

Submission to the Call for Evidence on The Whistleblowing Framework (Department of Business, Innovation, & Skills July 2013)

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Executive Summary

This paper draws on data (868 cases) from the Public Concern at Work advice line database. In particular, it examines how successful whistleblowing was when a concern was raised with a regulator, in comparison with other recipients of whistleblower concerns.

Our findings make it plausible to conclude that whistleblowing to a regulator results in more successful whistleblowing compared to internal and other external recipients. Overall, it is safer and has a better chance of effecting action to stop wrongdoing.

Hence, our conclusion is also that the option taken in the Public Interest Disclosure Act to identify regulators and prescribed persons as designated recipients external to an organisation, and acting on the public's behalf should be maintained.

However, our findings also suggest this system can be improved, so that regulators perform better in their role. Problems and recommendations identified in our research are listed in the table below.

These findings and recommendations are relevant to questions 16, 17, 18, and 19 in the BIS Call for Evidence on The Whistleblowing Framework (July 2013).

Problems	Recommendation
A substantial number of whistleblowers indicated that nothing was done about the wrongdoing after they raised their concern with a regulator.	Regulators should be required to take some kind of action when a concern is raised with them. Regulators ought to publish statistics on concerns raised by whistleblowers, and the action taken by them, in their annual reporting processes.
Raising concern with a regulator does not result in less formal reprisals by management in the organisations where whistleblowers work.	Regulators should also act explicitly on their role in fostering whistleblower safety, and should be mandated to intervene on possible reprisals against whistleblowers who raise their concern with them ¹ .
There seem to be significant differences between industry sectors in terms of the percentages of whistleblowers who find their way to a regulator to raise their concern.	A 'best practice' model for regulators should be developed for regulators on how to engage better with whistleblowers, where different regulators can learn from each other. benchmarking information should also be collected and widely disseminated.
Overall, given the rationale of the 3-tiered model, far too many whistleblowers keep on trying to raise their concern internally.	The above improvements should be followed by a general campaign on raising awareness about available routes and advice for whistleblowers. Greater clarity and speed in updating the list of prescribed persons could help.

¹ See Parliamentary Commission on Banking Standards where this idea has been developed and it is recommended that regulators should consider compensating whistleblowers who have suffered reprisal and/or dismissal

Blowing the whistle to a regulator: How successful is it?

Wim Vandekerckhove² & Cathy James³

In this paper, we define whistleblowing as workers raising a concern about wrongdoing in their workplace to persons or organizations that may be able to effect action.⁴

Whistleblowing has been most extensively studied with a focus on the whistleblower.⁵ The lack of consensus about a clear whistleblower profile has called for research to focus on recipients – those persons or organizations whistleblowers raise their concern with, hoping they can effect action to stop the wrongdoing.

Recipient focused research can help in identifying routes for more successful whistleblowing. Whilst most campaigning in the context of whistleblowing has emphasised the importance of protecting whistleblowers – making it safe for people to raise a concern – it is just as important to make whistleblowing more effective.⁶ Hence we define successful whistleblowing as raising a concern that results in 1) managerial responsiveness to the primary concerns aired by the whistleblower about wrongdoing; and 2) managerial ability or willingness to refrain from, or protect the whistleblower against, retaliation or reprisals for having aired those concerns.⁷ In other words, successful whistleblowing is both safe and effective.

Research shows that whistleblowing is a process that almost always starts with a worker raising a concern inside their organisation, and most whistleblowers never proceed beyond the internal phase. For example, research in Australia showed that 90% of those who had blown the whistle had only done so inside their organisation, 7% had done so externally only after they had raised their concern inside their organisation, and only 3% had immediately blown the whistle externally.⁸

Legislative developments in the UK and Australia show a conceptually 3-tiered model⁹ that distinguishes one internal and two external levels of whistleblowing. The 3-tiered model describes a

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⁴ This definition is based on Near, J.P. and Miceli, M.P., 'Organizational dissidence: The case of whistle-blowing', *Journal of Business Ethics*, 1985, 4(1), 1-16.

⁵ Valuable reviews of that research can be found in:

Mesmer-Magnus, J.R. and Viswesvaran, C., 'Whistleblowing in organizations: An examination of correlates of whistleblowing intentions, actions, and retaliation', *Journal of Business Ethics*, 2005, 62(3), 277-297.

Miceli, M.P., Near, J.P. and Dworkin, T.M., *Whistle-blowing in organizations*, New York: Routledge, 2008.

⁶ Near, J.P. and Miceli, M.P., 'Effective Whistle Blowing', *Academy of Management Review*, 1995, 20(3), 679-708.

Near and Miceli define effectiveness as 'the extent to which the questionable or wrongful practice (or omission) is terminated at least partly because of whistle-blowing and within a reasonable time frame'.

⁷ This definition is taken from Vandekerckhove, W., Brown, A.J. and Tsahuridu, E.E., 'Managerial responsiveness to whistleblowing', in A.J. Brown, R. Moberly, D. Lewis, and W. Vandekerckhove (eds) *International Whistleblowing Research Handbook*, Cheltenham: Edward Elgar, 2014 forthcoming.

⁸ Brown, A.J. (ed), *Whistleblowing in the Australian public sector: Enhancing the theory and practice of internal witness management in public sector organisations*, Canberra: ANU E Press, 2008.

⁹ Vandekerckhove, W., 'European whistleblower protection: tiers or tears?', in D. Lewis (ed) *A Global Approach to Public Interest Disclosure*, Cheltenham: Edward Elgar, 2010, 15-35.

balanced approach to the public disclosure of information about organisational wrongdoing and the organisational interests in keeping such information out of the public realm. In its first tier, which is internal, the information does not leave the organisation. In the second tier, the whistle is blown to an external agent acting on behalf of the wider society. This second tier includes regulators and other prescribed persons. The third tier is also an external one, but here information is disclosed as directly as possible to the wider society, e.g. through media.

What distinguishes the second from the third tier is that information given to regulators (second tier) does not necessarily reach the wider public. The second tier often will only be accessed when first tier whistleblowing (internal) is unsuccessful, or in other words, when the organisation fails to correct the wrongdoing for which it carries responsibility, or fails to deal adequately with the concern being raised and the person raising it. Hence, the second tier holds organisations accountable for dealing adequately with discovering and correcting 'their own' wrongdoing. Only if organisations are not able or willing to do that, does the second tier recipient (regulator) intervene. The second tier recipient acts on behalf of society but does not give full details of when and how it does so. Nevertheless, in an ideal world, this second tier recipient (regulator) would investigate and take action in relation to the wrongdoing and would also look into the treatment of the person raising concern.

The third tier (the public or wider society) functions as a watchdog over second tier recipients should these not take action. In short, the principle of the 3-tiered model is not that organisations become directly accountable to the wider society for their practices, but that they are held accountable for dealing adequately with concerns being raised with them and the persons raising them.

This paper offers an empirical ground for assessing how successful this second tier (regulatory) disclosure is in the UK. We use data from a joint research project by University of Greenwich and Public Concern at Work (*Whistleblowing – The Inside Story*)¹⁰, collected from the Public Concern at Work advice line. We use this data to answer the following research questions:

- 1) Who raises a concern about organisational wrongdoing with regulators?
- 2) How safe is it to blow the whistle to a regulator?
- 3) Is blowing the whistle to a regulator effective in stopping or investigating the wrongdoing?

The structure of this paper is such that the next section explains the method of data collection and analysis, thereafter we deal with the three research questions. We end the paper with conclusions and recommendations.

Methodology

This research has been approved by the University of Greenwich Research Ethics Committee (Ref 11/12.3.5.21). The research is independent. It was funded by Public Concern at Work and the Work and Employment Relations Unit (WERU) of the University of Greenwich.

The data used for this paper was collected from 1,000 cases in the Public Concern at Work (PCaW) advice line database. The PCaW advice line was set up in 1993 to help workers who wanted to raise or had raised a concern in their workplace or to external recipients. Since 1993, PCaW has advised

¹⁰ Public Concern at Work, *Whistleblowing – The Inside Story*, London: Public Concern at Work, 2013.

over 16,000 whistleblowers. Individuals can call the PCaW advice line free of charge. PCaW advisers ask about the nature of the concern, how serious it is, whether it is on-going, why a caller is trying to raise the concern, who they have raised it with and how it has been received by colleagues or managers. This is in addition to seeking information about the structure of the employing organisation and the nature of the caller's working relationships. PCaW also advises on the Public Interest Disclosure Act 1998 (PIDA),¹¹ the law that protects whistleblowers in the UK.

Each time an individual contacts the PCaW advice line, advisers take notes on the nature of the concern and the unique situation of the whistleblower. These notes are then entered on case files in the PCaW database. Thus, for each caller, PCaW has an advisor's narrative of each caller's whistleblowing journey.

We did a content analysis of 1,000 of these narratives, ranging between August 2009 and December 2010, to avoid using case files from on-going cases.¹² We only included entries where the contact with the whistleblower was by phone. We excluded entries where the call for advice came from those other than the whistleblower. We further excluded entries where there was no information on the type of wrongdoing or type of organisation the whistleblower was working for.

The coding method was developed by the University of Greenwich (UoG) researcher in collaboration with a number of staff from Public Concern at Work (PCaW). For confidentiality reasons, a PCaW staff member coded the narratives. Between March and July 2012, the UoG researcher and the PCaW staff member independently coded the same 90 narratives (these were first cleared by PCaW from any identifying content for reasons of confidentiality in relation to the users of the advice line). The UoG researcher and PCaW staff member first coded 20 and then 30 narratives to develop the code book. A further 10 narratives were double-coded at three subsequent instances to gain a shared understanding of the coding categories and to ensure consistency. At each instance differences in coding would be discussed and clarified. The PCaW staff member would then go back and recode the narratives already entered into the research database. A shared understanding was reached after the third session. A final double coding of 10 random narratives at the end of July 2012 revealed no differences.

Data entry by the PCaW staff member was finalised at the end of October 2012. The UoG researcher then analysed the data using SPSS¹³. All variables were treated as nominal. It is important to point out that this data is secondary data. The narratives were written by PCaW advisers for the purpose of giving advice, not for research purposes. The implication of this is that not every case included data for all variables.

In 868 of the 1,000 cases we analysed from the PCaW advice line a concern was actually raised and in 132 cases an intention to raise a concern was expressed. The top five industries from the data were: care with 134 cases (15.4%); health, with 131 cases (15.1%); education with 96 cases (11.1%);

¹¹ The relevant provisions are now located in Part IVA of the Employment Rights Act 1996 (as amended)

¹² For more on this project and an overview of data, see Public Concern at Work, *Whistleblowing - The Inside Story*, London: Public Concern at Work, 2013. See also Vandekerckhove, W. and James, C., 'Whistleblowing to the unions: How successful is it?', *e-journal of Comparative and International Labour Studies*, (Oct 2013).

¹³ Explain SPSS??

local government with 61 cases (7.0%); and charities, with 80 cases (9.2%). Financial services was sixth with 56 cases (6.5%).

One of the variables we coded was who whistleblowers had raised their concern with. Possible values were: with the wrongdoer, line manager, higher manager, grievance procedure, specialist channel (audit, compliance, hotline), regulator, union representative, independent bodies (police, MP, NGO), media, unknown.

For the purposes of this paper, this variable was recoded into internal recipient (wrongdoer, line manager, higher manager, specialist channel, grievance); regulator; and external recipient (union, independent bodies, media). Cases where this variable was 'unknown' were excluded from the dataset used for this paper.

Following an emerging stream within whistleblowing research that has been gathering data on the multiple recipients whistleblowers raise a concern with, we coded the sequence of recipients whistleblowers have contacted.¹⁴ The narratives in the PCaW database made this relatively easy. We coded the first four times a whistleblower had raised their concern. This resulted in the sample presented in table 1.

Table 1. Frequency of regulator as whistleblowing recipient

Attempt	Internal	Regulator	External
Attempt1 (n=868)	777 (89.5%)	31 (3.6%)	60 (6.9%)
Attempt2 (n=483)	350 (72.5%)	54 (11.2%)	79 (16.4%)
Attempt3 (n=141)	84 (59.6%)	29 (20.6%)	28 (19.9%)
Attempt4 (n=22)	10 (45.5%)	4 (18.2%)	8 (36.4%)

Research Question 1: Who raises a concern about organisational wrongdoing with regulators?

From the 868 cases in our sample, a concern was raised 1,514 times. As can be calculated from table 1, in 118 instances (7.8%) a concern was raised with a regulator. Out of all those who raised their concern with a regulator (118 cases), 26.3% did so at their first attempt, 45.8% at their second, 24.6% at the third attempt, and 3.4% at the fourth.

However, when broken down sequentially, we find that 31 out of 868 (3.6%) raised a concern with a regulator in their first attempt, 54 out of 483 (11.2%) raised their concern with a regulator at their second attempt, 29 out of 141 (20.6%) at their third attempt, and 4 out of 22 (18.2%) at the fourth

¹⁴ For example:

Donkin, M., Smith, R. and Brown, A.J., 'How do officials report? Internal and external whistleblowing', in A.J. Brown (ed) *Whistleblowing in the Australian public sector: Enhancing the theory and practice of internal witness management in public sector organisations*, Canberra: ANU E Press, 2008, 83-108.

Dreyfus, S. and Brown, A.J., 'Traitors, troublemakers, or trailblazers? Preliminary analysis from the World Online Whistleblowing Survey on public attitudes to whistleblowing', Paper presented at the *International Whistleblowing Research Network Conference*, London, July 2013.

Vandekerckhove, W., Brown, A.J. and Tsahuridu, E.E., 'Managerial responsiveness to whistleblowing', in A.J. Brown, R. Moberly, D. Lewis, and W. Vandekerckhove (eds) *International Whistleblowing Research Handbook*, Cheltenham: Edward Elgar, 2014 forthcoming.

attempt. We believe this is a more revealing way to look at the figures, as it shows how relatively few go to a 'prescribed person'.

Most of the whistleblowing in our sample remained internal. Even at their third attempt most whistleblowers (59.6%) raise their concern internally, and at the fourth attempt slightly less than half (45.5%) still do so. Of the 293 whistleblowers who do go external, 175 (59.7%) do not go to a regulator. This number also includes those who continued to raise their concern after they had raised it with a regulator.

Within the framework of the 3-tiered model, these findings suggest that:

- not enough whistleblowers raise their concern with a regulator when internal recipients are not able or willing to stop wrongdoing or make it safe to raise a concern internally,
- it is possible that regulators do not adequately perform or are not able to adequately perform their second tier role to make whistleblowing successful (effective and safe). We go into more detail on this when we answer research questions two and three.

Table 2 shows the occupational level of those who raise a concern with a regulator. Table 3 shows the industry breakdown of those who raised a concern with a regulator people raised concerns with a regulator, and table 4 shows the types of wrongdoing regulators received concerns about.

Table 2. Regulator recipient per occupational level (% of all whistleblowing by this occ. level)

Occ. Level	To regulator 1st attempt	To regulator 2nd attempt	To regulator 3rd attempt	To regulator at 4th attempt
Unskilled	8 (7.1%)	9 (14.3%)	3 (30.0%)	-
Skilled	9 (3.8%)	16 (12.4%)	13 (34.2%)	-
Admin	-	9 (23.7%)	1 (11.1%)	-
Professional	6 (2.5%)	13 (9.1%)	6 (14.0%)	2 (18.2%)
Management	4 (3.2%)	5 (7.1%)	6 (21.4%)	2 (40.0%)
Executive	1 (4.5%)	-	-	-

From table 2 we see that unskilled and skilled workers tend to raise their concern with a regulator more than professionals and those with management responsibilities. Administrative workers tend to raise their concern with a regulator at an earlier stage than the other occupational levels.

Table 3 shows that most of the concerns regulators receive come from the following industries: care, education, financial services, health, local government, and manufacturing.

The industries with comparatively more whistleblowers raising their concern with a regulator are: education, care, local government, financial services, and manufacturing (but not health, although this was top industry in our sample overall).

Compared to the top five industries where most of the whistleblowing in our sample occurred, we can conclude that relatively fewer whistleblowers in the health sector raise their concern with a regulator, but more whistleblowers in the manufacturing sector. Table 4 shows that the most of the concerns raised by whistleblowers with regulators are about the following types of wrongdoing:

patient safety, financial wrongdoing, work safety, abuse in care, public safety, and ethical issues¹⁵. These six are parallel to the top six types of wrongdoing whistleblowers raise a concern about in general (regardless of specific recipient).

Hence these findings suggest that some industries might require specific or extra effort from regulators to receive more of the concerns that whistleblowers are now raising elsewhere.

¹⁵ Obviously, all these types of wrongdoing are ethical concerns. However, when coding our data for type of wrongdoing, we understood category 'ethical wrongdoing' to comprise issues around abuse of position, cronyism, breach of policy, breach of confidentiality, or manipulation of scientific research.

Table 3. Regulator recipient per industry

Industry	Attempt 1		Attempt 2		Attempt 3		Attempt 4	
	% of reg	of indus	% of reg	of indus	% of reg	of indus	% of reg	of indus
Care	19.4	6 (4.5%)	25.9	14 (16.3%)	27.6	8 (28.6%)	50	2 (28.6%)
Charitable	6.5	2 (2.5%)	5.6	3 (7.5%)	6.9	2 (20.0%)	25	1 (33.3%)
Education	32.3	10 (10.4%)	9.3	5 (9.1%)	10.3	3 (23.1%)	-	-
Financial	9.7	3 (5.4%)	5.6	3 (9.1%)	10.3	3 (37.5%)	-	-
Food/Bev	-	-	3.7	2 (14.3%)	-	-	-	-
Central Gov	3.2	1 (14.3%)	-	-	-	-	-	-
Local Gov	9.7	3 (4.9%)	9.3	5 (13.9%)	6.9	2 (18.2%)	-	-
Health	-	-	11.1	6 (7.9%)	3.4	1 (4.3%)	-	-
Housing	3.2	1 (25.0%)	-	-	-	-	-	-
Insurance	-	-	-	-	-	-	-	-
Manufact.	-	-	9.3	5 (25.0%)	10.3	3 (50.0%)	-	-
Pharma	-	-	-	-	-	-	-	-
Police	-	-	-	-	-	-	-	-
Retail	-	-	1.9	1 (6.7%)	3.4	1 (20.0%)	-	-
Science/Tech	-	-	-	-	-	-	-	-
Transport	-	-	3.7	2 (16.7%)	6.9	2 (40.0%)	-	-
Armed Serv	-	-	-	-	-	-	-	-
Quango	-	-	3.7	2 (50.0%)	-	-	-	-
Construction	-	-	-	-	3.4	1 (50.0%)	-	-
Utilities	-	-	-	-	6.9	2 (66.7%)	-	-
Mining/Oil	-	-	-	-	-	-	-	-
Agri/Forestry	3.2	1 (50.0%)	-	-	-	-	-	-
Leisure/Hosp	3.2	1 (5.9%)	3.7	2 (20.0%)	-	-	-	-
Legal Serv	-	-	1.9	1 (33.3%)	-	-	-	-
Other	9.7	3 (3.6%)	5.6	3 (7.9%)	3.4	1 (7.1%)	25	1 (50.0%)
Unknown	-	-	-	-	-	-	-	-
Total	31 (100.1%)		54 (100.3%)		29 (99.7%)		4 (100.0%)	

Table 4. Regulator recipient per type of wrongdoing

Type of wrongdoing	Attempt 1		Attempt 2		Attempt 3		Attempt 4	
	% of reg	of WD type	% of reg	of WD type	% of reg	of WD type	% of reg	of WD type
CCR	-	-	-	-	3.4	1 (33.3%)	-	-
Patient Safety	-	-	16.7	9 (19.6%)	6.9	2 (11.8%)	25	1 (33.3%)
Environment	-	-	-	-	-	-	-	-
Financial WD	12.9	4 (2.6%)	13	7 (8.6%)	13.8	4 (19.0%)	25	1 (20.0%)
Public Safety	19.4	6 (6.5%)	14.8	8 (14.8%)	3.4	1 (6.2%)	-	-
Work Safety	16.1	5 (3.5%)	22.2	12 (15.2%)	37.9	11 (37.9%)	-	-
Abuse in Care	3.2	1 (1.5%)	11.1	6 (15.0%)	10.3	3 (33.3%)	-	-
Discrimination	6.5	2 (10.0%)	-	-	-	-	-	-
Ethical	25.8	8 (5.2%)	11.1	6 (7.6%)	6.9	2 (11.1%)	25	1 (50.0%)
Multiple	9.7	3 (3.8%)	7.4	4 (7.5%)	13.8	4 (22.2%)	25	1 (50.0%)
Other	6.5	2 (4.3%)	3.7	2 (7.4%)	3.4	1 (20.0%)	-	-
Total	31 (100.1%)		54 (100.0%)		29 (99.9%)		4 (100.0%)	

Research Question 2: How safe is it to blow the whistle to a regulator?

