



National Audit Office

Supplementary Report

by the National Audit Office

Assessment criteria for whistleblowing policies

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Introduction

As part of the National Audit Office's investigation into whistleblowing policies and procedures we have reviewed current whistleblowing policies of government bodies against a set of standard criteria. The checklist and guidance is based on a number of sources, including charities such as Public Concern at Work, fraud experts and academics, and has been revised to take into account our experience using the checklist in practice. This has allowed us to identify additional criteria and refine the scoring guidance.

Scoring methodology

We have reviewed each whistleblowing policy against eight criteria; based on NAO expertise, good practice, current whistleblowing legislation and our initial review of policies. These categories are:

- 1** Setting a positive environment for a whistleblowing policy:
 - a** Commitment, clarity and tone from the top
 - b** Structure
 - c** Offering an alternative to line management
 - d** Reassuring potential whistleblowers
 - e** Addressing concerns and providing feedback.
- 2** Supporting whistleblowers:
 - a** Openness, confidentiality and anonymity
 - b** Access to independent advice
 - c** Options for whistleblowing to external bodies (prescribed persons).

The criteria are designed to give the reviewer an example of 'what good looks like' to enable them to judge where the policy sits in the scale of poor to excellent. For each criterion we have identified the expected features of those policies scoring at the higher, lower and middle end of the scale. These have been refined following our initial review of policies to draw on examples seen in practice.

How to use this document


This document outlines what a good whistleblowing policy might look like, by highlighting a range of criteria and listing examples of what poor and excellent might look like for each. The points under each criteria are not intended to be definitive or exhaustive. As set out in the main report, a policy that contains all of the excellent criteria is only the starting point. Having appropriate arrangements to deliver the policy are vital in order to ensure an organisation is best placed to support employees.¹

¹ In this report we use the term 'employee' to refer to those individuals who are protected by the Public Interest Disclosure Act 1998 (as amended). This includes contractors, trainees, and agency staff in addition to individuals under a contract of employment.

Criteria on setting a positive environment for a whistleblowing policy

a Commitment, clarity and tone from the top


Guidance should make clear that any concerns will be welcomed. It should reassure the reader who may be thinking of raising a concern that the organisation's leadership will take it seriously and will not punish the employee if the concern turns out to be untrue, as long as the employee had reasonable suspicion of wrong doing.



Poor	Satisfactory	Excellent
<p>Leaves the reader unsure of management's commitment, e.g. primary purpose of the document is compliance with legislation rather than detecting/preventing malpractice.</p> <p>May be confusing and contain contradictions.</p> <p>Leaves readers confused as to the difference between whistleblowing and personal grievances.</p> <p>Employees are urged to keep quiet unless they have substantial evidence to support claims.</p>	<p>The organisation is committed to addressing concerns, i.e. readers are reassured that their concerns will be taken seriously.</p> <p>Clear as to how readers should raise concerns, though language used may be overly formal or impersonal.</p> <p>Employees are encouraged to raise concerns as soon as possible.</p>	<p>A stated commitment to maintaining high ethical standards and taking concerns seriously.</p> <p>Language is inviting and reassuring.</p> <p>Clearly distinguishes between whistleblowing and other concerns or grievances.</p> <p>Employees are expected to raise concerns they become aware of. It is management's responsibility to investigate them.</p>

b Structure


It is also important that guidance is easy to use so that readers are clear how they should raise concerns. The policy should include information relating to all areas of whistleblowing and provide comprehensive guidance for employees. It should be clear, concise and avoid including irrelevant detail that might confuse readers.



Poor	Satisfactory	Excellent
<p>Includes many irrelevant sections, is overly long and leaves readers confused.</p> <p>Difficult to follow, lacks a logical flow of information or is presented in formal or impersonal language.</p> <p>Takes information from a number of sources without presenting a coherent policy.</p>	<p>Has some, but not all, of the 'excellent' criteria.</p>	<p>Concise and well presented, providing clear guidance that is factual and informative.</p> <p>Easy to follow, with a logical flow guiding the reader through the process in language that is easy to follow, e.g. by using flowcharts and diagrams.</p> <p>Covers all aspects of making a disclosure and gives examples which deal with practicalities and likely concerns.</p>

c Offering an alternative to line management


Concerns may relate to behaviours of line managers or an employee may be unwilling or unable to discuss concerns with immediate management. Thus alternative channels inside the organisation should be offered. Staff may be unwilling to approach extremely senior people with concerns so the alternatives offered should be suitable.



Poor	Satisfactory	Excellent
<p>Either</p> <p>Does not identify any reporting channel outside of line management;</p> <p>or</p> <p>Suggested alternatives are largely unsuitable, e.g. only include very senior members of staff such as the Permanent secretary or chief executive;</p> <p>or</p> <p>Does not clarify who can use the policy, such as employees, contractors, or volunteers, etc.</p>	<p>A suitable alternative to line manager, i.e. someone that the whistleblower will feel comfortable raising the concern with.</p>	<p>Acknowledges that concerns may relate to line management, and includes alternative contacts, such as nominated officers or a whistleblowing hotline. The role and operation of the hotline is explained.</p> <p>Contacts will be matched to the issue being raised, i.e. a fraud officer to report suspected cases of fraud.</p> <p>Explains who can use the policy, such as employees, contractors and volunteers, and where arrangements for non-departmental public bodies or agencies are the same or separate.</p>

d Reassuring potential whistleblowers

Guidance should make clear that it is serious misconduct to victimise employees who are preparing to raise a concern, or have done so. Similarly it should make clear that employees who knowingly disclose false information will be subject to disciplinary action.




