safe to challenge the way things are done', median from 2022 people survey for organisations in our scope
- 75%** percentage of people who answered 'yes' when asked, 'Are you confident that if you raised a concern under the Civil Service Code in your organisation it would be investigated properly?'; median from 2022 people survey for organisations in our scope
- 5%** percentage of completed concerns recorded as having led to changes to policies or procedures between 2019-20 and 2021-22

What this investigation is about

1 Whistleblowing is a vital organisational protection. It provides a way for organisations to hear concerns about serious wrongdoing that may not otherwise be discovered. The concerns reported can be wide-ranging for example, financial mismanagement, environmental damage, and covering up wrongdoing.

2 Government’s own guidance states that whistleblowing is an important part of good government, requiring consistent policies across the civil service and a culture that supports whistleblowing. However, the process of raising, investigating and concluding a whistleblowing case is often challenging both for the individual and the organisation.

3 In this report we examine whistleblowing in the civil service. This includes government departments, executive agencies and other government organisations that primarily employ civil servants. Our report covers the period since our last work examining whistleblowing in 2014 and 2015 and we publish it alongside recent developments.¹ These include:

- several high-profile reports that question whether arrangements for raising concerns within particular parts of the civil service are functioning well;
- significant attention paid to “encouraging a speak-up culture” by the Committee on Standards in Public Life; and
- a review by the Department for Business & Trade of the whistleblowing framework, including the key legislative protection for whistleblowers: the Public Interest Disclosure Act 1998 (PIDA).² We have not focused our work solely on the current legal definition of disclosures in the public interest.

¹ Comptroller and Auditor General, *The role of prescribed persons*, Session 2014-15, HC 1033, National Audit Office, February 2015; Comptroller and Auditor General, *Making a whistleblowing policy work*, Session 2013-14, HC 1152, National Audit Office, March 2014; National Audit Office, *Government whistleblowing policies*, January 2014 (viewed on 7 November 2023); National Audit Office, *Assessment criteria for whistleblowing policies*, January 2014 (viewed on 7 November 2023).

² The terms of reference for this review are available at: <https://www.gov.uk/government/publications/review-of-the-whistleblowing-framework/review-of-the-whistleblowing-framework-terms-of-reference>

4 Our report:

- describes roles and responsibilities for whistleblowing in the civil service (Part One);
- summarises changes made to the whistleblowing framework and central government oversight actions since we and the Committee of Public Accounts (PAC) reported in 2014 to 2016 (Part One);
- sets out what the centrally held or centrally mandated information does and does not tell us about the amount, type and sources of whistleblowing in the civil service and the experiences of whistleblowers (Part Two); and
- sets out practice and gaps in assuring whistleblowing arrangements and learning from whistleblowing (Part Three).

5 There are several aspects of the topic out of scope for this work: we do not evaluate whistleblowing practice in individual organisations or conclude on value for money. We have focused on the civil service, so we do not cover whistleblowing in the wider public sector beyond the civil service, such as hospitals, councils or the police.³ This report also does not cover departments and other bodies employing civil servants that are responsible to the devolved administrations. Other than in setting out the wider whistleblowing framework or drawing on our experience where relevant, we do not cover the role of ‘prescribed persons’ (set out under PIDA) in receiving whistleblowing disclosures.

³ While the armed forces in general are out of our scope, they are included in some of the data we use where the alternative would be to exclude the Ministry of Defence entirely.

Summary

6 Whistleblowing is a vital organisational protection, which can alert organisations to the risk or actuality of serious wrongdoing that has not been discovered. When it works well it allows organisations to identify early problems about the proper conduct of public business, value for money, or fraud and corruption in providing public services that could cause significant harm.

7 However, the process of raising, investigating and concluding a whistleblowing case is often challenging both for the individual and the organisation. It is common for whistleblowers to feel isolated and whistleblowing can take a high personal toll, especially in cases that reveal serious wrongdoing or continue for years. This can inhibit other potential whistleblowers from acting.

8 Dealing with whistleblowing effectively needs organisational judgement and discernment. Where whistleblowers challenge entrenched views, organisations need to genuinely 'hear' their concerns, even where whistleblowers seem to put at risk organisational goals. Organisations that see them as inconvenient or unhelpful risk failing to learn from the insights whistleblowers offer. A well written whistleblowing policy does not in itself improve the effectiveness of arrangements. An effective whistleblowing regime also requires government to get better at raising awareness of whistleblowing, and as far as possible minimise the stress and difficulty of being a whistleblower. High-performing organisations want to hear from whistleblowers, and recognise that they can support organisational learning, even if the process is challenging.

