

Reference: 01653008

Information Requests
information.requests@ofcom.org.uk

24 August 2023

Freedom of Information request: Right to know request

Thank you for your request for information concerning whistleblowing and Royal Mail. Your request was received on 28 July 2023 and we have considered it under the Freedom of Information Act 2000.

Your request

'I am specifically requesting information on how whistleblowing is reported by Royal Mail to Ofcom, how many reports have been made over the past 3 years, and what investigations were made to validate proper procedures were carried out.....

..... Specifically, I am requesting the following information:

How are whistleblowing reports from Royal Mail received by Ofcom?

How many whistleblowing reports have been received by Ofcom from Royal Mail in the past 3 years?

What investigations have been carried out by Ofcom to validate that proper procedures were followed in the handling of whistleblowing reports from Royal Mail?

Our response

How are whistleblowing reports from Royal Mail received by Ofcom?

It is unclear to us if your request relates to Royal Mail as a recipient of internal whistleblowing complaints or to individual Royal Mail employees raising concerns with Ofcom, so we have provided answers to both. Royal Mail is not subject to any reporting requirements related to its own internal whistleblowing protocols. As such, Ofcom does not hold this information. Should employees of Royal Mail make disclosures to Ofcom we would follow our normal procedures. Further information on our approach to whistleblowing including how individuals can make whistleblowing reports to Ofcom, is set out on our website at <https://www.ofcom.org.uk/about-ofcom/policies-and-guidelines/whistleblowing-disclosure>.

How many whistleblowing reports have been received by Ofcom from Royal Mail in the past 3 years?

While we do hold information relating to the number of complaints about specific postal operators, we are unable to disclose this information as we consider it exempt from disclosure under Section 44 of the Act. Section 44(1) provides that information is exempt from disclosure if its disclosure is

prohibited by or under any enactment. In this instance, disclosure of such information is prohibited under section 56 of the Postal Services Act 2011 (the PSA). Section 56 of the PSA prevents us from disclosing information that we have obtained, as a result of Part 3 (“regulation of postal services”) of the PSA, which relates to the affairs of a particular business (so long as the business is being carried on), unless we have the consent of that business or one of the other gateways for disclosure in section 56(2) of the PSA applies. None of the gateways apply here. Section 44 is an absolute exemption under the Act and does not require a public interest test.

However, we publish information in relation to whistleblowing disclosures by industry sector, including post, in our [Annual whistleblowing report](#), the latest of which covers 2021/22.

What investigations have been carried out by Ofcom to validate that proper procedures were followed in the handling of whistleblowing reports from Royal Mail?

As noted above, Royal Mail is not subject to any reporting requirements to Ofcom related to use of its own internal whistleblowing protocols.

You may also like to refer to a previously published Freedom of Information response on [Whistleblowing](#) for further information.

If you have any further queries, then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely

Information Requests

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact information.requests@ofcom.org.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner’s Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF