

Public Accounts Committee

Oral evidence: Investigation into whistleblowing in the civil service, HC 457

Wednesday 17 April 2024

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Members present: Dame Meg Hillier (Chair); Paula Barker; Sir Geoffrey Clifton-Brown; Mrs Flick Drummond; Peter Grant; Matt Warman.

Gareth Davies, Comptroller and Auditor General, National Audit Office, Kate Caulkin, Director, National Audit Office, and Marius Gallaher, Alternate Treasury Officer of Accounts, HM Treasury, were in attendance.

Questions 1 - 96

Witnesses

I: Fiona Ryland, Government Chief People Officer, Cabinet Office; Matthew Davies, HR Deputy Director, Cabinet Office; Esther Wallington, Chief People Officer, HM Revenue and Customs; Helen Pickles, Director General, People, Capability and Place, Department for Work and Pensions.

Report by the Comptroller and Auditor General

Investigation into whistleblowing in the civil service (HC 357)

Examination of witnesses

Witnesses: Fiona Ryland, Matthew Davies, Esther Wallington and Helen Pickles.

Q1 Chair: Welcome to the Public Accounts Committee on Wednesday 17 April 2024. We are examining how the civil service supports whistleblowers. We all know that whistleblowing is an important—in fact, essential—part of good government. It allows people working in the civil service to raise concerns about malpractice and wrongdoing where they see it. It is really important that there is a culture across the civil service that supports whistleblowers to do that.

Today, we are particularly looking—with thanks to the National Audit Office for its work on this—at consistency across different Departments in the civil service. It has been nearly eight years since the Public Accounts Committee last looked at this issue, and we were disappointed then about a lack of urgency in dealing with the process. We are concerned, looking at the Report from the National Audit Office, that there are still some issues around data being collected on how cases are dealt with, a lack of data on the experience of whistleblowers who are going through the process, which is obviously key, and the outcomes of whistleblowing.

We are hoping to get into a good, honest discussion with our witnesses about how whistleblowing and support for whistleblowers can be improved in the civil service. I should stress to people that we are not looking beyond the civil service, so we are not looking at NHS England or other organisations today. We are very much looking at the systems. We are delighted to have two witnesses from Government Departments, hopefully to illustrate some of the points that we want to discuss. We have Helen Pickles, who is the interim director general for people and capability at the DWP. Are you still interim?

Helen Pickles: Yes.

Chair: Good luck in that role. Then we have Esther Wallington, who is the chief people officer at HMRC. Both are here because they have large Departments of directly employed civil servants and they often deal with very challenging issues. Leading from the Cabinet Office we have Fiona Ryland, who is the Government chief people officer, with Matthew Davies, who is the HR deputy director at the Cabinet Office. Thank you very much for coming.

I want to go back to what I said. We have looked at this before as a Committee, and we had concerns about it back in 2016. Fiona Ryland, do you think that the Cabinet Office has a better understanding of how effective whistleblowing is across Government Departments, and you have

better visibility of what is going on in the civil service than you did then?

Fiona Ryland: Yes, I do. I want to start by talking a bit about the role of the Cabinet Office in terms of whistleblowing. We develop and keep up to date the model policy. We also provide tools such as training kits for nominated officers, policy leads and HR professionals. Since 2016, we have implemented the annual data collection process so that we have a dataset about the number of cases, the nature of those cases and the time taken to deal with them across the civil service. We have also implemented the annual health check, which is a tool that Departments can use to self-assess themselves against our model policies and practices. We have done some things to encourage sharing of best practice as well, such as our online knowledge hub and our annual conference for nominated officers and policy leads.

Q2 **Chair:** So you have that overall visibility. You talk about the data. What the National Audit Office has highlighted is that there are quite important data gaps around following through, and different Departments are doing things differently. How are you trying to ensure greater consistency, and given that we last looked at this nearly eight years ago, why is it taking so long?

Fiona Ryland: I think what we have got is a good foundation in terms of the annual data collection. That is consistent data across civil service Departments and agencies about, as I said, the number of cases, the nature and the time it takes to close them. The NAO Report highlighted some useful areas for us to work on. The use of data in that annual health check does vary across Departments. Some Departments literally go through and gather that evidence line by line, while others do it by exception. One thing we are going to do is work with Departments to provide additional guidance and training to try to get more consistent use of data in that process.

Another helpful thing that the NAO highlighted was in the data collection, asking specifically for data and evidence around any cases brought by whistleblowers who feel that they have suffered detriment for bringing an issue to our attention. That has not come through the data, but we need to ask that specifically, so we will do that going forward. The other thing is understanding the experience of the whistleblower more. We are working with Departments to implement an anonymous feedback survey, so that we have some more experiential data to improve the whistleblower's experience.

Q3 **Chair:** We will come on to the experience of whistleblowers, but I will just ask Helen Pickles and Esther Wallington to give examples of how your Departments are providing data to the Cabinet Office, and where you think you may need to improve it.

Helen Pickles: We complete the annual health check to the Cabinet Office, and also comply with the annual data return. We have recognised that we need to do more with our arm's length bodies, so we wrote out to them in March, alongside the request to submit their annual data, asking



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them, for the first time this year, to ensure that they also complete the health check as well. To add to what Fiona was saying, we really welcome the approach that the Cabinet Office has taken in recent years. Nominated officer training and the network that that provides across Government for sharing best practice are things that we value and use as a Department to ensure that we are making use and learning from other Departments' experience and sharing our own best practice with other Departments.

Q4 Chair: You talk about best practice, but are there areas that you think DWP has to focus on more—areas where you think you are not as good as you could be?

Helen Pickles: We have recognised that we need to focus more on oversight of our arm's length bodies, and as Fiona said, the experience of whistleblowers. We are working with the Cabinet Office to introduce that survey for whistleblowers, where we know who they are, to understand their experience. We will be introducing that in the Department from May this year as well.

Q5 Chair: Will you also be looking at people who might have thought about whistleblowing but did not? It is quite a big step to be a whistleblower; you have presumably gone through your line manager and all the other routes before you get to the whistleblowing point. Where do you get the culture embedded that it is okay to raise concerns, often short of whistleblowing, because you might not need to do it if there is a good culture in the Department?

Helen Pickles: Within DWP, as the Report highlights, we have an independent whistleblowing hotline run by the Government's independent audit office. We have that approach in place, and we have kept that in place. Incidents that are raised through line management might not necessarily be labelled as whistleblowing. That is all part of what we try to encourage as having that more inclusive culture where people feel free to speak up. We make sure that we are promoting all that good practice through things like the annual "speak up" campaign. We have respect champions at director general level within the Department as well.

We are trying to create that culture within the Department of highlighting wrongdoing through the whistleblowing channel and the formal whistleblowing approach, but equally, as you say, the approach of raising that with line managers and ambassadors for fair treatment in the Department—we have around 800 of those.

Q6 Chair: Can you tell us what makes you become an ambassador for fair treatment? Do people volunteer? What level are they?

Helen Pickles: Yes, people volunteer and go through some training, and then in a local office they would be visible to staff in that office. If you went on our departmental intranet, it would take you through to the link so that you would be able to find a local ambassador for fair treatment.

Q7 Chair: How many of them do you have now?



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Helen Pickles: Around 800 in the Department. I think it was 796 at the last count.

Chair: That is a very precise number. We like people who are on top of their numbers.

Helen Pickles: I will stay with “around 800”.

Q8 **Chair:** So that means that if you are in the jobcentre in Hackney, for example, and you have an issue, you would go to that person and get advice. Thank you, that is helpful. Esther Wallington, the same question to you.

Esther Wallington: We provide data complying with the Cabinet Office, and we participate in the health check as well, so the Cabinet Office does have HMRC data. We use the data that comes from the Cabinet Office to learn about areas of improvement.

As the others have said, we really welcome the recommendations in the Report, and do need to focus on how we collect information about the experience of whistleblowers at the moment. We do know quite a bit about the experience through our nominated officers, but we do not record that in a way that could be reported on. We need to do further work there, and there are always better ways in which we can manage the data and make sure that we are collecting what we need.

Chair: Thank you.

Q9 **Paula Barker:** Can I pick up on that, Ms Wallington? You said that you know of experiences through nominated officers, and that things can be done better. The question is: why don't you do it better?

Esther Wallington: Every whistleblowing experience is different, and we are talking about quite small numbers of people. We have 16 nominated officers in the Department who are highly trained to provide support to people, whatever the concern they have raised, and to respond to their individual circumstances. We rely on them and the relationship they build with the whistleblower to support the whistleblower, pick up any concerns they might have, and work with the Department to ensure we address those concerns. In many ways, it tends to be quite individually focused. Our main focus is on providing that individual with the support they need.

Q10 **Paula Barker:** You have just said that you could do better. How could you do better?

Esther Wallington: What we can't do is draw out of the system some sort of key reporting, so we can't pick out themes. We know what nominated officers tell us, and of course we are talking about quite small numbers of people from one year to the next. We have quite a lot of intelligence within the team about the sorts of issues, but what I can't do is draw out of the system a standard set of issues that we can send to the Cabinet Office and compare across Government. That is the opportunity for us that comes out of the NAO Report.



- Q11 Paula Barker:** I may have misunderstood—apologies if I have. There has been some previous work on improving the service and the holding of data, in respect of numbers, concerns, methods of how they were raised and outcomes identified. They were all identified as measures of good practice. You have just said that you cannot draw out themes, but we know from the NAO Report that, for example, 40% of whistleblowing concerns raised related to fraud.

Esther Wallington: Forgive me: we do have all that information, but what we don't have is information directly from whistleblowers about their experience—the survey that Fiona referred to. It is that particular piece of data about whistleblower experience that we don't have. We do have data on cases, the nature of those cases and the outcome.

- Q12 Paula Barker:** Finally, Ms Ryland, you spoke about the hub and about sharing good practice, yet you have very little data. There is very little evidence of policies and procedures being changed as a result of whistleblowing concerns. Can you talk to us a little more about the sharing of good practice and how you think it is being managed?

Fiona Ryland: On the number of policy changes based on whistleblowing complaints, I would make a few comments. First, it is not the only way we receive feedback that results in us changing our policies or procedures. Based on other large organisations that I have worked in, the policies and procedures that we have here are best practice. Most of the complaints that we get via whistleblowers are about people not actually following those processes, and that is the action we have to take, as opposed to the process or policy needing to be changed. It is hard to put a target on the number of cases you would expect to result in a policy change. Sorry, I have forgotten the first part of your question.

Paula Barker: It was about the sharing of good practice via the hub.

Fiona Ryland: Yes. We do it via the hub, but we also bring together nominated officers who support whistleblowers, policy leads who are responsible for the policy and HR professionals. We are also asking Departments what they want to see us do more of. For example, we have had some feedback about whether we can share best practice from other large organisations and from what other Governments do. We should continue to speak to Departments about what they would find best in the area of sharing best practice.

- Q13 Paula Barker:** Is anything done to draw out whether it is true whistleblowing—as in the sense of it being a matter of public interest—as opposed to an aggrieved member of staff who may be complaining about something? In my experience before coming into Parliament, I do not think that I was ever involved in a whistleblowing case that was treated in an appropriate manner. I am interested to understand the findings on that.

Fiona Ryland: Ultimately, we want to create an environment where people come forward with their concerns. I do not want them to worry about which process they should follow—we want people to come forward.



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The reason why we have trained nominated officers is to help triage a concern when someone has raised it, so that we can put it through the most appropriate process.

- Q14 **Paula Barker:** From your triage system, what proportion of all reports are true whistleblowing, as opposed to potential grievances?

Fiona Ryland: I don't have that information. I think we would have to speak to Departments about whether they track that information.

- Q15 **Paula Barker:** Ms Wallington and Ms Pickles, do you have anything to add?

Esther Wallington: As an example, for the past year, we had 53 reported cases, and we took forward 20 as whistleblowing. The remaining cases might have been put through a different sort of process—a grievance or conduct-type process, or another departmental process—and some we cannot take forward, particularly if they are anonymous and we do not have enough information. Lots of the cases that we do not take forward as whistleblowing are still investigated and treated formally.

Helen Pickles: A similar pattern with our cases last year—I think we had 51 cases through to that whistleblowing hotline that I mentioned earlier, and 39% of those seemed to have a case to answer and were taken forward. The rest were pushed into a different process, like an employee grievance or something like that—they did not meet the bar to be counted as whistleblowing.

Chair: I should say that one of the reasons why we have HMRC and the DWP here is that they have a number of cases that they are dealing with, which is not necessarily a sign of failure, because the system has picked them up. We were keen to have Departments that are actually dealing with this. Figure 4 is interesting to see—we notice that the Maritime and Coastguard Agency has quite a high number of whistleblowing incidents, presumably to do with health and safety. I will bring in Sir Geoffrey Clifton-Brown and then go to Mr Grant.

- Q16 **Sir Geoffrey Clifton-Brown:** Good afternoon, everyone. Listening to your answers and to Ms Barker's excellent questions, it seems that this whole process is likely to be fairly traumatic for the whistleblower. When the whistleblower goes to your nominated officers to say, "Right, I've reported this to my line manager, but it is still very unsatisfactory. I am thinking of going through the whistleblowing procedure," can they get confidential advice, whether it is from your ambassadors, Ms Pickles, or your nominated officers, Ms Wallington? Can they be sure that that advice is confidential—that until the point at which they decide to make a whistleblowing complaint, that conversation is totally confidential?

Esther Wallington: Cases come in through different routes. Quite a few whistleblowing concerns come up through the line management chain; others come in through our in-confidence system, which is an anonymous, confidential system that is picked up through our compliance team. All cases then go to HR to be triaged and investigated, if that is the right—



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- Q17 **Sir Geoffrey Clifton-Brown:** Before we get to that stage, let us suppose that I have had an unsatisfactory experience, I have learned something that has happened in the Department or to me, and I am not sure whether I want to take it through the whistleblowing procedure, but I am talking to one of your nominated officers. Hopefully, I know that that is totally confidential, until I actually press the button and say, "Right, I am going to take this through the whistleblowing procedure."

Esther Wallington: Yes. They can have a completely confidential conversation with the nominated officers, from whom they can get advice. We also signpost people to other sources of advice, whether through our employee assistance programme, the trade unions or ACAS. We provide people with different routes to get that sort of support, but nominated officers are the key way within the Department.

- Q18 **Sir Geoffrey Clifton-Brown:** Ms Pickles, do you want to comment? Do you have nominated officers as well as ambassadors?

Helen Pickles: We do. We absolutely have nominated officers, who will sit within our HR casework team. That is a confidential source of advice for any employee wanting to take advice or to seek further guidance or signposting as to what they would do. Equally, as I mentioned earlier, the whistleblowing hotline sits within Government internal audits, so it is separate from the Department—again, they could get independent advice there.

Also, as Esther pointed out, the trade unions are an important source of confidential advice and support. We work closely with them, including on putting bulletins out to staff. The most frequent one went out in February 2024, again highlighting to their members what to do if they have concerns, and that the trade union itself can be an important source of support and advice to any colleague in those circumstances and can signpost them to any of the relevant departmental procedures or processes.

- Q19 **Peter Grant:** Good afternoon, everyone. Ms Pickles, in one of your earlier answers, you mentioned an annual "speak out" campaign. Is that something that is done within your Department, or does it run across the whole civil service at the same time?

Helen Pickles: It is highlighted as one of the areas of best practice and comes from the Cabinet Office as a push across all civil service Departments, but it is something that the DWP actively supports and takes part in. As I said, we have a director general champion, who sits on our executive team, who is our respect champion. They are very prominent during that week in terms of messaging to staff and speaking at events. It is all part of the broader shift in culture to encourage colleagues who have concerns to speak up and feel that they can do so in a safe environment, and to convey the message that that is what we would welcome and encourage everybody working for us to do.

- Q20 **Peter Grant:** Thank you. Ms Ryland, as well as the role you have within the Cabinet Office itself, the Cabinet Office has responsibility for the co-



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ordination and support of whistleblowing management across the civil service. How effective do you think the Cabinet Office is in doing that job?

Fiona Ryland: The Cabinet Office has a separate HR team that looks after this—a colleague of Esther and Debbie's. However, I know they have really focused, particularly through the "speak up" campaigns, on promoting speaking up and people being able to raise a complaint, and advertising the number of different routes, including anonymously and confidentially. There were a number of training events run through the "speak up" week, which happened in March, targeted at line managers, but also individuals around the different options for people in terms of raising those complaints. I know they have also looked at how they manage cases, so that issues raised are investigated robustly but in a timely manner.

- Q21 **Peter Grant:** If the Cabinet Office had been really effective in this, the examples of best practice we have seen referred to here would be universal across the civil service, but we can see from the NAO Report, for example, that some Departments do not have a whistleblowing hotline. That is despite the fact that in Departments that have one, it is one of the most common ways that employees use to raise concerns. Is there anything that should change in your goal as it refers to the rest of the civil service that would make it easier for the Cabinet Office to ensure that best practice becomes everybody's practice?

Fiona Ryland: There are two things I would like to say. The first is that we can always do more in terms of surfacing and sharing best practice, and it is definitely the role of the Cabinet Office to facilitate that. That is also through our data collection to provide evidence for things that work, so that we can start to look at things like the people survey results and the number of cases to really illustrate why some things are really effective. I do think that the Departments are accountable for implementing the whistleblowing policies and processes in the Department, so I think our roles are right. There is more we can do to facilitate that sharing of best practice.

