

TIME TO TRANSFORM:

Insights from Protect's
Third Sector pilot assessing
whistleblowing standards

May 2020



WHO WE ARE

Protect is the UK's leading whistleblowing organisation. Since 1993, our free, confidential Advice Line has been supporting whistleblowers who wish to speak up about workplace wrongdoing. Each year our advisers handle more than 3,000 cases, and to date we have supported around 40,000 whistleblowers.

In addition to our Advice Line, we work with many diverse organisations offering training and consultancy to help them realise the benefits a good whistleblowing culture brings.

We believe whistleblowing is a good thing - it protects the public interest, helps employers identify and manage risk and holds organisations to account. We want more people to speak up, to stop harm.

WHAT WE DO

Protect aims to make whistleblowing work for individuals, organisations and society in the following three ways:

Advice Line provides free and confidential information and advice to around 3,000 whistleblowers each year

Training and consultancy
We work with organisations to instil best practice

Campaigning
We campaign for legal and policy reform to better protect whistleblowers

INTRODUCTION

Two years on from the Oxfam scandal and the firm commitment that followed from the Charity Commission to improve support for whistleblowers, is the sector learning from its mistakes? Are charities realising the need for a change of approach to whistleblowing?

The Charity Commission, the regulator for the Third Sector, has acknowledged it hasn't always got it right when it comes to whistleblowing. Vowing to change its approach, it has acknowledged 'The intelligence that we get from whistleblowers can be vital in helping us to protect charities from financial loss, safeguarding and many other serious risks.'

Commission Chief Executive Helen Stephenson said, "We want to make it easier for charity workers and volunteers to draw serious concerns about their charity to our attention, particularly where the charity's trustees and senior management team aren't addressing them."

The Charity Commission have also promised more support to charity workers, and in May 2019 commissioned Protect to run an advice line (as an initial pilot) for charity workers, which at the time of this report is still ongoing.

Around a fifth of the calls to Protect's Advice Line were from the charity sector in 2019. Staff and volunteers contact us when they see bullying and discrimination impacting on workers or clients, conflicts of interest going unchallenged, funds going missing or vulnerable people at risk of harm. Of the 427 cases, the top concerns were: working practices (27%), ethical concerns (24%), financial misconduct (20%) and safeguarding (12%).

We can also report that in January and February 2020 our Advice Line dealt with 180% more charity sector cases than during the same period last year.

Whilst it is, of course, encouraging that the Charity Commission is taking steps to help the sector, what we are hearing via our Advice Line is that many charity workers are still feeling very scared about raising concerns with their employer. There's a lot to do to restore trust. And there is much more charities themselves need to do when handling and investigating concerns.

Our pilot offered a small cohort of charities the chance to test their whistleblowing culture using our Benchmark whistleblowing tool. The detailed findings are set out below, but the headline is that **only 20% of charities provide staff training on whistleblowing**. More worryingly, **86% of charities do not train the staff** accountable for receiving and acting on concerns.

We recognise our pilot is small in scale, but nonetheless believe it reflects many of the issues facing charities. As whistleblowing experts, we want to be part of what we hope is the start of a transformation in the sector - and for more of the thousands of charities across the UK to recognise that whistleblowers play a vital role to their organisation and society at large.

Elizabeth Gardiner

Chief Executive



WHY WE LAUNCHED THE PILOT

Our Advice Line handles around 3,000 cases each year, from workers from all sectors, seeking advice on a wrongdoing they have seen or heard in their organisation. We know from our Advice Line that many charity workers do not feel safe about speaking up or are not confident their concerns will be listened to. Trust is still very much a thorny issue.

In the last three years calls to our Advice Line from the charity sector have risen from 12% in 2017 to 19% in 2019. We see this as a positive, but in a sector so vast in size there is still some way to go to encourage more workers to speak up, for them to feel safe about doing so, and for charities to change their approach and culture to whistleblowing.

