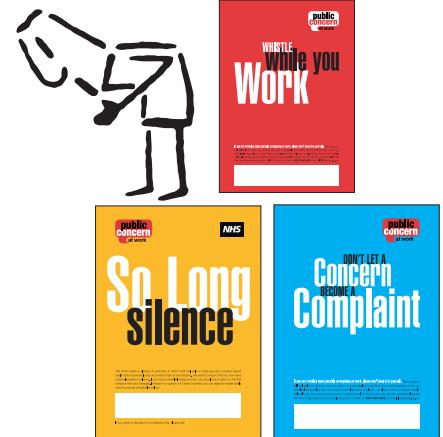


# Whistleblowing Best Practice



**Whistleblowing** a. Bringing an activity to a sharp conclusion as if by the blast of a whistle (OED) b. Raising concerns about misconduct within an organisation or within an independent structure associated with it (Nolan Committee) c. Giving information (usually to the authorities) about illegal or underhand practices (Chambers) d. Exposing to the press a malpractice or cover-up in a business or government office (US, Brewers) e. Providing a safe alternative to silence (Public Concern at Work) f. (origins) Police constable summoning public help to apprehend a criminal; signal to stop work in the industrial age; referee stopping play after a foul in football.

# The bottom line

## Guidance on whistleblowing

Since its launch under the chairmanship of the late Lord Nolan, the Committee on Standards in Public Life has continued to highlight the role whistleblowing plays “both as an instrument of good governance and a manifestation of a more open culture”. Its approach and recommendations have been adopted by the Combined Code and regulatory bodies as relevant to organisations in all sectors. Emphasising the important role whistleblowing can play in deterring and detecting malpractice and in building public trust, the Committee has explained:

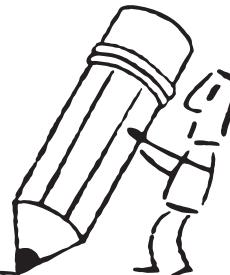
“The essence of a whistleblowing system is that staff should be able to by-pass the direct management line, because that may well be the area about which their concerns arise, and that they should be able to go outside the organisation if they feel the overall management is engaged in an improper course.”

The Committee has said that “leadership, in this area more than in any other, is paramount” and that the promotion of the whistleblowing arrangements is critically important. The Committee has long distinguished a ‘real’ internal whistleblower from an anonymous leaker to the press and has recently stressed that the Public Interest Disclosure Act should be seen as a ‘backstop’ for when things go wrong and not as a substitute for an open culture.

## Good policy

Drawing in part on the practical experience of Public Concern at Work, the Committee has recommended that a whistleblowing policy should make the following points clear:

1. The organisation takes malpractice seriously, giving examples of the type of concerns to be raised, so distinguishing a whistleblowing concern from a grievance.
2. Staff have the option to raise concerns outside of line management.
3. Staff are enabled to access confidential advice from an independent body.
4. The organisation will, when requested, respect the confidentiality of a member of staff raising a concern.
5. When and how concerns may properly be raised outside the organisation (e.g. with a regulator).
6. It is a disciplinary matter both to victimise a bona fide whistleblower and for someone to maliciously make a false allegation.



# Making it work

## Good practice

However good the written policy is, how it works in practice is critical. As the Commerce & Industry Group state: “How an organisation responds to a whistleblowing situation is the litmus test of its corporate governance arrangements which proves whether they are genuine or just lip service”. In its most recent report the Committee on Standards in Public Life “emphatically endorsed” additional elements of good practice drawn from Public Concern at Work’s evidence that organisations should:

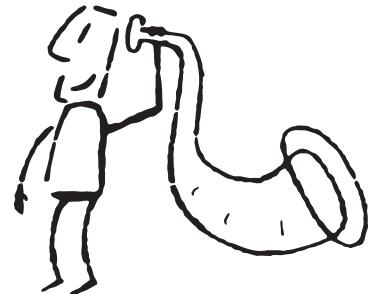
- (i) ensure that staff are aware of and trust the whistleblowing avenues;
- (ii) make provision for realistic advice about what the whistleblowing process means for openness, confidentiality and anonymity;
- (iii) continually review how the procedures work in practice; and
- (iv) regularly communicate to staff about the avenues open to them.

In its White Paper on Standards, the Government responded that “it agrees on the importance of ensuring that staff are aware of and trust the whistleblowing process, and on the need for the boards of public bodies to demonstrate leadership on this issue. It also agrees on the need for regular communication to staff about the avenues open to them to raise issues of concern.”