The second thing I would say is that each Department is really different in terms of the workforce they have, where that workforce might be based and how they work, so we should expect that there would be some differences in practice to account for how different the workforces are in some cases.

- Q22 **Peter Grant:** You said that Departments are accountable for the way they carry out those functions. Who are they accountable to? How does that accountability work? Does it just go through the Minister and the Secretary of State?

Fiona Ryland: Accounting officers are ultimately accountable for it. I believe that every Department reports to its audit and risk committee around whistleblowing on the number of cases and what they are doing around that, so I think that is how the lines of accountability work.

- Q23 **Peter Grant:** Can I come back again to Ms Pickles and Ms Wallington?



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What is the actual process by which you are held to account for your performance in managing the whistleblowing service?

Helen Pickles: As Fiona has just said, we report quarterly to our audit committee and on an annual basis as well. In DWP, we also include a report within our annual report and accounts, so it is ultimately an accounting officer responsibility, but we report in that way.

Esther Wallington: It is the same in HMRC: the audit and risk committee, which I attend to respond to any questions on the report that we send them, and in our accounts.

Q24 **¹Peter Grant:** Is whistleblowing always included in your regular performance reviews and the setting of your own individual targets for the year? Do you always have discussions with your own line managers as to whether anything different needs to be done over the year?

Fiona Ryland: That is an interesting question. We would think of it as a whole executive committee responsibility. There are different sets of responsibilities to provide an excellent service to whistleblowers and people who are raising concerns of any sort. That absolutely is a key part of my personal objectives and those of others, particularly where the service is provided by HR. As an overall executive committee, we have done a huge amount of work in HMRC on what we call "Respect at Work", which was a big report that we did on culture and behaviours in HMRC. That was something that we very consciously owned as a total executive committee, so everybody on our executive committee will have responsibilities to maintain those behavioural standards and the culture in HMRC to that degree. Absolutely, that would be a key part of everybody's performance expectations.

Q25 **Peter Grant:** Thank you. Ms Ryland has described the way in which Departments are held to account for the management and encouragement of whistleblowing. Are there any improvements that you think could be made to the way in which you are held to account—first, as individual officers, and secondly, as a Department? To be honest, it seems to me that, with the best will in the world, the Chancellor of the Exchequer and the Defence Secretary have a lot on their plate, and they are not always going to be routinely asking about whistleblowing. Is there more that could be done in accountability to make sure that, for example, the Departments that are not at the same standard as you just now can be brought up to that standard quickly?

Esther Wallington: I think on the back of the NAO Report there is an opportunity for us to really focus on a small number of recommendations, and I think that we as an HR function can consider how we might create some standardisation through the expectations that we set for ourselves.

¹ [Correspondence from Jim Harra, Chief Executive and First Permanent Secretary, HM Revenue & Customs, re Investigation into whistleblowing in the civil service, dated 24 April 2024](#)

Helen Pickles: As large Departments, we have a responsibility in that, as we are sometimes better resourced and have more expertise in these areas. That is why it is important for us to be part of the network that the Cabinet Office oversees, and to be active partners in that so we are supporting those smaller Departments that need to learn, and that may not have some of the policies that we do in place, so that they can come to us as well as the Cabinet Office as that source of advice or support when they are looking to improve things in their own areas as well.

- Q26 **Peter Grant:** Ms Ryland, you said in one of your answers that Departments should be having their whistleblowing activities reported at their audit and risk committees on a regular basis. Does the Cabinet Office make sure that that is actually happening, and that it is happening effectively?

Fiona Ryland: Can I ask my colleague Matthew to answer that?

Matthew Davies: It is in the expectations set out in the model policy that that should happen, and in those wider responsibilities. I know the NAO Report talks about the different use of information that is actually reported upwards, and that is something that we will take forward with Departments, perhaps to establish some more best practice in both the information that is used and the way in which it is reported, so that it is far more in line with what we heard from HMRC and DWP. Beyond that, we do not take a policing role in following up whether it has happened.

- Q27 **Peter Grant:** You used the term “policing”—I might refer to “monitoring” or “co-ordination”. Shouldn’t it be part of the Cabinet Office’s goal to find out which Departments are not doing that and to ask them to explain why not, if it is part of the model policy and accepted best practice? First of all, do you know what Departments are currently not complying with that best practice, and what are you doing to make sure that they comply in future?

Matthew Davies: It is already mentioned in some of the health check elements, and there are also a couple of questions in the annual data return about the process. It is certainly an area—I think the NAO would agree as part of their first recommendation—where we can strengthen some data to get a better picture in that area.

- Q28 **Peter Grant:** We have seen the statistics in the NAO Report about some Departments, such as HMRC, that have a relatively high number of whistleblowing referrals and some Departments that have very few or almost none. How confident can you be that some Departments don’t have whistleblowing incidents because there is nothing to blow the whistle on, as opposed to people either not knowing how to complain or being scared to raise something? How can you be sure that anyone who has concerns anywhere in the civil service is actually raising them in an appropriate way?

Fiona Ryland: That is a really good question. We try to establish that, not just through the data collection but through the health check process. Again, I agree with the NAO recommendation about making sure that we



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work with Departments to get more consistent data as evidence against their health check assessments. Some of this is difficult, though, because there are multiple ways in every Department to raise issues, so it is not that all the complaints will be going through the whistleblowing process. But I agree with the NAO that we could have more consistent data around the evidence of the health check to give us that assurance and confidence.

Q29 Peter Grant: Currently, about half of all civil servants in the UK do not feel that it is safe for them to challenge the way things are done. In your role, do you have a personal objective to increase that by a particular amount over the next two years, five years or whatever?

Fiona Ryland: That is definitely something that we need to work on across the civil service. It has improved over recent people surveys, but it is not where we want it to be. In my role, I feel I have a responsibility in terms of the model policy and the tools that we provide to Departments, and more importantly in the sharing of best practice—what Departments are doing really well and what they can encourage across the other Departments. That is definitely an area that we need to work on. That is further demonstrated through the fact that just under half of our whistleblowers come forward anonymously.

Q30 Peter Grant: You referred to what the Cabinet Office does to promote and encourage best practice. Is there not still a gap, though, in that nobody appears to be accountable for the fact that half of the civil service doesn't feel confident, despite the best efforts of everyone here? Who should be held to account for that statistic? Whose job is it out of our thousands of civil servants to say they are going to make sure that in five years' time, three quarters of civil servants—or 60%, or whatever the figure might be—feel comfortable about raising concerns?

Fiona Ryland: I feel it is the responsibility of the accounting officers in each Department and agency to make sure that that is the environment in their own Department. I feel that I have a role and responsibility for making sure that Departments have consistent tools, and we can use the data and evidence we have to really understand what works and what doesn't to support Departments in that.

Q31 Chair: Can I just ask what you think should happen if people are not doing that? As Mr Grant highlighted, some Departments always feel very busy with their very important things that they have to do, whether it is national security or defending the nation. The culture of different Departments is quite different sometimes. How do you make sure that an accounting officer is doing what they should be doing on whistleblowing? It is hard for you to do that when they have their big Department that they are in charge of.

Fiona Ryland: In my experience, the accounting officers do feel that that is their accountability, and they are working on it. You referenced before that it is a really big thing to raise a complaint within an organisation. There is definitely more that we can do on that, but I think that accounting officers do feel that responsibility, and that audit and risk committees



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need to ensure that they have the right processes in place to discharge that accountability.

Chair: Well, we can hold them to account every time they come in front of us.

- Q32 **Peter Grant:** Since coming on to the Public Accounts Committee I have certainly found, as I expect other members have, that we quite regularly have people contacting us with what they see as whistleblowing concerns. In my experience, certainly about half of them are issues that are not covered under the Public Interest Disclosure Act. Some of them would probably not be regarded as whistleblowing within departmental practice. What more can we do to make sure that people understand, first, how to go about raising a concern, and secondly, what kinds of concerns should be raised in different ways?

Fiona Ryland: We have done a lot of work on the model policy to make sure that people understand whom it covers. For example, the whistleblowing policy covers more than existing civil servants. It includes people who have left the civil service or who are on temporary contracts, so they can raise complaints. We have done a lot of work on the actual policy to help people understand.

As I said before, if people have a concern I would rather they came forward, whether it is to their line manager, a nominated officer or another senior manager in the organisation, and not worry too much about asking, "How do I classify this issue or concern, or what process should I follow?" I would rather encourage people to come forward, and we would then take it through the right process. There is advice and guidance in the model policy about what constitutes a whistleblowing complaint.

- Q33 **Peter Grant:** But again, my question is how we ensure that everybody understands what the process is. For example, how often do individual civil servants get reminded of what to do if they see something that is not right, and this is how to go about it? You cannot go on a tube train without being told what to do if you see something. Do you have similar notices around civil service offices?

Fiona Ryland: I completely agree. Departments do that through the information that they put on the intranet and information that they share at town halls. I have seen examples of blogs and intranet articles that do that. The civil service code, for example, is covered in our new civil service induction. Again, that is a role that we can play, in collating all the different ways that Departments are doing that, and share it back out in terms of what Departments can do more of. I have seen lots of evidence of Departments publicising how people can raise issues and concerns in their Department.

- Q34 **Peter Grant:** Do you feel that everyone in the civil service is sufficiently aware of the ways that they can actively support a colleague who has raised a concern? Equally important, is everyone aware of the kinds of behaviour that would be classified as unfair treatment? It is not just about someone being sacked or disciplined or passed over for promotion.



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It is starting to be given less popular duties by the line manager, or starting to be at the end of the queue applying for holidays, or people no longer talking to them in the coffee room.

All of those are unlawful mistreatment of a whistleblower. How confident can we be that everyone in the civil service understands that that is the standard of support they are entitled to, if they do decide to raise a complaint? And equally, that that is the standard of support they are required to give to colleagues who do the same?

Fiona Ryland: That is a really good point. I think there probably is more that we can do around that. I think we in the Cabinet Office can work with Departments on what training and awareness activities they already run, which we can share, and what we need to do in terms of our central training offer that would support that. For example, I know the Cabinet Offices runs some training for the workforce on those kinds of issues. I think there is more that we can do to ensure that that is happening consistently across the civil service.

Peter Grant: Thanks. Finally from me just now, Ms Barker mentioned earlier that she was involved in trade union activities for a long time, and she has gone on the record as saying that every whistleblowing case that she represented was wrongly handled. What do the civil service unions tell you?

Chair: To be clear, Ms Barker was not working with the civil service—before everyone in the room puts their head in their hands in despair.

Q35 **Peter Grant:** Thank you for that clarification. If you asked the civil service unions the same question, what would they say?

Matthew Davies: I haven't asked them that question directly, but we have engaged a lot on the topic. For example, before the model policy had been issued, there was full engagement with NTUC colleagues.

Q36 **Peter Grant:** Sorry, I am talking now about what happens, rather than what the policy says should happen. Have any Departments said to your trade union representatives, "How do you think your members are treated by us when they raise whistleblowing concerns?" Is that something that you make a point of asking trade unions? I see Ms Wallington is nodding. Is that something the Department would do?

Chair: Yes, let's go to the Departments. Ms Wallington?

Esther Wallington: We have regular dialogue with the trade unions, and this is one theme of the conversation. Not just on whistleblowing, but for anybody who raises concerns of any sort, this is an area of conversation, both at whole-organisational level and within business groups, with the trade unions.

Helen Pickles: Similarly, as I referred to earlier, we work closely with the trade unions to make sure that all our advice to staff and our policies are clear, that people understand them and that the signposting is right. We work with them on their own bulletins—I referred to the one that recently

went out to members of the PCS in DWP—reinforcing and signposting the support available and the policy that is there to protect their members and employees in the Department. I am sure that if they had concerns that people were not being treated appropriately or the policy was not being followed, that would be raised with us in those regular conversations. I am not aware that that has been behind any of the recent communication that we have done; it is just part of the good practice and the ongoing dialogue we have with them about a range of issues.

- Q37 Paula Barker:** Ms Ryland, can I come back to something that Mr Grant was talking about? We know from the NAO Report that whistleblowing should be used to support organisational learning and improvement. You said that you agree with the NAO Report and that you could have more consistent data. You went on to say that consistent tools are needed to understand the data that is collected and to go on to improve Departments, yet in respect of the health check framework, there is no review of completed returns from Departments and there is no central data analysis that could be used to share insight and encourage learning. Why is that not being done?

Fiona Ryland: What we do is an analysis of the annual data collection. I might hand over to Matthew in a moment. On the health check, we do follow up with Departments on their returns. Our opportunity here, because Departments use data in different ways to support that health check, is to provide more guidance and dialogue with Departments around the data that they are using in terms of the evidence.

Matthew Davies: If I may build on that, the health check is a tool for Departments to use among a number of other devices they may have—others may want to comment on that—to do a check across their raising-a-concern policies.

Separately from that, but with some overlapping categories, we have the annual data return. We do carry out analysis across a series of both quantitative and qualitative questions, and that is formulated into a report that gets sent out. We have been doing that since 2017. That is sent back out to HR directors, nominated officers and policy leads so they can see the bigger picture about raising a concern and draw any inferences they might draw for their own improvement.

While I am not disagreeing with what the NAO has said at all, they have different purposes. The health check is that tool, and we see a great level of compliance with the data that we ask for.

- Q38 Paula Barker:** I suppose that prompts the question why there is not one consistent policy that all Departments can use with the same set of metrics for data collection and so on, and the same analysis.

With respect, we are hearing that everything is very complex and data is collected differently, but I do not think it is that complex, if I am honest. Regardless of different policies and procedures, and different data collection methods, it could be done far more easily if there were a will to. The question is why there is not a will to. You said yourself, Ms



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Ryland, that good data can be used to improve Departments, and you have also agreed with the NAO on the lack of consistent data. Why is everyone sitting there saying, “Well, it’s far too complex”? Why are people not making it easier?

Fiona Ryland: I do think we can make improvements. I just want to draw a distinction. The annual data collection is consistent data that Departments return in the same way. The data that they use to assess their performance against the health check is where there is an inconsistency in data. I do think there is more that we can do with Departments to understand why that data is inconsistent and whether there is a way that we can be more consistent in the use of data. I do not think it is too hard. We need to do that work.

Q39 **Paula Barker:** You say more can be done. Be specific: what more can be done?

Fiona Ryland: We are planning to provide more guidance and training for Departments that are completing those health checks. I also think we need to get some feedback from Departments around their use of data to understand some of the underlying reasons for that inconsistency. Is it that the data is not available and Departments can do something different to make it available, or is it just their approach to the health check? I think that we can provide the training and the guidance, and that we can understand from Departments why there is a difference or inconsistency in that data.

Q40 **Paula Barker:** You said that that is being planned. What is the timeline for that, please?

Matthew Davies: We will do it for the next data collection. We normally do the data collection right about this time. We will make changes to the next data collection.

Chair: In reference to what Ms Barker said, figure 2 is useful in planning actions that have taken place since we last reported. There are still gaps, but it shows where some of the progress is in theory. As Ms Barker highlighted and as we have heard in agreement from some witnesses, it is not all yet perfect. I call Sir Geoffrey Clifton-Brown, the deputy Chair.

Q41 **Sir Geoffrey Clifton-Brown:** Ms Ryland, to zero in a little on some of Ms Barker’s questions, I am taking you to figure 4. Using all that data and the health checks, what always worries me in a table like this is the significant outlier. Why is the Foreign, Commonwealth and Development Office such an outlier when it is a relatively small Department—certainly a lot smaller than the two other Departments we have represented here, the DWP and HMRC? Why is the FCDO such an outlier?

Fiona Ryland: One thing I would say is that the numbers are relatively small for the whistleblowing complaints versus the number of people we have across the civil service.

Chair: On that point, figure 5 is useful in respect of the numbers in total, for anyone following the numbers.



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Sir Geoffrey Clifton-Brown: I accept that; it is a small Department.

Fiona Ryland: Yes. Sometimes it is difficult to draw that kind of inference, because we are talking about quite small numbers versus quite large numbers of employees. I do not have specific details of the Foreign, Commonwealth and Development Office issues that have been raised.

Sir Geoffrey Clifton-Brown: Okay. Perhaps I can turn to the other two Departments and to Ms Wallington and Ms Pickles. Going to the bottom of that table, figure 4, to the "Organisations employing civil servants"—arm's length bodies and so on—there seems again to be huge variation. What are you both doing to ensure that all those other bodies under your Department's control are fully aware of the whistleblowing implications?

Chair: On that list, I am not sure that any is under these two Departments.

Sir Geoffrey Clifton-Brown: No, I think not, but someone referred earlier to their arm's length bodies—

Chair: Ms Pickles.

Q42 **Sir Geoffrey Clifton-Brown:** It was Ms Pickles—thank you, Chair. What steps are you taking to ensure that your arm's length bodies are fully aware of all the implications of this?