We wanted to offer a small cohort of charities our Benchmark tool to test their organisation's whistleblowing culture. In October 2019 more than 40 charities participated in a round table and panel debate where we launched the Third Sector pilot. Delegates were then invited to sign up to the pilot, with 20 charities completing the Benchmark through self-assessment. The pilot participants agreed their results would be collectively and confidentially analysed for this report.

“Whistleblowing is an essential component of safeguarding, so it’s encouraging to see organisations taking action to understand how effective their whistleblowing systems are. Many organisations have, or are in the process of appointing whistleblowing champions and teams to ensure the right arrangements are in place for staff to speak up. This will help make staff feel safe and confident that any complaints or concerns raised will be dealt with appropriately and they will not be victimised.

Getting whistleblowing right starts with having good governance and policies, but it has to go further than that and this means providing training so staff know their responsibilities and by creating a culture where speaking up is championed.”

Stephanie Draper, CEO at BOND

“I welcome any work that is undertaken to strengthen whistleblowing processes in charities. The findings of the pilot are interesting however the report looks at a small group of the largest charities by income, representing a tiny percentage of the sector, so generalisations cannot be made from this information alone. I hope that this report leads to further work that will support charities of all sizes that want strengthen their whistleblowing practice.”

Kristiana Wrixon, Head of Policy at ACEVO

PILOT PARTICIPANTS

Aga Khan Foundation
Centrepont
Christian Action Housing Association
Garden House Hospice Care
Islamic Relief Worldwide
Leonard Cheshire
MacIntyre
Malaria Consortium
Marie Curie
Mind
Royal Voluntary Service
RSPB
Save the Children UK
Scottish Association for Mental Health
Spurgeons - children's charity
Stonewater
Thames Hospice
The Children's Society
United Response
Wellcome Trust

WHISTLEBLOWING AND SAFEGUARDING – THE SAME DIFFERENCE?

We found that many charities were aware of safeguarding, but fewer had considered whistleblowing in any depth. So, what's the difference?

Legally speaking, whistleblowing disclosures or concerns cover a wide range of public interest wrongdoing. These categories of wrongdoing are: criminal offences; risks to the health and safety of individuals; miscarriages of justice; damage to the environment; breaches of legal obligations and cover-ups of any of these.

Safeguarding includes raising concerns about the health and safety of vulnerable individuals. Many charities have well established safeguarding procedures and clear routes for staff and volunteers to follow if a vulnerable child or adult is at risk of abuse, harm or neglect. Unlike whistleblowing more generally, there is no presumption that someone raising a safeguarding concern is entitled to have their name kept confidential – in safeguarding matters the needs of the at-risk individual are paramount.

Whistleblowing arrangements will support rather than undermine safeguarding procedures.

Whistleblowing law protects individuals from detriment or dismissal for raising their concerns whether internally to their employer, externally to a regulator or (if legal tests are met) to the wider public. Protect's view is that anyone who raises a concern – including a safeguarding issue – should be thanked and not victimised for doing so, even if they turn out to be mistaken.

CHALLENGES CHARITIES TOLD US THEY'RE FACING

QUESTIONS WE ASKED

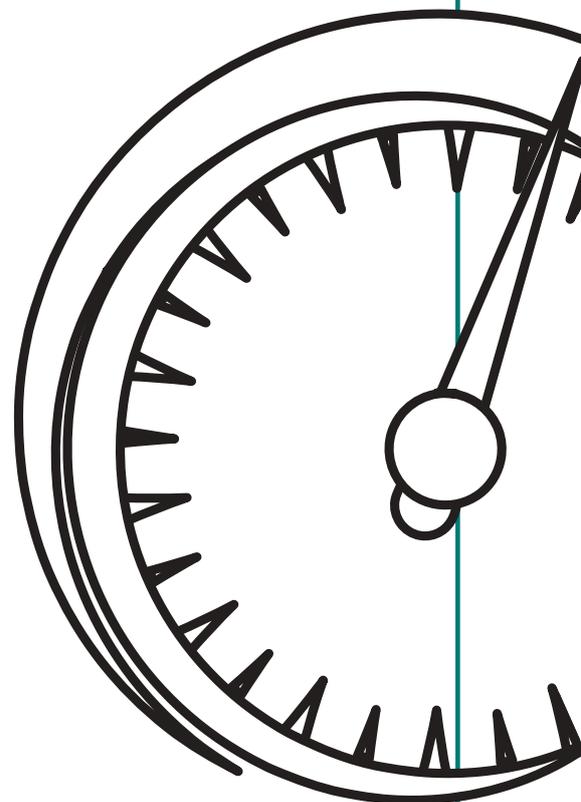
- What are some of the key challenges when fostering a positive speak up/listen up culture?
 - Given line managers are usually the first to hear a concern, how does your organisation prepare them for managing these?
 - *What training is provided?*
 - *How is success managed in this respect?*
 - How does your organisation encourage, respond to and protect those who raise concerns?
 - How do you reconcile your safeguarding processes with your whistleblowing processes?
- Trust
 - Staff not feeling supported
 - Confusion around grievance procedures vs whistleblowing procedures
 - The constant challenge of awareness building and training - not just to line managers but volunteers and agencies too
 - Lack of reporting/management structure for concerns to be heard
 - Lack of feedback after raising a concern
 - Lack of an overarching global approach for multi-national charities and cultural differences
 - Being a small organisation has issues, as does being a large and complex charity
 - Having concerns listened to, acted on and taken seriously

OUR BENCHMARK TOOL

Unique, the first of its kind and not fixated on numbers, Protect's Benchmark helps an organisation test its culture and find out how effective its whistleblowing set up is.

Numbers alone are not an effective measure of arrangements. The Benchmark instead focuses on how arrangements are structured, engagement with staff and how whistleblowing works in practice day-to-day.

Through a self-assessment of very detailed questions over three core areas – **governance, engagement and operations** – the Benchmark helps to identify gaps, providing an organisation with an action plan on how to improve.

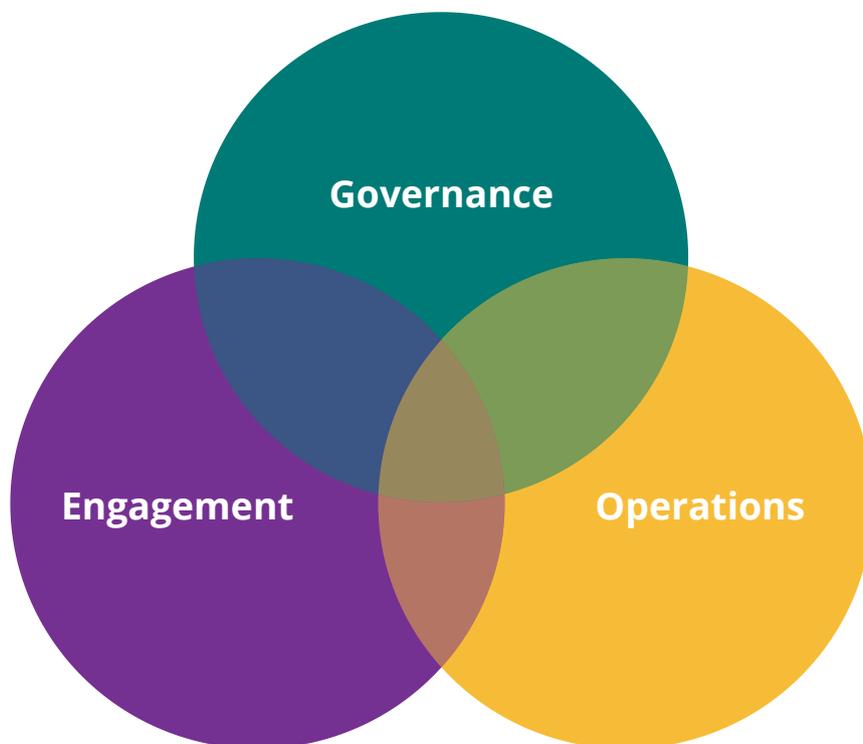


BENCHMARK CORE AREAS

Protect's Benchmark is a framework of best practice whistleblowing standards. It covers three core areas: Governance, Engagement and Operations.