Tables 5-7 present our findings on actual responses (hence do not include expected responses) whistleblowers received from managers when they had raised their concern internally, with a regulator, or with another external recipient.

Tables 8-10 present our findings on actual responses from co-workers.

Table 5. Actual responses from management after raising concern (first attempt)

Response		Internal	Regulator	External	Total
No difference	n	441	24	33	498
	%	62.2%	82.8%	63.5%	63.0%
Informal	n	58	2	2	62
	%	8.2%	6.9%	3.8%	7.8%
Blocking resources	n	44	0	1	45
	%	6.2%	0.0%	1.9%	5.7%
Formal	n	82	3	11	96
	%	11.6%	10.3%	21.2%	12.2%
Dismissed	n	63	0	5	68
	%	8.9%	0.0%	9.6%	8.6%
Support	n	21	0	0	21
	%	3.0%	0.0%	0.0%	2.7%
Total	n	709	29	52	790
	%	100.0%	100.0%	100.0%	100.0%

Table 6. Actual responses from management after raising concern (second attempt)

Response		Internal	Regulator	External	Total
No difference	n	190	32	42	264
	%	59.0%	72.7%	63.6%	61.1%
Informal	n	16	1	2	19
	%	5.0%	2.3%	3.0%	4.4%
Blocking resources	n	23	2	1	26
	%	7.1%	4.5%	1.5%	6.0%
Formal	n	47	7	13	67
	%	14.6%	15.9%	19.7%	15.5%
Dismissed	n	40	2	7	49
	%	12.4%	4.5%	10.6%	11.3%
Support	n	6	0	1	7
	%	1.9%	0.0%	1.5%	1.6%
Total	n	322	44	66	432
	%	100.0%	100.0%	100.0%	100.0%

Table 7. Actual responses from management after raising concern (third attempt)

Response		Internal	Regulator	External	Total
No difference	n	49	19	16	84
	%	58.3%	65.5%	57.1%	59.6%

Informal	n	1	0	3	4
	%	1.2%	0.0%	10.7%	2.8%
Blocking resources	n	2	0	1	3
	%	2.4%	0.0%	3.6%	2.1%
Formal	n	12	6	4	22
	%	14.3%	20.7%	14.3%	15.6%
Dismissed	n	17	4	4	25
	%	20.2%	13.8%	14.3%	17.7%
Support	n	3	0	0	3
	%	3.6%	0.0%	0.0%	2.1%
Total	n	84	29	28	141
	%	100.0%	100.0%	100.0%	100.0%

Table 8. Actual responses from co-workers after raising concern (first attempt)

Response		Internal	Regulator	External	Total
No difference	n	535	26	45	606
	%	75.5%	89.7%	86.5%	76.7%
Informal	n	105	0	2	107
	%	14.8%	0.0%	3.8%	13.5%
Formal	n	62	3	4	69
	%	8.7%	10.3%	7.7%	8.7%
Both formal and informal	n	1	0	0	1
	%	.1%	0.0%	0.0%	.1%
Support	n	6	0	1	7
	%	.8%	0.0%	1.9%	.9%
Total	n	709	29	52	790
	%	100.0%	100.0%	100.0%	100.0%

Table 9. Actual responses from co-workers after raising concern (second attempt)

Response		Internal	Regulator	External	Total
No difference	n	254	40	56	350
	%	78.9%	90.9%	84.8%	81.0%
Informal	n	29	1	4	34
	%	9.0%	2.3%	6.1%	7.9%
Formal	n	35	2	6	43
	%	10.9%	4.5%	9.1%	10.0%
Both formal and informal	n	1	0	0	1
	%	.3%	0.0%	0.0%	.2%
Support	n	3	1	0	4
	%	.9%	2.3%	0.0%	.9%
Total	n	322	44	66	432
	%	100.0%	100.0%	100.0%	100.0%

Table 10. Actual responses from co-workers after raising concern (third attempt)

Response		Internal	Regulator	External	Total
No difference	n	65	26	23	114

	%	83.3%	96.3%	92.0%	87.7%
Informal	n	2	0	1	3
	%	2.6%	0.0%	4.0%	2.3%
Formal	n	9	1	1	11
	%	11.5%	3.7%	4.0%	8.5%
Both formal and informal	n	0	0	0	0
	%	0.0%	0.0%	0.0%	0.0%
Support	n	2	0	0	2
	%	2.6%	0.0%	0.0%	1.5%
Total	n	78	27	25	130
	%	100.0%	100.0%	100.0%	100.0%

These findings show that none of the whistleblowers who raised their concern with a regulator received explicit support, except one who received support from co-workers.