Helen Pickles: We work closely with our arm's length bodies to make sure that they are aware. They certainly do the annual data return to the Cabinet Office, so the reason that they do not appear is that they have not had any whistleblowing cases. As I said earlier, on learning, continuous improvement and picking up on the NAO Report and the recommendations in it, we have recently written to our ALBs to ensure that in future they will complete the annual health check. The improvements that colleagues from the Cabinet Office referred to in that will help us to work with them and, as I said, will provide them with support and guidance if they need it from us, as a large Department, in terms of improvements they need to make to their own processes and policies.

Q43 **Sir Geoffrey Clifton-Brown:** Ms Wallington? I cannot think of what your arm's length bodies are—there must be some.

Esther Wallington: We have the Valuation Office Agency. We are very tightly connected with the agency and the chief executive sits on our executive committee. We work closely on whistleblowing. The chief executive will be held to the same behavioural and organisational standards and expectations as all others in HMRC.

Q44 **Sir Geoffrey Clifton-Brown:** Ms Ryland: not these two Departments, but all the other Departments, when you have discussions with the lead Departments, do you then start to think about their arm's length bodies and other organisations?

Fiona Ryland: Yes, absolutely. This is another area where the NAO Report said that the way in which arm's length bodies were included in the



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health check varied by Department. We are talking to Departments about how they ensure that arm's length bodies are covered by the policy, in particular the health check. I do think that the nature of the relationship between ALBs and Departments varies by ALB and Department, but we are working towards understanding how Departments can be more consistent in how they account for whistleblowing in their ALBs.

- Q45 **Sir Geoffrey Clifton-Brown:** Thank you very much. Talking about consistency, why is it necessary for any Department to tailor its policies? Why isn't there just one policy across the civil service?

Fiona Ryland: I think that is because it varies depending on the nature of the business of the Departments and the type of workforce that they have. I don't know whether any of my colleagues wants to elaborate on that?

Esther Wallington: We use the Cabinet Office model policy, but our policy refers, for example, to procedures that are relevant within HMRC—for example, raising concerns through the in-confidence system, which is an HMRC system that we use. Complaints are handled at the outset by the employee advice service, and that is specific to HMRC. The core of the policy is the same, but through the policy we will refer to specific processes that are departmental.

- Q46 **Sir Geoffrey Clifton-Brown:** We have had people before this Committee who have moved through several Departments in quite a short space of time. If each Department has its own policies, doesn't that cause confusion?

Esther Wallington: The expectations of the policy are the same. People want to know through the single document how to raise concerns in their organisation, and some of those are necessarily different. For example, in HMRC—probably similarly to DWP—we have a body that looks at fraud. It looks at customer fraud as well as internal fraud within the organisation. That sort of organisation does not exist in some of the other Departments. That is the sort of area where the procedures might be slightly different across Departments.

- Q47 **Sir Geoffrey Clifton-Brown:** Ms Pickles, how does the DWP vary?

Helen Pickles: The policy would be broadly the same, but it differs in some of the details around the procedures—for example, the ability within DWP to call the Government Internal Audit Agency, which is the point of contact, as well as nominated officers. Then there are some specific examples to help colleagues to navigate the policy and—on the point we were talking about earlier—understand what constitutes whistleblowing in the context of the Department and the work that colleagues are doing, versus other routes that might be more appropriate.

Where people have identified fraud in the benefits system, there is a different approach for that. It may still be covered by whistleblowing, and therefore it may be appropriate to do that, but there are lots of other processes. If you have a security concern, for example, there is another route to raise that. It is more about trying to ensure colleagues really



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understand what whistleblowing is in this context—is this the right policy for that, or should they be signposted elsewhere?—rather than the substance of the policy itself. It is more about the guidance and the procedures that sit around it.

- Q48 **Sir Geoffrey Clifton-Brown:** I am slightly struggling with that answer. If I were working in your Department and I came across fraud, I would take that to my line manager and would expect it to be dealt with. I suppose it is only in cases where the line manager doesn't deal with it. I would have thought that the whole ethos of the Department was about trying to eliminate fraud, so everyone would be ultra-keen to investigate, rather than there needing to be a whistleblower in fraud cases.

Helen Pickles: Absolutely, and all colleagues now go through mandatory fraud and error training annually in the Department. That is separate from whistleblowing. It is not referred to as whistleblowing. As you say, you should absolutely raise it with your line manager. If you don't feel able to do that, there are different routes within the Department for it.

When we talk about whistleblowing in the Department, we give examples—I have just found them in my notes—such as falsifying expense claims or fixing a contract for personal gain, so it is not necessarily about identifying fraud and error in the benefits system. That is a different thing. We would hope, given the training they get annually—it is also part of our induction training—that colleagues would already know what to do in those circumstances. This is for things that fall outside the process that they would have already known about.

- Q49 **Sir Geoffrey Clifton-Brown:** I am trying to tease this out a bit, Ms Pickles, while you are on your feet, as it were. In the last year, have you had any cases of whistleblowing involving fraud?

Helen Pickles: Let me just double-check my numbers. No, not in the past year.

Sir Geoffrey Clifton-Brown: Ms Wallington?

Esther Wallington: We have had one case of fraud, but they are quite rare. In the Report, you will see that quite a lot of whistleblowing cases across the civil service are fraud-related, but actually in our Department they are a very small proportion of whistleblowing cases, for the same reasons as for the DWP: it is part of people's induction and annual training, and it is absolutely central to our standards of conduct. We have very established ways for people to report concerns that they might have about fraud. Also, our systems are set up to identify risk within the system, so the numbers tend to be very small for us.

- Q50 **Sir Geoffrey Clifton-Brown:** You may decline to answer this question, and it is totally acceptable if you do: I certainly do not want a name, but are you able to give us the basis of that one fraud case?

Esther Wallington: I don't have the information on the case, and I think it would be identifiable—



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Sir Geoffrey Clifton-Brown: No, we wouldn't want to identify anybody.

Helen Pickles: May I come back in? I have looked again at my table. We had one case of fraud referred to our whistleblowing hotline, but there was found to be no case to answer, so it was not proceeded with as such. It was assessed as not meeting the bar or not being an appropriate referral.

Q51 **Chair:** As whistleblowing, but might it have been dealt with through another route?

Helen Pickles: No, there would have been no case to answer at all, so it did not go forward.

Q52 **Chair:** Before we move on from arm's length bodies, we noticed in the figure 4 chart that the Maritime and Coastguard Agency has had more whistleblowing concerns raised. Presumably that is partly because it is do with health and safety, and there is a culture in the Maritime and Coastguard Agency that you do report things.

Fiona Ryland: Yes, I would agree with that. Also—it is in the NAO best practice Report—they do a lot of training targeted at specific job roles in terms of how they raise issues, so I think they have also done a lot of training and raising awareness around that. They have a strong health and safety culture.

Q53 **Chair:** When this Committee visited Washington DC, we met NASA. Its whistleblowing approach is very interesting. I think there are lessons to be learned there.

Fiona Ryland: I also think that there are lessons to be learned around good health and safety that often involves reporting near misses. In terms of whistleblowing or just raising concerns when things are early or small, we still want to know about it.

Q54 **Chair:** Do you think that there are lessons to be learned from frontline organisations that literally deal with life and death that could perhaps be replicated in Departments where people are at desks?

Fiona Ryland: Yes, I do.

Q55 **Chair:** How are you looking to promulgate that approach?

Fiona Ryland: We will pick that up through the review that we do of sharing best practice.

Q56 **Chair:** Okay. We have noticed that the Department for Business and Trade is reviewing its whistleblowing framework. Do you have an update on that, Mr Davies? Can you talk us through how that is going and whether it will improve whistleblowing? What are they going through to do that?

Matthew Davies: I think that they are still completing their review and going through that. As a set of employers, the civil service has not really had much engagement yet, but we are in touch with the team who are putting through that policy. They have to get the balance right in not



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overstepping the mark as employers with that review. We will, of course, respond to that review as soon as it comes through. Broadly, we welcome the review as we do an examination of our own. We will wait and see how that changes the framework we need to work within.

- Q57 **Chair:** And obviously at Trade you have quite a lot of moving parts for potential fraud. I guess it will be looking closely at that and international matters, so it will be quite an interesting Department.

Fiona Ryland: No, I think they are doing the review. They hold the whistleblowing framework for GB.

Chair: Forgive me: of course they do.

Matthew Davies: It is across all sectors.

- Q58 **Chair:** Okay. I want to go back to the data stuff. We have talked a bit about that, but one thing that was apparent from the Report is that case tracking leaves a bit to be desired. If you take the start point and the point it finishes, some of those things can go on for a long time. You can lose track of things, so you cannot easily measure how long it is taking. If we go back to the issue of whistleblowing in the middle of it, or indeed the Department being investigated, it can be quite challenging. How are you going to improve that case tracking, Ms Ryland, and maybe get examples from it?