There are 34 standards in total, and for each standard, an organisation scores itself between 0-3. The Benchmark assessment tool outlines what each of these scores looks like, and suggests possible evidence to use when justifying the score.

The assessment is completed online.



USING OUR BENCHMARK TOOL

All 20 pilot participants without exception found the Benchmark exercise extremely insightful. One even chose the novel approach of asking their chief executive, a trustee and HR colleague to complete the Benchmark exercise separately which revealed interesting gaps in organisational knowledge, with the trustee knowing far less than expected, an overly positive chief executive and a balanced HR colleague.

Some commented that the Benchmark may not work as well for charities where there are cultural differences, such as those who operate in different countries overseas.

“There is huge value working through the tool as it opens internal debate, such as do we do internal training? Why don’t we? Makes you realise what needs to be done.”

“We tried to be really honest as well as quite harsh and found the process really useful. It made us really think as well as realise we weren’t as far along as we had previously thought. But now we have an action plan.”

“The Benchmark was a useful framework. We knew we were never going to get a high score, but it gave ideas for us to think on and we now have an action plan which is very comprehensive.

... had we not done the exercise as we wouldn't have known what to do or think about.”

“The key is to be honest and brutal. Sometimes a low score is good. The numerics are useful as we can set KPIs around it. We have agreed with internal audit to use this as a basis to assess where we are at.”

PILOT FINDINGS

Twenty mid to large size charities took part in the pilot between October 2019 and January 2020. Each charity self-assessed across three core areas of the Benchmark - **governance**, **engagement** with staff, and day-to-day **operations**.

Data from the pilot was then analysed against a larger data set of diverse group of organisations* who had previously completed the Benchmark.

The below table compares the overall Charity Pilot scores with our total Benchmark scores to date. More robust speak up arrangements, higher the score.

Governance	Charity Pilot	Total Benchmark Group	Difference
Accountability	43%	61%	-18%
Written Policy and Procedures	72%	81%	-10%
Review and Reporting	28%	50%	-22%
Total	52%	68%	-15%
Engagement			
Communications	19%	40%	-21%
Training	8%	35%	-27%
Total	16%	39%	-23%
Operations			
Support and Protection	34%	51%	-17%
Recording and Investigations	44%	63%	-19%
Resolution and Feedback	38%	55%	-18%
Total	37%	55%	-18%

*It should be pointed out some of these organisations include financial service and health organisations which are heavily regulated and who will therefore score more highly in certain areas.

POSITIVE FINDINGS

Looking in more detail across the three key Benchmark areas – Governance, Staff Engagement and Operations, the Pilot uncovered the following trends amongst the participating charities.

Most charities put in place governance structures to deal with whistleblowing with 90% appointing a whistleblowing team and lead*.

It is encouraging that 62% of charities appoint a whistleblowing champion** with oversight for the effectiveness of an organisation's whistleblowing arrangements, particularly because there is no requirement to do so outside of financial services and the health sector.

62% charities appointed a whistleblowing champion

90% charities appointed a whistleblowing team

*A Whistleblowing Team or Lead is designed to have operational responsibility for the arrangements, including policy, procedure, receiving concerns and organising investigations.

**A Whistleblowing Champion is a role required in organisations regulated by the Financial Conduct Authority (FCA). However, it is also being adopted by many organisations in other sectors. Primarily it is a role (often Non-Executive) designed to oversee the arrangements, how they are working, and challenge the Executive.

All charities in the pilot had a whistleblowing policy with 67% reviewing the policy every three years and 33% annually.

Data showed 81% of charities took a zero tolerance approach to victimisation saying they would treat it as a disciplinary matter.

Assurances around confidentiality scored 67% but only 38% reported addressing a confidentiality breach.

100% charities
had a written
whistleblowing
policy

81% had zero
tolerance approach to
victimisation recorded
in their policy

67% charities
reported providing
assurances around
confidentiality

AREAS FOR IMPROVEMENT:

Victimisation, staff wellbeing and reviews of operations

None of the charities monitored the risk of victimisation through a feedback or aftercare process to monitor the wellbeing of staff who had raised workplace concerns.