## Good audit

The Institute of Chartered Accountants in England & Wales has produced guidance on the whistleblowing obligations that companies have under the Combined Code on Corporate Governance. They recommend that companies include the following questions when they review the efficacy of their arrangements:

- Are there issues or incidents which have otherwise come to the board’s attention which they would have expected to have been raised earlier under the company’s whistleblowing procedures?
- Are there adequate procedures to track the actions taken in relation to concerns made and to ensure appropriate follow-up action has been taken to investigate and, if necessary, resolve problems indicated by whistleblowing?
- Have confidentiality issues been handled effectively?
- Is there evidence of timely and constructive feedback?
- Have any events come to the committee’s or the board’s attention that might indicate that a staff member has not been fairly treated as a result of their raising concerns?
- Is a review of staff awareness of the procedures needed?



# How we can help you

## Why subscribe to Public Concern at Work's helpline?

First, you want your own staff and those of the organisations you deal with to have access to free confidential advice so that they will more likely raise any whistleblowing concern constructively and safely. Your subscription helps ensure there continues to be a free helpline available. Remember – without such advice, a concern may not be raised at all or may become enmeshed in a personal grievance. In either case this increases the risk that your organisation may be defrauded, damaged, sued or – through the failings of competitors – subjected to more regulation.

Secondly, the default positions on our helpline are that (a) whistleblowing concerns should be raised openly rather than anonymously, and (b) they should be raised locally where possible. These simple steps distinguish our approach from that of commercial hotlines and strengthen, rather than undermine, your management accountability.

The support we offer will help you reassure your staff there is a safe alternative to silence and demonstrate good risk management to all your stakeholders. Additionally, our expert help can enable companies that operate in various jurisdictions to run whistleblowing schemes that comply with competing UK, US and EU obligations.

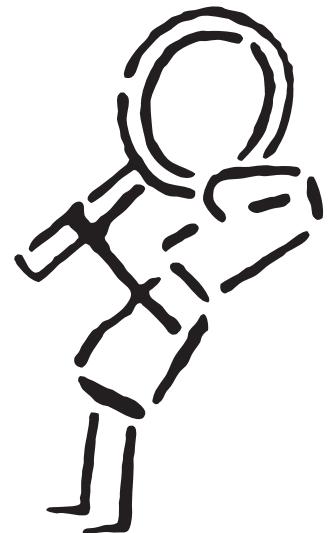
## The help we offer

Starter subscriptions.  
Bespoke support packages.  
Consultancy.  
Expert training.  
Staff surveys.

More information on the help we offer is at [www.pcaaw.co.uk/services](http://www.pcaaw.co.uk/services)

## Further information

- The reports of the Committee on Standards in Public Life can be found at [www.public-standards.gov.uk](http://www.public-standards.gov.uk)
- The ICAEW Guidance can be found by Googling: ICAEW whistleblowing.



# Who we are

## Public Concern at Work is the whistleblowing charity.

- We have given advice on over 7000 whistleblowing concerns.
- We provide training and support to major retailers, banks, utilities and producers in and out of the UK.
- Leading companies, public bodies and charities - large and small - subscribe to our helpline.
- Our good practice recommendations have been 'emphatically endorsed' by official bodies.
- Our work has been commended by Government, the Court of Appeal and major public inquiries.
- We helped devise and promote the UK's Public Interest Disclosure Act.

### Helping individuals

#### We do

- ✓ advise how to raise concerns
- ✓ explain the public interest
- ✓ separate message from messenger
- ✓ provide an impartial, objective view

#### We don't

- ✗ litigate
- ✗ investigate
- ✗ forget self-respect is priceless
- ✗ get involved in private disputes

### Helping organisations

#### We do

- ✓ add value
- ✓ see the wood for the trees
- ✓ know how to make whistleblowing work
- ✓ deliver training, audits and surveys

#### We don't

- ✗ make it up as we go along
- ✗ advise on specific PIDA cases
- ✗ forget to mind your business
- ✗ waste your time

### Helping the public interest

#### We do

- ✓ focus on accountability
- ✓ emphasise prevention over cure
- ✓ work through the consequences
- ✓ encourage people to think

#### We don't

- ✗ encourage anonymous informing
- ✗ overstate the case
- ✗ forget people run systems
- ✗ see regulation as *the* answer



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