



National Audit Office

Report

by the Comptroller
and Auditor General

Making a whistleblowing policy work

Summary

1 Whistleblowing is when an employee raises a concern about wrongdoing or malpractice in the workplace that has a public interest aspect to it. Officially this is called ‘making a disclosure in the public interest’. GOV.UK defines whistleblowing as “when a worker reports suspected wrongdoing at work”.¹ These wrongdoings can be related to a range of issues, such as social care and clinical failings, financial mismanagement and environmental damage. Whistleblowing is important to protect and reassure the workforce, and to maintain a healthy working culture and an efficient organisation.

2 Whistleblowing has become much more high profile in recent years: as well-publicised cases such as Hillsborough and the Mid Staffordshire NHS Foundation Trust inquiry have shown. A greater public need for transparency, coupled with wider access to knowledge and information, and its dissemination through social and other media, mean that there is an increasing scope to uncover and report on wrongdoing.

Our scope

3 In the first phase of our work on whistleblowing we evaluated the whistleblowing policies of 39 government bodies and highlighted good practice. However, having a policy in place is only the first step. For whistleblowing to work, the culture of an organisation needs to support and enable the systems, structures and behaviours through which it can work effectively. In this report we have examined:

- **systems** to support whistleblowing arrangements, including the clarity of governance arrangements and the availability of intelligence (Part Two);
- **structures** that are in place to enable whistleblowing, particularly through complex delivery chains (Part Three); and
- **behaviours** to support and enable a positive environment in which whistleblowing is accepted (Part Four).

¹ Information published online by GOV.UK, available at: www.gov.uk/whistleblowing/overview

4 To examine these areas in more detail we worked with stakeholders, including Public Concern at Work to identify good practice, and drew on the experience of a number of whistleblowers. We also drew on the experience of five departments. For each department we focused on a specific area to help us illustrate our findings:

- complex delivery landscapes – Department for Education and Department of Health;
- large-scale operations – HM Revenue & Customs and Department for Work & Pensions; and
- an improving picture – Ministry of Defence.

Key findings

Systems: accountability and governance

5 There is no strategic cross-government lead for whistleblowing. This means that some departments may not attach the same importance to maintaining and embedding their whistleblowing arrangements. They may also not know current thinking as to what good policy and practice looks like.

6 Internal ‘checks and balances’ are a powerful tool in providing oversight and these could be better exploited. We found strong evidence that audit committees and internal audit play important roles in whistleblowing processes, but there is scope to improve the role they play in their independent scrutiny of whistleblowing arrangements and provide assurance to senior management, stakeholders and employees.

7 Some systems are more mature than others when collecting, coordinating and disseminating intelligence. The most powerful systems were those that could analyse numbers and types of cases, both to understand whether handling arrangements were effective, and to identify more systemic ‘threats and opportunities’ to improve processes and procedures.

Structures: complex delivery model landscapes

8 The departments we examined are effective at promoting internal routes to blow the whistle, but external routes for employees are less clear. We found departments offer a range of appropriate contacts internal to an organisation, but were less consistent in explaining how an individual could raise their concerns externally, and still be protected under the Public Interest Disclosure Act 1998. Departments, and their arm's-length bodies, do not consistently promote the role of prescribed persons.

9 Government delivery is becoming more devolved, introducing complexity into the process for raising concerns and monitoring cases. Departments overseeing complex structures must be aware of these risks, and ensure that this does not reduce effective oversight of whistleblowing. There is the risk that employees at 'arm's-length' to departments are not aware of their rights and do not know how to blow the whistle, and that any concerns, and thus intelligence, is dispersed across the delivery chain.

Behaviours: tone from the top of the organisation, staff awareness and confidence

10 We found a good level of commitment and awareness across departments that whistleblowing is important. Departments had generally put their own improvement plans in place, independently revisiting and revising their arrangements.

11 Departments used a variety of techniques for promoting whistleblowing arrangements and while awareness levels among staff generally compared favourably to the civil service benchmark, overall they should be higher. Just two-thirds of staff are aware of how to raise a concern, which means there is a risk that staff are not reporting concerns. Departments can do more to ensure that staff feel more confident in coming forward, and more to inform staff of how effective their investigation of cases has been.

Recommendations

Recommendations for central government

a Central government should appoint a strategic lead to:

- bring together existing intelligence to act as the central point for high-level statistics;
- work with existing bodies to oversee and support the dissemination of good practice guidance on whistleblowing arrangements; and
- take responsibility for working with existing bodies to oversee and support the delivery of training programmes and actively promoting good professional conduct.

This role could sit within a department that has a 'gold standard' approach to whistleblowing.

Recommendations for public sector organisations overseeing devolved delivery partners in receipt of public funds

- b Organisations should ensure whistleblowing arrangements are clear and are communicated, by:**
- sharing their own policies and procedures with their delivery partners so that these organisations know of, and are attuned to, the standards of conduct of public business that taxpayers expect;
 - including details of any central hotlines or reporting sources, so all employees are aware of them; and
 - reviewing their delivery partners' arrangements so they are coherent.
- c Sponsor organisations should encourage intelligence held by delivery partners to be shared with them, so they are able to exercise efficient oversight to:**
- identify trends, possible system failures or specific issues;
 - collect, analyse, and disseminate lessons learned and common risks; and
 - target areas of risk for which there are weaknesses in controls or where staff need training.

Recommendations for all public sector organisations

- d Organisations should make sure that existing governance mechanisms are being exploited to optimal effect in relation to whistleblowing, by defining and clarifying the relative responsibilities of:**
- internal audit;
 - audit committees; and
 - human resources.

- e **Organisations should promote policies and procedures to raise the awareness of staff, and keep them up to date with current thinking and best practice. Organisations should:**
 - create an open and accountable culture with those at the top taking a lead on the whistleblowing policy to show that concerns will be taken seriously – nominating a senior officer to promote the arrangements will contribute to this aim;
 - ensure their policies cover the key factors that should be included in a whistleblowing policy;
 - review their arrangements periodically; and
 - introduce appropriate training at all levels on the whistleblowing arrangements and legislation.
- f **To reassure the workforce, organisations should publish, internally and at a high level, the number and type of cases they have received, and also the results to:**
 - enable employees to see the results of cases investigated; and
 - promote a positive message about whistleblowing.

When publishing information, protocols should be in place to ensure there is no risk that a whistleblower's identity will be revealed.