Fiona Ryland: From a Cabinet Office perspective, we picked that up from the NAO Report. The next time we collect data, we will make sure that we pick up cases that were outstanding at the previous data collection so that we track it end to end. From a Cabinet Office perspective, we will make sure that we do that in terms of the data collection.

- Q59 **Chair:** But you are collecting it in DWP and HMRC, so you can tell us how many ongoing cases you have now, for example.

Esther Wallington: We could, yes.

Chair: I do not necessarily want to put you on the spot, but you could tell us.

Esther Wallington: Yes.

- Q60 **Chair:** Do you know how long the longest are taking, and whether there are problems because some are taking too long compared with others? Do you keep track of that?

Helen Pickles: We know what the average is—around two to three months for a case—but some very complex cases have gone on for as long as a year. That is not ideal under any circumstances, but sometimes these are quite complicated things. However, we track them in conjunction with Government internal audits—

Chair: So two to three months is what you would expect.

Helen Pickles: That was the average, we would say.



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Chair: Ms Wallington?

Esther Wallington: Over the last year, over half of ours were completed within six months. I do not have the breakdown below that. The majority of the others were completed within seven to 12 months. We had two over the year that took longer than 12 months, which were particularly complex. We know that this is a really important aspect of investigating concerns. We understand that it is really important to whistleblowers that we investigate as quickly as possible, so this is something that we are always monitoring.

Q61 **Chair:** It is difficult, perhaps, for you to talk in public about why some might be more complex than others. Can you shed any light on why something might take longer? Presumably it has some technical element to it that you must apply certain expertise to.

Esther Wallington: Some might be particularly technical. The other sorts of things are sickness absence or people being out of the office—

Q62 **Chair:** So it is sometimes just as simple as that.

Esther Wallington: It can be hard to contact people to ask further questions, for example. That is the sort of thing that can delay cases.

Helen Pickles: I agree. Sickness absence is invariably the overwhelming reason why things take longer than anybody would ideally want.

Q63 **Sir Geoffrey Clifton-Brown:** Ms Ryland, can I carry on from my questions about fraud? We have heard from both the DWP and HMRC, if I can refer to you in that sense, Ms Wallington and Ms Pickles. However, we know from the NAO Report that 40%—I refer to figure 5—of all cases concern fraud. Why is there such a difference? It is very low in these two Departments, and they are two Departments that you would expect to be dealing with quite a lot of fraud. Why are 40% of other cases—presumably, because theirs are so low—of other Departments so much concerned with fraud?

Fiona Ryland: I think one reason could be that the DWP and HMRC have well-established, other routes for reporting fraud, whereas in other Departments more of these kinds of cases would go through the whistleblowing route.

Q64 **Sir Geoffrey Clifton-Brown:** But that must mean that there is an awful lot of cases in other Departments that do involve fraud. Going back to the questions that I asked Ms Pickles and Ms Wallington, it must be so much in the interests of the Department concerned to eliminate fraud. Are these cases truly whistleblowing cases or should they be dealt with under other procedures? Has the Cabinet Office looked at that?

Fiona Ryland: No, we have not looked at that. The data that we collect tells us that 40% of the cases are fraud. We do not have any other level of detail around the nature of those cases below that categorisation.

Q65 **Sir Geoffrey Clifton-Brown:** Now that it has come into such sharp

contrast, do you think that that is an area you should be looking at?

Fiona Ryland: I think this is an area that we can follow up on. We can talk to Departments about what information and data they track. We could also talk to the Public Sector Fraud Authority about the data that it already collects in this area so that we do not duplicate that.

Q66 **Sir Geoffrey Clifton-Brown:** It just seems to me that it may well be that these cases are coming up under whistleblowing, but perhaps they should not. Perhaps there should be other procedures in those Departments to deal with them.

Fiona Ryland: Understood.

Sir Geoffrey Clifton-Brown: Thank you.

Q67 **Peter Grant:** The Chair asked earlier about cases that take a long time to bring to completion. What can you do to support the whistleblower if there is a case that seems to go on for a long time? Obviously, you are limited as to what you can tell them, but what processes do you have in place to make sure that the whistleblower is at least kept assured that something is being done about their complaint?

Esther Wallington: This is a really important role of the nominated officer. Anybody who raises a concern will be given a nominated officer, who will be their key point of contact.² That nominated officer works with our HR function to make sure that they understand exactly what is happening on the investigation. They will know, potentially, a little bit more information than we would share with the whistleblower about the specific details of what is happening within the case, but they can provide that reassurance and they can also provide that support. For the whistleblower, the nominated officer can address any concerns that the whistleblower might have by bringing issues back to HR or their line manager, and can make sure things are dealt with. They will have a regular route to find out what is happening with the concern that they have raised and where it is in the investigation.

Q68 **Peter Grant:** Is the DWP similar?

Helen Pickles: It would be very similar, and dealt with very much on a case-by-case basis, depending on the needs of the individual and the circumstances that were being investigated.

Q69 **Peter Grant:** Ms Ryland, do you know whether those practices are universal in other Departments? Is that something that you have asked them about?

Fiona Ryland: Yes, it is included in the health check—let me just check with my colleague.

² HMRC subsequently clarified that colleagues who raise concerns are not automatically allocated a Nominated Officer, but everyone who raises a concern has access to a Nominated Officer if they chose to and would like to be supported in that way. See letter from HMRC to the PAC, dated 24 April 2024 committees.parliament.uk/publications/44500/documents/221215/default/



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Matthew Davies: Yes, it is. The nominated officer route is replicated. There are also other routes for support, based around wellbeing support through employee assistance provision and so on. There are a range of different sources of support that people can get and draw down from, but it is principally the nominated officer route.

Q70 **Peter Grant:** I appreciate that there will be times when the wellbeing of the whistleblower is a significant concern, but isn't there a danger that the whistleblower starts to feel as if they are the problem, because they are the one who is being offered the support? In my experience, I have seen it happening both ways. I have known places where anyone who raised a concern was immediately referred to occupational health because there was an in-built assumption that there was something wrong with them, rather than that there was something wrong with the organisation. How do you find the balance between offering the support that is needed and not making somebody feel as if they are being treated like the problem rather than part of the solution?

Matthew Davies: Because we offer such a range of options covering different sorts of support. The first thing that is offered isn't wellbeing support, but it is reasonably well-advertised. There would also be triage on the start of any wellbeing support supplied through occupational health to see if that was appropriate, too.

Fiona Ryland: I think this is an example of where we need to be led by the individual. What support does the individual say that they need? We work with that. I also think it is why the feedback around understanding the whistleblowing experience is so important, and why we will be taking that forward.

Q71 **Sir Geoffrey Clifton-Brown:** Ms Ryland, back in 2015 the Cabinet Office told us that it was going to start collecting data to drive improvements in the Department. Why has there been such slow progress on this?

Fiona Ryland: We have implemented the annual data collection, so we have a much better idea of the number of whistleblowing cases, the nature of those, the outcomes and the time taken. I do think we have made progress in terms of that. We have covered it before; I do think that there is more that we can do around the consistency of data in the health check process, but in terms of that data collection, we have made progress. I do agree, though, that we should ask Departments around any cases of victimisation or harassment, and also understand the whistleblowing experience more.

Q72 **Sir Geoffrey Clifton-Brown:** Maybe I am wrong, but there does seem to be a difference in the data. Some Departments produce better data than others. What are you doing to chase up those that are not producing good data?

Fiona Ryland: Again, I think that is more in the health check space. In terms of our annual data collection, we get consistent data from Departments. When it comes to the health check and the data that Departments use to evidence their compliance against best practice, I do

think we need to work with Departments to understand why there is such a variation in the data they use.

Q73 Sir Geoffrey Clifton-Brown: That is really helpful.

The Report refers to the fact that each Department's annual report and accounts has to have a section on whistleblowing, but I gather that the numbers in those annual reports and accounts are only completed cases, not ongoing cases. Is there a danger that those ongoing cases drop through the cracks, or are they always reported when they are resolved one way or another in the following year?

Chair: It is going to change going forward, as you said earlier.

Fiona Ryland: In the data that we collect, we definitely need to make sure that there are no gaps. I do not know in terms of the Department data.

Esther Wallington: Our data would be picked up in the following annual report and accounts for when the case is completed, so we wouldn't miss any cases.

Sir Geoffrey Clifton-Brown: Ms Pickles?

Helen Pickles: I don't know whether it would be picked up in our annual report and accounts, but we do track through. We would welcome consistency. We know that at the point at which we report to the Cabinet Office, if it was 50 cases, it was 50; but if we had another 25 that had not yet reached completion, we track those internally to make sure that they are completed and go through. I think they would be picked up in the next year, but I am not 100% confident of that.