9 This investigation is our first piece of work examining whistleblowing since publishing three reports on different aspects of whistleblowing in 2014 and 2015. It sets out good practice in order to assist organisations in improving their ability to respond to and learn from whistleblowing. We examine what has happened since we last reported on whistleblowing including the central actions taken by Cabinet Office's Government People Group and how departments have responded to them. We assess what the latest data do and do not tell us about whistleblowing concerns and what assurance is provided about whether whistleblowing arrangements are working. We did not conduct new research with whistleblowers directly. We held focus groups with government staff, and our own staff, who work with civil service whistleblowers to hear their perspectives on whistleblowers' experiences.

10 In presenting our findings we draw on our previous good-practice work on both whistleblowing and improving operational services to highlight gaps and opportunities. Our forthcoming good-practice guide on whistleblowing will add to this investigation, providing practical steps that organisations can take to improve arrangements.

Key findings

Oversight of whistleblowing in the civil service and centrally led actions to improve arrangements

11 Individual civil service organisations are responsible for putting in place effective arrangements for whistleblowing. Departments are responsible for their own whistleblowing arrangements and overseeing arrangements in their arm's-length bodies. This oversight can range from a detailed examination of whistleblowing arrangements to light-touch, strategic oversight of governance (paragraph 1.5 and Figure 1).

12 The Government People Group in the Cabinet Office collects information about whistleblowing and shares some summary analysis with departments but could perform more systematic analysis and improve its visibility to senior staff. It provides training for nominated officers, guidance on policy and collects information about concerns raised. It also asks departments for information on whistleblowing arrangements using its health check assessment process. Government People Group has no formal role in assuring adequacy of whistleblowing arrangements across government. It has produced summary statistics on concerns, but does not systematically analyse the information it collects or produce routine reports and insight about practice, trends or learning for government (paragraphs 1.6, 3.11 and Figure 1).

13 Since we last examined whistleblowing, government has made progress on publishing data but some problems remain with how whistleblowing is managed. Since 2015-16 there has been a mandatory requirement to include whistleblowing in annual reports and accounts and between 2018-19 and 2021-22 139 of 142 reports contained material on whistleblowing. Cabinet Office has taken other steps since 2015-16 to support whistleblowing processes. These focus on providing support for organisations and requesting information rather than mandatory requirements. For example, departments can decide how they respond to Cabinet Office requests for data about concerns and health check information, or how they adopt guidance such as model policy. However, we found examples of problems with the management of whistleblowing including slow responses to concerns, a lack of serious actions, and concerns not raised where they are much needed (paragraphs 1.11, 1.12, 3.3 and Figure 2).

Data about concerns raised

14 Between 2019-20 and 2021-22 five organisations reported around 77% of the concerns recorded by the Cabinet Office, but this does not necessarily mean these organisations were facing the greatest risks. The Ministry of Defence, Department for Work & Pensions, HM Revenue & Customs, Home Office and Foreign, Commonwealth & Development Office reported around 77% of concerns. During this period civil service organisations reported a total of 939 concerns to the Cabinet Office, an average of more than 300 concerns each year. It is difficult to draw conclusions from the number of concerns raised; a very low number may indicate a lack of confidence in whistleblowing arrangements or a low number of problems. Fraud accounts for around 40% of concerns but the central data do not indicate the seriousness of any of the types of concerns raised (paragraphs 1.7, 2.3, 2.5, Figure 3 and Figure 5).

15 Cabinet Office’s information on concerns and arrangements has improved but it has several quality limitations. The centrally held data on concerns are richer from 2019-20 and include more specific detail such as the date the concern was raised and the route used to raise it. However, gaps in data remain. For example, there is no method for capturing outcomes for concerns that are ‘ongoing’ at the point of an annual data collection and no structured data on what the process is like from the whistleblowers’ perspective (paragraphs 2.12 and 2.13).