Whilst positive 62% of charities in the pilot conducted reviews on how well their whistleblowing/speak up arrangements were working, only a disappointing 19% reported acting on these recommendations.

Only **5%**
of charities
achieved best
practice in relation
to confidentiality

19%
charities acted on
recommendations
from reviews of their
whistleblowing
arrangements

AREAS FOR IMPROVEMENT: Whistleblowing vs grievance confusion

While all organisations that participated in the Benchmark pilot indicated that they had whistleblowing policies in place, only 52% of organisations clearly differentiated between whistleblowing concerns and grievance/HR issues.

A lack of clarity on these issues makes it harder for staff to know what process to use to raise issues and could impact how issues are triaged within an organisation.

It is important that organisations understand the key differences between whistleblowing and grievance issues and the potential for issues to cross over between the two categories. Charities should ensure that if an individual is unsure of which process to use, they can still ultimately raise their concern and the organisation will appropriately handle it.

Just **52%** of charities reported differentiating between whistleblowing and grievances

AREAS FOR IMPROVEMENT: Lack of training

Training staff on whistleblowing is poor with 90% of charities in the pilot failing to give training to line managers, and 86% not giving any training to staff responsible for whistleblowing.

However, 20% of charities said they did provide training.

86%
charities did not
train accountable
personnel

90%
charities
did not train line
managers on
their role

AREAS FOR IMPROVEMENT:

Staff awareness and confidence levels

For the whistleblowing set up to be effective, staff need to be aware of channels they can use to raise their concerns. Many pilot participants failed to test staff awareness and confidence in existing speak up arrangements.

62%

charities did not test awareness of the arrangements

76%

charities did not test staff confidence levels

AREAS FOR IMPROVEMENT: Giving feedback and recording procedures

When it comes to giving feedback to a member of staff who has raised concerns, charities scored particularly poorly with just 5% capturing feedback from the whistleblower.

Regular reviews of whistleblowing procedures did not score that highly for many charities with just 24% of charities reviewing how they monitored whistleblowing for overall consistency.

Only **24%**
reviewed
recording processes
to ensure
consistency

Only **5%**
of charities
reported capturing
feedback from
whistleblowers

CONCLUSIONS

The pilot, although small in scale, may be indicative of many of the issues facing the sector.

Much more is needed to restore trust in the charity sector, and our findings on attitudes to keeping whistleblowers' names confidential and on victimisation are revealing. If whistleblowers are not given assurances about confidentiality, and if no action is taken when victimisation occurs, others will not be encouraged to speak up. Too many charities have no idea whether their staff have confidence in the whistleblowing arrangements and do not seek feedback from those who have raised concerns.

It appears that many of our pilot group participants are on the start of their journey: they have the policies in place, but they have yet to train all their staff, test their effectiveness or reflect on the experiences of whistleblowers and their needs.

This is not a criticism: those in the pilot group are the engaged charities who already understand the value of whistleblowing and are keen to learn more about best practice. In our view, a much wider scale pilot would mean raising greater awareness to the charities across the UK about the benefits of robust whistleblowing arrangements.

Meanwhile, we will maximise the pilot findings and work with pilot participants to spread the word about their positive experience working with Protect and going through our Benchmark process.

Over 2020, we hope to work with many more charities and build on this learning. Do contact us for more information about our training, consultancy and Benchmark tool.

WHAT NEXT?

We have one goal for our pilot - to help the Third Sector recognise an effective whistleblowing culture. Protect is a critical friend to the sector, helping to transform ineffective practices and set ups, which is why we are:

Calling on the 20 charities who benefited from this pilot, to spread the word about its benefits to 5 or more charities they may work closely with

Encouraging at least 100 charities to transform their approach to whistleblowing and undergo Protect's Benchmark to assess their speak up culture

#100charities
#TimeToTransform

Find out more: protect-advice.org.uk/time-to-transform



protect-advice.org.uk

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