Q74 Chair: Just to be clear—to walk us through it—that is because you might have 50 cases that are resolved in a year and, say, 25 new ones, and they will be completed whenever they are completed. What information are you putting through to the Cabinet Office—the completed ones or the 25 new ones as well?

Helen Pickles: We report at the point in time, along with what the Cabinet Office requires us to do. It is my understanding that that does not require us to report on cases that are ongoing at that point in time.

Chair: Not yet, but it is coming.

Helen Pickles: That is the point at which we would welcome clarity and consistency in terms of how they get picked up in the following year. I think, at the moment, there is potentially some choice. I cannot honestly say how that is picked up. I know we report it in the way we are asked to.

Q75 Chair: I do not think anyone is trying to game the system to say, "I have more or fewer cases," but it does mean that there could be confusion and double counting at the moment.

Helen Pickles: Yes, potentially.



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Sir Geoffrey Clifton-Brown: Chair, with your indulgence, can I bring the C&AG in here and ask what your auditing procedures are in relating to whistleblowing cases in the annual report and accounts? Do you think that there is a danger that in some Departments, they could fall between the cracks between completed and uncompleted cases?

Gareth Davies (Comptroller and Auditor General): Yes. For the audit team, this is a piece of data that we would always check in the disclosures in the accounts. The basis of that is completed cases, as we have just discussed, so we check that the data backs that up. Obviously, that presents you with the problem of reconciling the data that we have just been looking at and that is set out in our report on the overall system, which is not just completed cases as I understand it. So you will not be able to read straight across from one to the other. It is an area of data that is covered by our audit procedures at the year end.

Sir Geoffrey Clifton-Brown: Is there a danger that some uncompleted cases could fall through the cracks and, in fact, never be completed?

Gareth Davies (Comptroller and Auditor General): Provided that the case management system is working properly, that should not happen. We do check every year that that is backed up by the source data, so I think that risk is reasonably low.

Sir Geoffrey Clifton-Brown: Thank you.

Q76 **Paula Barker:** Ms Ryland, is the information and the data that you receive in line with your Department's expectations? I am conscious that there is a lack of qualitative and sometimes quantitative information that you receive. I am just wondering how that marries with your expectations.

Fiona Ryland: In terms of the annual data collection, that is in line because Departments comply with what we ask them to provide. Based on the NAO recommendations, we are going to review that because we are going to implement the recommendations. So yes, in terms of that annual data collection, that is in line.

Q77 **Paula Barker:** So you are going to actually take on the recommendations. That will be with immediate effect, I assume.

Fiona Ryland: Yes, from the next data collection.

Q78 **Paula Barker:** And remind me: what is the period of the next data collection, Mr Davies?

Matthew Davies: We are preparing that to send it out, I think, in the next couple of months, but I will have to double-check the date for you. We just need a bit of time to do that. The bit that might need a bit more thought is just thinking more deeply about the whistleblower experience and following up with that. I think there is some really helpful and more quantitative-type data that we can now include, such as the case length and so on, which is more straightforward. Where we are thinking about whistleblower experience, you want to do that in a way that does not deter



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and does not almost have a perverse effect of being a deterrent, so we have to think a little bit more carefully about how we do that and obviously do that across a space where we have some people's names or details and a lot of anonymous people as well. We need to work closely with the great experience that there is in Departments to think about that set of issues together.

Q79 Paula Barker: Ms Ryland, you referred to the health check on a number of occasions, saying, "That is captured in the health check data," and, "This is not captured over there." Is the health check confusing things, do you think? Or does it enhance the experience overall, in your view?

Fiona Ryland: I think—of course we can ask our Departments for feedback as well—that the health check is a really important tool for Departments to understand where they are against best practice and the tools that we provide. I think the inconsistencies in data use do not confuse the Departments, but it sometimes does not help us understand the way in which the health check is being used and what trends we can take out of the health check. So I think it is useful for Departments—they use it in the way that is helpful to them—but if we want to try to take trends out of what the health check tells us across the Departments, we need to work with Departments on a more consistent use of data.

Q80 Paula Barker: We have heard a lot about employees; Mr Grant was talking about experiences and so on. For example, we know that if you leave an organisation, you will often have an exit interview to capture your experiences, the reasons you are leaving and so on. Are any interviews undertaken with whistleblowers about their experience to capture that experience and quality of data?

Fiona Ryland: I am not aware that that is what we do at the moment. I think we need to think carefully about how we capture whistleblowers' experience, given the point that my colleague made, which is that we do not want to create more barriers to whistleblowers coming forward. But I am interested in what the experience of whistleblowers is, and we have to find ways of capturing it from people who have come forward anonymously.

Q81 Chair: So you don't do that, but what about the two Departments?

Esther Wallington: This is something that has very helpfully come out of the Report. We don't at the moment ask whistleblowers to fill in a survey, for example, to explain their experiences. They do discuss their experiences with the nominated officer. If there are particular issues, they would be captured within the team, but not in a way that we could draw out and then report on. So I think there is a great opportunity, and my team is working with the Cabinet Office on how we might get better at capturing that information in a way that can be used to compare experiences across Departments and learn from best practice. We know quite a bit about the experience through the nominated officers, so we have a feel for it, but we cannot draw out comparable, specific data points on it.



Q82 Paula Barker: You said that you know quite a bit from the officers. From the data that you have, would you say that whistleblowers in the main are content, happy or dissatisfied with the process?

Esther Wallington: We find out a lot through the nominated officers, who compare information with one another and share themes, although not individual data. We can draw out some themes from that. For example, whether it is at the end of a case or during a case, we can draw out some of the learnings, which are then fed back into the team. We find it much harder to collect information for whistleblowers who are anonymous. We can have some dialogue with the individuals through our in-confidence system, but it is quite limited. That is an area for us to do a bit more work on.

Chair: The same questions to Ms Pickles.

Helen Pickles: That was something that our audit and risk assurance committee pulled out when we reported to it in February: it wanted us to do more on this, so we are actively working on it. In March, we wrote to other Government Departments asking what they did in this space to look at the experience of whistleblowers. It is something we are actively working on, but at the moment, no, we do not capture that detail. As Esther said, thinking about how we might do that for anonymous whistleblowers is particularly tricky, but it is something that we are actively looking to put in place as soon as we possibly can, because we recognise that it is a gap.

Q83 Paula Barker: Ms Wallington, you raised an interesting point about drawing out some of the data and using it for a learning experience. But I notice from the Report that while there is some evidence of civil service organisations learning from concerns, the numbers are very low, with 12% of concerns finding wrongdoing and leading to changes in policies and procedures, and only 5% of all completed concerns leading to changes in policies and procedures. Ms Ryland, you spoke earlier about it not always being relevant to change policies and procedures. Ms Wallington, as you have specifically referenced learning points, I would be keen to understand, from your perspective, what sort of learning you gain and how that is then mirrored or utilised in the Department.

Chair: I do not want to cut across or hurry people too much, but we might have a vote as early as 3 pm. Clipped answers are helpful. Ms Wallington, you have been very good so far.

Esther Wallington: The numbers are very small. They tend to be quite individual cases, but sometimes there can be some general themes: so, we tend to have slightly more whistleblowing numbers in relation to how line managers operate the recruitment procedures.

While the outcome of those sorts of cases would not necessarily change departmental policy relating to recruitment, it might change the way we train managers, or there might be something specific within a team that means we want to train people or change local procedures in response to a whistleblowing concern. That is the sort of thing that happens with the



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cases. Some cases lead to different sorts of processes—conduct-type processes might be another outcome. Largely, it would be very local responses to whistleblowing concerns, which is why the numbers are quite small in terms of major departmental policy changes.

- Q84 **Paula Barker:** Finally from me, I think it is really important for employees of organisations, be that a Government Department or an arm's length body, to have the confidence to be able to come forward and have their concerns addressed and for organisations to learn from that.

I was interested that you used the word "barriers", Ms Ryland, when you spoke about understanding the experience of whistleblowers. You said that you don't want to put further barriers in the way. I find that interesting, because I think the more support you give to a whistleblower, the more they know that they are being listened to, that their concerns are being treated seriously and that you are actively seeking their information. I am interested why you would believe that to be a barrier.

Fiona Ryland: No, I do not think the process of getting somebody's feedback is a barrier, but maybe the method you choose to do that is. For example, people may not want to be interviewed. As well as ensuring that we understand whistleblowers' experiences, I think we need to do that in a way that makes them feel comfortable and listened to, and not another step in the process.

- Q85 **Paula Barker:** How can the Committee be confident that organisations and the Government are learning from concerns raised, and that it is all in place and will be taken forward?

Fiona Ryland: We agree with the recommendation from the NAO about putting in place a process for collecting whistleblowers' experiences and feedback. We will work with Departments to ensure that is in place.