The whistleblower experience and outcomes from investigations

16 Departments have put in place support for whistleblowers but there is little information on their experiences and how well supported they feel. All departments signpost whistleblowers to departmental and non-departmental sources of support. No department stated clearly in the health check material they shared that they seek feedback from whistleblowers and there is no centrally collated information on complaints from whistleblowers of intimidation or victimisation as a result of raising a concern. The centrally held data show that among the 78 anonymous whistleblowing cases where a reason is recorded for remaining anonymous between 2019-20 and 2021-22, around 65% of people withheld their details for ‘fear of reprisal, recrimination or victimisation’ (paragraphs 2.22 to 2.24 and 2.29).

17 Between 2019-20 and 2021-22 around 12% of completed whistleblowing investigations found wrongdoing and subsequent action was taken in about two-thirds of those cases (8% of completed concerns). Of the 76 concerns that found wrongdoing, 49 led to disciplinary action or changes to policy and procedures. Organisations reported no action taken in seven cases and in 19 cases reported either no information or recorded it as ‘not known’ (paragraphs 2.9, 2.10, Figure 7 and Figure 8).

Assurance that whistleblowing arrangements are working

18 The information departments record when carrying out their whistleblowing health checks is inconsistent, which means government cannot be confident in the effectiveness of assurance and it is harder for organisations to learn from each other. The whistleblowing health check is the most comprehensive potential source of assurance. Departments take different approaches to completing it, from reporting by exception to systematically reviewing against the health check indicators and outcomes. The evidence provided to us ranges from no detail to fully documented and evaluated judgements. Organisations routinely include some information on whistleblowing in their annual report and accounts but coverage in internal audit work is relatively limited (paragraphs 3.3, 3.12, 3.13, 3.16 and 3.20).

19 The civil service people survey shows an overall improvement in relevant scores, but within that 36 organisations have shown recent statistically significant decreases for a key question. This survey shows overall increases in the scores for four measures indicative of organisational culture in relation to challenge and raising concerns since 2014. For example, the median organisational score for agreeing that 'people are encouraged to speak up when they identify a serious policy or delivery risk' increased from 66.5% in 2017 to 74.2% in 2022. However, in the period 2020 to 2022, 12 departments and 24 other civil service organisations out of 72 (50%) have seen a statistically significant drop for scores about whether people 'think it is safe to challenge the way things are done'. The decreases among departments ranged from 14 percentage points (at Department for Education) to 1 percentage point (at Department for Work & Pensions) (paragraphs 3.5, 3.6, 3.8 and Figures 12 to 15).

Learning from whistleblowing

20 Most organisations report taking actions to improve whistleblowing, such as promoting a supportive culture, but there is less evidence of improvements made in response to concerns raised. In the Government People Group's 2022 survey, of the 38 organisations that responded, 28 reported taking action to improve whistleblowing following board-level discussions of data. Actions included promoting a supportive culture, raising awareness of the civil service code, developing investigators, and ensuring feedback to individuals. Just under 5% of completed concerns between 2019-20 and 2021-22 are recorded as having led to changes to policies or procedures (paragraphs 3.21, 3.24 and Figure 16).

Concluding remarks

21 Getting whistleblowing right is not easy. But each concern raised may provide organisations with invaluable insight to prevent or tackle a serious issue. The significance and effectiveness of whistleblowing arrangements are not measured just by looking at overall numbers or the ‘typical’ whistleblower’s experience. Dealing with whistleblowing well matters for the individuals involved and for the culture in the organisations concerned. Government has made some progress on data collection and increasing transparency on whistleblowing but significant challenges remain. In particular, in how government raises awareness and encourages concerns, improves the experience of whistleblowers, and uses learning to improve whistleblowing.

Recommendations

- a** **In order to build a fuller understanding of whistleblowing outcomes and what happens to whistleblowers, Cabinet Office should work with departments to improve the completeness of data, broaden the categories of data it collects and deepen the analysis it undertakes.** Additional categories of data could include information on cases that were previously ongoing, time taken for investigations, whether whistleblowers have made claims of victimisation and how these claims were responded to;
- b** **Cabinet Office should work with departments to encourage them to use every concern raised as an opportunity to learn from whistleblowers,** including those concerns where no wrongdoing is found;
- c** **When data is available Cabinet Office should use it to establish the extent of whistleblower complaints of intimidation or victimisation,** build an understanding of the number of and patterns in complaints, and consider any need to coordinate departmental action;
- d** **Cabinet Office should build on its efforts to help departments learn from different approaches to whistleblowing,** focusing on areas such as supporting effective assurance by senior leaders and Audit and Risk Assurance Committees, understanding whistleblowers’ experience and supporting the people that work with whistleblowers.