Poor	Satisfactory	Excellent
None of the 'excellent' criteria are met. The tone of the policy is likely to deter employees from raising concerns.	Some but not all of the 'excellent' criteria are met.	Policy should make it clear that: <ul style="list-style-type: none"><li data-bbox="999 714 1445 819">● Employees will not face sanctions where they honestly believe that their information is true, irrespective of whether their concern is proved unfounded.<li data-bbox="999 837 1445 913">● Providing information that the employee knows to be untrue is serious misconduct and may be subject to disciplinary action.<li data-bbox="999 931 1445 1032">● Deterring employees from raising concerns or victimising them for doing so amounts to serious misconduct and may lead to disciplinary action.

e Addressing concerns and providing feedback

Whistleblowing policies should set out procedures for handling concerns. This will reassure readers that their concerns will be taken seriously and also that wrongdoing can be identified and dealt with appropriately.

The organisation should be clear about the actions it will take to investigate the concerns and the feedback it will be able to provide whistleblowers. Best practice will also give a general indication of the timescales involved in handling concerns, e.g. how long it will take to arrange an initial meeting, provide feedback etc.



Poor	Satisfactory	Excellent
<p>Either</p> <p>Policy does not outline actions that will be taken to investigate concerns;</p> <p>or</p> <p>Procedures set out are confusing and contradictory.</p>	<p>Outlines procedures for handling concerns, i.e. actions taken to record and investigate claims.</p>	<p>In addition to meeting the 'satisfactory' criteria, the policy:</p> <ul style="list-style-type: none"> ● Gives an indication of timescales, e.g. how long before feedback is provided. But explains that this will depend on the nature of the concern. ● Outlines the type of feedback whistleblowers can expect, while respecting the confidentiality of those being investigated. ● Provides clear guidance to managers on how to handle concerns raised by their staff and the specialised training they will receive. This may be published as a separate document.

Criteria on supporting whistleblowers

a Openness, confidentiality and anonymity


Guidance should make sensible and realistic statements about respecting whistleblowers' confidentiality. It should also outline the potential issues that could arise from employees reporting concerns anonymously.



Poor	Satisfactory	Excellent
Either Does not cover anonymity and confidentiality; or Confidentiality is guaranteed; or Employees are encouraged to remain anonymous.	Makes a realistic statement about respecting confidentiality as far as possible. Employees are encouraged, where possible, to put their names to reports made.	While respecting confidentiality, policy outlines instances where this may be compromised, i.e. in matters of criminal/civil law. Advises readers that investigation itself may serve to reveal the source of information. Encourages open disclosure and outlines the key drawbacks to remaining anonymous, i.e. difficulties investigating, providing feedback and protecting an individual's identity. States that anonymous disclosures are preferred to silence about serious wrongdoing.

b Access to independent advice

Employees may need advice where they feel unsure or unaware of how to raise a concern. Guidance should address the point and identify how to contact potential advisers.




Poor	Satisfactory	Excellent
No reference is made to seeking independent advice.	Identifies that there is independent advice available to employees. May refer employees to charities/trade unions etc. but will fail to give specific contact details.	Addresses the point of how to obtain independent advice, and lists possible bodies, e.g. Public Concern at Work, Trade Unions and Professional Associations. Relevant contact details included, e.g. the number for Public Concern at Work and/or a link to their website.

c Options for whistleblowing to external bodies (prescribed persons)

Guidance should make employees aware of how they can raise concerns outside the department, e.g. to an external auditor or regulator. This is a legal obligation for officials in certain circumstances, for example where there is evidence of a criminal act.

Guidance that follows best practice should encourage internal reporting as this is where the concern can be addressed most effectively and employees will receive the greatest protection. However, guidance should identify the procedure for external reporting as well as outline potential bodies that employees can raise concerns with.



Poor	Satisfactory	Excellent
<p>Either</p> <p>Only sets out internal reporting;</p> <p>or</p> <p>Implies employees will face sanctions for raising any concerns externally, e.g. it may threaten disciplinary action;</p> <p>Fails to explain the legal protection for employees making an external disclosure.</p>	<p>Encourages internal disclosure and refers to a number of external bodies to whom disclosure can be made.</p> <p>Refers to legal protection offered under the Public Interest Disclosure Act.</p>	<p>In addition to meeting the 'satisfactory' criteria, policy includes a link to the full list of prescribed persons and lists all those relevant to the organisation.</p> <p>Discusses wider disclosures, i.e. to non-prescribed persons like the media and the risks in making such a disclosure.</p> <p>Readers will be urged to seek specialist advice.</p>



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