- Q86 **Sir Geoffrey Clifton-Brown:** Can I ask you about two things that are not in the Report? How does the Single Source Regulations Office interact with all of this? It is for people in the private and public sectors to be able to make a public sector declaration to nominated people, but outside their Department—for example, to the NAO. Have you any experience of how that works?

Matthew Davies: I don't think we have. I will have to think about it and come back to you, I'm afraid.

Sir Geoffrey Clifton-Brown: Thank you for that answer, because it brings me to the next question. Some of this whistleblowing procedure is very complex and very legal. People who don't make the necessary public interest disclosure under the Public Interest Disclosure Act don't have protection under the Act, and have in some cases lost their job. I wonder whether there is a case for a fairly complex and comprehensive document being prepared by somebody—presumably in your Department, Ms Ryland—setting out exactly what a whistleblower's protections and obligations are.

Chair: Or a flowchart.

- Q87 **Sir Geoffrey Clifton-Brown:** Or even a flowchart. Of course, they would get that information from hopefully well-trained nominated officers. But before they got to that, if I was sitting at home wondering whether I was going to make a whistleblowing complaint, I might like to look at a document and see how my case fitted into the whole system.

Fiona Ryland: Yes, we can take that away.

Matthew Davies: Our model guidance already sets out the types of disclosure that are covered in the Public Interest Disclosure Act. It is information that is very readily available on the intranet. That piece of self-assessment that you are talking about is very readily available to civil servants.

- Q88 **Chair:** But what Sir Geoffrey is partly driving at is that even going to a nominated officer—someone in a trusted system—is quite a big step, whereas the National Audit Office is one step removed. People can come to MPs, but there are limits to what we can do. But that can feel more comfortable for some people, because it is a big thing to be a whistleblower.

Matthew Davies: It is, and we do make it very clear that there is a prescribed person, as well as the type of whistleblowing concern. That is very clearly routed for people.

- Q89 **Chair:** Outside the civil service?

Matthew Davies: Yes.

- Q90 **Chair:** Where is that information?

Matthew Davies: It is in the guidance that supports the model policy, and I imagine that it is on every employer's intranet site.

Sir Geoffrey Clifton-Brown: It is—I got this document off the internet this afternoon. But I am wondering—

Chair: How many people read it?

- Q91 **Sir Geoffrey Clifton-Brown:** Well, I was looking for it, so I knew what I was looking for. If I were just an ordinary civil servant, after all, a whistleblowing case would be likely to come along once in a lifetime, and hopefully never. I am wondering whether there is a readily available source of information on this subject.

Matthew Davies: There is a guide, as part of the model policy products, and Departments will have their own versions of it, but it will be readily available for people on the intranet. So if you are raising a concern, a guide, very straightforwardly written, is available for you.

Sir Geoffrey Clifton-Brown: Thank you.

- Q92 **Chair:** Ms Barker and others have talked about lessons being learned to support whistleblowers, but only 4.9% of concerns raised led to actual



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changes of policies or procedures. I would be interested to hear from Ms Pickles and Ms Wallington first. Is that because of the nature of the complaints, or do you think there is still room for change there? Could you talk it through? If someone goes to a nominated officer and makes a complaint, it goes through the system. How is it that the line manager or business area manager takes on the learning that might mean that there needs to be a change? We will start with Ms Pickles.

Helen Pickles: As Esther said earlier, we very much look at that on a case-by-case basis. The reason why the figure for actual change to policy or procedure as it stands is relatively low is that invariably these cases are about a policy or procedure, perhaps, not being followed properly, as it should be. That is where we would then look at the most appropriate route, as Esther said, and, if it is happening in a particular team, perhaps ask them to repeat training or do some bespoke work with that area to make sure that they understand—

Q93 **Chair:** From what you are saying, you don't think there is some big area where something is being missed. You are confident; you sound very confident in what you are saying there.

Helen Pickles: Yes, and whistleblowing investigations are looked at alongside all the other kinds of HR casework investigations that we do into a whole range of elements of the employee experience and what is going on in the Department. So while we might not be able to say that it is particularly because of a whistleblowing element, because our numbers are relatively small, if one of those was about, for example—well, recruitment policy was mentioned. If that had also come up as an issue through another route and another manager had got something wrong, we would pick it up in that broader review of what is going on, what is going wrong—for want of a better word—more broadly in the organisation and how we need to address that.

What we find in probably nine out of 10 cases is that it was not the original policy that was incorrect. We might need to improve the guidance or the training around it, but the actual policy in place was not incorrect. It's just a question of how we improve people's understanding of it as a result of the incident.

Chair: Ms Wallington, you are nodding—you agree with that.

Esther Wallington: For us, it is very similar. There are small numbers of cases and, where there is a case to answer, the report will then be sent to the person who needs to take action on the findings of the case and those will be followed through. We monitor those through the HR process.

Q94 **Chair:** We have talked quite a bit about how you have speak-outs. I think DCMS have stories that they tell. One way of encouraging a good culture of whistleblowing or complaint raising is to tell the story, so how well are you doing that and saying, "Someone raised this concern, and this is what happened"? Do you publicise and promulgate that kind of information in your Departments?



Esther Wallington: We wouldn't in that way, typically, from whistleblowing, because the numbers are small, so I think people could be identified. But there are three key stages. First, how do we set the standards that we expect in the organisation? How do we help people to understand those? Some of that is brought to life through different training methods. It might be about specific cases or it might be more policy or legislation-related. There are very clear standards through professional bodies that people are part of, but also through our customer charter, the civil service code and our internal commitment. Those are very, very clear, and that is what people receive training on when they join and then annually.

The second thing is making sure that people understand how to speak out. That is where we have the week in which we have different executive committee members, and we might show videos or have dial-ins. We publicise the information about how people can raise concerns and that helps to bring it to life a bit for people.

The third bit is making sure that people have the support when they raise a concern and if they are thinking about raising a concern making sure that they can find the information quickly about what that might entail and how to go about it. So that's how we help people to understand what is expected.

Chair: And the journey that they will go through. Anything to add, Ms Pickles?

Helen Pickles: Just that in large organisations, such as DWP and HMRC, so much of this is around line manager capability and the culture that they are setting locally. Consequently, another really important part of our work with the Cabinet Office is on the line manager standards across the civil service and instilling the right leadership behaviours in our line managers, making sure that we are setting the right culture locally, so that people, alongside all the global processes that we might put in place as the organisation, can find that route and build that trust and have the right culture.

Q95 **Chair:** That brings me to my last question; I will start with Ms Ryland. We have looked a bit at some of the arm's length bodies and some are quite small. Here we have two big Departments, with lots of managers, lots of employees and very well-worn systems. Is there any thought about just rolling up some of the whistleblowing processes from the smaller organisations, so that the bigger Departments are sponsoring them—just to maintain a high standard?

Fiona Ryland: That is something that we can take a look at. What I would say is that we provide the model policies exactly for those Departments or those arm's length bodies—

Q96 **Chair:** But the point is that with Ms Pickles they have got the internal audit as their hotline and that is not the case for everybody. However, if you are in a small arm's length body it is harder, because you are a



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smaller organisation quite often. Just to maintain the quality, is there any thought that they could just piggyback on to another Department?

Fiona Ryland: We can look at the opportunity for that, particularly with their home Department. We can take that away and look at it.

Chair: Anything to add, Ms Wallington?

Esther Wallington: I think it would need to be a choice of the accounting officer and they would need to maintain the accountability for the organisation, but there are certainly opportunities through service provision and we've got different ways of providing services for Departments.

Chair: Yes, I can see that there would be accounting officer issues that needed to be dealt with. Ms Pickles, any thoughts?

Helen Pickles: I have nothing to add.

Sir Geoffrey Clifton-Brown: May I make a point of order, Madam Chairman? I say this because *Hansard* won't pick it up otherwise. I held this document up, but I should actually say what it is: it was obtained from gov.uk and it is the Single Source Regulations Office corporate report on whistleblowing policy.

Chair: Thank you. We can provide our good colleagues at *Hansard* with a copy of that, to make life easier for them.

I thank our witnesses very much indeed for their time. This is a hugely important issue. We all want a good, honest civil service to do the job as well as it can, spending taxpayers' money wisely, and so complaints procedures and whistleblowers are really important, to help make sure that there is honesty in the system, and we want them to be supported. I think there has been some progress since we last discussed this issue, but it is refreshing to have witnesses recognising that everything is not yet perfect and that there is more to be done. We appreciate that and will reflect it in our Report.

I thank the National Audit Office again for doing this work. From what witnesses have said, it has been found useful within the civil service, as well as being useful for us in holding the civil service and Government to account.

The transcript of this session will be available uncorrected on the website in the next couple of days, and we will be producing a Report. I don't want to push the Clerks here, but it will probably come out just after the May recess.