A far higher percentage of whistleblowers who raised their concern with a regulator experienced 'no difference' in how they were treated by management, compared to those who raised concerns internally or with another external recipient.

As far as responses from management are concerned, raising a concern with a regulator resulted in less informal reprisals than raising internally or with another external recipient (except at first attempt).

Far fewer whistleblowers who raised a concern with a regulator were dismissed in comparison with those who raised their concern internally or with another external recipient.

However, formal reprisals by management after raising a concern with a regulator remain comparable to the level of formal reprisals experienced by those who raise concerns internally, except at third attempt, where formal reprisals happened mostly to those who raised their concern with a regulator.

With regard to co-workers, whistleblowers who raised their concern with a regulator did not experience a different treatment after doing so, more than those who raised elsewhere, regardless as to whether this was at first, second, or third attempt. They also experienced less informal reprisals than others.

Of those who raised their concern with a regulator at first attempt, more experienced formal reprisals from co-workers than those who raised concerns elsewhere. This was less the case at second and third attempt.

The conclusion from our findings is that with a few exceptions, it is safer for a whistleblowers to raise their concern with a regulator than it is to do so with other recipients, internally or externally. There are less dismissals, and when a whistleblower does not raise the concern with a regulator at their first attempt (in line with the 3-tiered model), doing so at a later stage resulted in less informal or formal reprisal. The only exception is that raising a concern with a regulator at third attempt resulted in more formal reprisals from management.

Research Question 3: Is blowing the whistle to a regulator effective in stopping or investigating the wrongdoing?

Tables 11-13 present our findings on the actions taken with regard to the wrongdoing after raising a concern with a regulator at the first, second, and third attempt.

Table 11. Action taken with regard to wrongdoing after raising concern (first attempt)

Response		Internal	Regulator	External	Total
Nothing is done	N	634	20	45	699
	%	81.6%	64.5%	75.0%	80.5%
Investigating (no expect.)	N	62	1	3	66
	%	8.0%	3.2%	5.0%	7.6%
Investigating (good expect.)	N	49	10	9	68
	%	6.3%	32.3%	15.0%	7.8%
Stopped	N	32	0	3	35
	%	4.1%	0.0%	5.0%	4.0%
Total	N	777	31	60	868
	%	100.0%	100.0%	100.0%	100.0%

Table 12. Action taken with regard to wrongdoing after raising concern (second attempt)

Response		Internal	Regulator	External	Total
Nothing is done	N	286	32	55	373
	%	81.7%	59.3%	69.6%	77.2%
Investigating (no expect.)	N	31	3	5	39
	%	8.9%	5.6%	6.3%	8.1%
Investigating (good expect.)	N	20	17	16	53
	%	5.7%	31.5%	20.3%	11.0%
Stopped	N	13	2	3	18
	%	3.7%	3.7%	3.8%	3.7%
Total	N	350	54	79	483
	%	100.0%	100.0%	100.0%	100.0%

Table 13. Action taken with regard to wrongdoing after raising concern (third attempt)

Response		Internal	Regulator	External	Total
Nothing is done	N	67	16	22	105
	%	79.8%	55.2%	78.6%	74.5%
Investigating (no expect.)	N	9	1	1	11
	%	10.7%	3.4%	3.6%	7.8%
Investigating (good expect.)	N	6	12	4	22
	%	7.1%	41.4%	14.3%	15.6%
Stopped	N	2	0	1	3
	%	2.4%	0.0%	3.6%	2.1%
Total	N	84	29	28	141

%	100.0%	100.0%	100.0%	100.0%
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Although there is still a substantial percentage of cases where nothing was done about the concern, raising a concern with a regulator was more effective when compared to raising a concern elsewhere.

