

# *FSA's whistleblowing policy and procedure for its staff*

We aim to develop a culture of openness.

Consequently, it is fundamental that any concerns, which you may have about suspected malpractice within the FSA, are aired. It is clearly in all our interests to ensure that any malpractice does not occur.

To this end, we have devised a policy and procedure to cover the airing of genuine concerns which you may have about suspected malpractice within the organisation.

The policy and procedure is intended to conform to the guidance in the Public Interest Disclosure Act 1998 (PIDA).

PIDA encourages you to raise concerns internally in the first instance.

The policy and procedure is not incorporated by reference into your Contract of Employment.

## **Policy**

This applies to all permanent and short term employees of the FSA. It also applies to secondees, external consultants, contractors and agency personnel whilst at the FSA.

Malpractice includes (but is not confined to): conduct likely to prejudice the standing of the FSA, breaches of internal rules and regulations, criminal offences or breaches of civil law, endangerment of the health and safety of any person, environmental damage and the deliberate concealment of any malpractice.

A qualifying disclosure under PIDA is one which, in the reasonable belief of the worker making the disclosure, suggests that one or more of the above has been committed, is being committed or is likely to be committed.

PIDA protects you in making a disclosure to the FSA where the disclosure meets the requirements set out above and is made in good faith.

In raising a malpractice concern, you may assume that only those FSA staff investigating the malpractice concern will know your identity. There may be circumstances, however, in which we may be required to reveal your identity. If this is the case, we will take all reasonable steps to ensure that you suffer no detriment.

If you raise a malpractice concern, you will be taken seriously and will be treated fairly and justly by the FSA. We will take all reasonable steps to ensure that no person under our control engages in victimisation in any form.

Disciplinary action will be taken against anyone deliberately raising false and malicious allegations.

## Procedure

1. Raising a concern: if you have a malpractice concern, you should inform your immediate manager and Head of Department/Director of the concern. Your Head of Department/Director will then raise the matter with the Ethics Officer. If the concern involves your immediate manager or Head of Department/Director, or for any reason you would prefer them not to be told, you may raise the matter directly with the Ethics Officer.
2. If you feel you need to take advice before doing so, you may contact the independent charity, Public Concern at Work on 020 7404 6609. They provide free, confidential legal advice on whistleblowing matters. But remember that there is no “gateway” to allow you to disclose any confidential information to them.
3. If you have disclosed your worry internally and you are concerned either by the response or lack of response, or if you feel unable to talk to anyone internally for whatever reason, you can contact:
  - the nominated official at the Treasury who is Robin Fellgett, Director, Financial Services, H M Treasury, 1 Horse Guards Road, London SW1A 2HQ, telephone 020 7270 4448, email [robin.fellgett@hm-treasury.gsi.gov.uk](mailto:robin.fellgett@hm-treasury.gsi.gov.uk). PIDA protects you if you contact the Treasury in circumstances where you satisfy the test for speaking to the FSA (see above); or
  - if relevant, a body prescribed for the purpose under PIDA. A list of such bodies, the matters for which they have been prescribed and the relevant test can be found at [www.fsa.gov.uk/whistle/](http://www.fsa.gov.uk/whistle/).

4. Fact find: as the person raising the malpractice concern, you may be accompanied at any fact finding meeting(s) by a fellow employee of your choice who may be a friend or colleague or a Staff Consultative Committee representative. Alternatively, you may be accompanied by a full time officer employed by a Trade Union. You may confer with your companion during the course of the meeting and he/she may address the meeting but may not answer questions on your behalf. Individual(s) under investigation may also be accompanied on the same basis. The Ethics Officer may be accompanied by any member of FSA staff.
5. Investigation: the Ethics Officer will conduct a full investigation with the objective of establishing whether malpractice has occurred. The format of the investigation may vary depending upon the circumstances.
6. Findings: the Ethics Officer will communicate the findings of the investigation to: a) you as the person raising the malpractice concern; b) the individual(s) under investigation; and, if appropriate c) those members of FSA management or external authorities who need to consider whether action should be taken on the basis of the findings.