Although it did not result in the wrongdoing being stopped at the time the whistleblower called the PCaW advice line, raising a concern with a regulator seems to result in the wrongdoing being investigated more often, and the whistleblower perceiving the investigation as serious: 32.3% at first attempt (compared to 6.3% and 15%), 31.5% at second attempt (compared to 5.7% and 20.3%), and 41.4% at third attempt (compared to 7.1% and 14.3%).

The findings suggest that raising a concern with a regulator is likely to be more effective in terms of effecting action to stop the wrongdoing, or as in our findings, at least being investigated seriously.

However, there are still 64.5%, 59.3%, and 55.2% (respectively at first, second, and third attempt) of our cases where the whistleblower indicated to the PCaW adviser that nothing was being done after they had raised their concern with a regulator.

Tables 14 shows to whom whistleblowers turn after a regulator in a further attempt to raise their concern. Table 15 shows a comparison of those who continue to raise their concern after raising the concern with a regulator, with those who raise the concern further in general.

Table 15. Recipients after regulators (all attempts)

Recipient after regulator	n	%
Line manager	2	8.00%
Higher manager	2	8.00%
Grievance	8	32.00%
Specialist	1	4.00%
Regulator	2	8.00%
External	7	28.00%
Media	2	8.00%
Union	1	4.00%
Total	25	100.00%

Table 15. Whistleblowers raising a concern further (after regulator compared to overall)

	After raising to regulator	Regardless who raised with
Went on after first attempt	13 (41.9%)	483 (55.6%)
Went on after second attempt	6 (11.1%)	141 (29.2%)
Went on after third attempt	6 (20.7%)	22 (15.6%)

Our findings show that if whistleblowers raise their concern after raising it with a regulator, they are most likely to raise it either with another external recipient, or through a grievance procedure. A plausible explanation for this is that where raising concern with a regulator has not been effective in stopping the wrongdoing, whistleblowers raise with other external recipients, in line with the 3-tiered model.

If however, after raising the concern with a regulator, a whistleblower experiences reprisal from others in the organisation where they work, they go through a grievance procedure. Table 15 supports this. Compared to all whistleblowers in our sample, those who raised the concern with a regulator were less likely to continue to raise their concern further, except when they did so at their third attempt. Table 7 shows that at the third attempt, whistleblowers who had raised their concern with a regulator experienced more formal reprisals from their management. Hence why they might have invoked the grievance procedure after raising it with a regulator.

Conclusions and recommendations

Our findings make it plausible to conclude that whistleblowing to a regulator results in more successful whistleblowing compared to internal and other external recipients. Overall, it is safer and has a better chance of effecting action to stop wrongdoing.

Hence, our conclusion is also that the option taken in the Public Interest Disclosure Act to identify regulators and prescribed persons as designated recipients external to an organisation, and acting on the public's behalf (second tier recipient) should be maintained.

However, our findings also suggest this system can be improved. Table 16 offers an overview of problems and how regulators could improve their performance with regard to these problems.

Table 16. Improving the performance of regulators as second tier recipients

Problem	Recommendation
A substantial number of whistleblowers indicated that nothing was done about the wrongdoing after they raised their concern with a regulator.	Regulators should be required to take some kind of action when a concern is raised with them. Regulators ought to publish statistics on concerns raised by whistleblowers, and the action taken by them, in their annual reporting processes.
Raising concern with a regulator does not result in less formal reprisals by management in the organisations where whistleblowers work.	Regulators should also act explicitly on their role in fostering whistleblower safety, and should be mandated to intervene on possible reprisals against whistleblowers who raise their concern with them ¹⁶ .
There seem to be significant differences between industry sectors in terms of the percentages of whistleblowers who find their way to a regulator to raise their concern.	A 'best practice' model for regulators should be developed for regulators on how to engage better with whistleblowers, where different regulators can learn from each other. benchmarking information should also be collected and widely disseminated.
Overall, given the rationale of the 3-tiered model, far too many whistleblowers keep on trying to raise their concern internally.	The above improvements should be followed by a general campaign on raising awareness about available routes and advice for whistleblowers. Greater clarity and speed in updating the list of prescribed persons could help.

¹⁶ See Parliamentary Commission on Banking Standards where this idea has been developed and it is recommended that regulators should consider compensating whistleblowers who have suffered reprisal and/or dismissal