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Effective speak-up arrangements for whistle-blowers

A MULTI-CASE
STUDY ON
THE ROLE OF
RESPONSIVENESS,
TRUST AND
CULTURE

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This report explores the variety of arrangements for speaking up in the public and private sectors. It takes the viewpoint of those who develop, operate and oversee such arrangements, and seeks to provide recommendations for an effective framework.

Effective speak-up arrangements for whistle-blowers:

A multi-case study on the role of responsiveness, trust and culture

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Executive summary

Effective speak-up arrangements involve a combination of different channels and a robust response system that contribute to building trust within organisations.

This research project examined the opportunities, challenges and best practices associated with different types of speak-up arrangements, both internal and external, in a variety of organisational settings across different sectors, industries and locations.

While recent research on the topic has focused mainly on the experience of those who have 'blown the whistle', the approach used here explored arrangements for speaking up ('speak-up arrangements') from the viewpoint of those who develop, operate and oversee them, seeking to provide recommendations for an effective framework.

Findings from the investigation show that effective speak-up arrangements:

- involve a combination of different channels through which employees can voice a concern

- contribute to building trust through speak-up practices that evolve over time and are supported by the independence of speak-up operators

- rely on robust and consistent response systems that are supported by appropriate recording of speak-up events, coordinated follow-up activities, and willingness to respond at different management levels; there are nevertheless barriers to responsiveness caused by anonymous concerns, legal issues, and lack of a visible response, albeit inadvertent, and

- may need to take into account the potentially difficult interactions between organisational and national cultures.

These findings give rise to key recommendations for developing, operating and overseeing effective speak-up arrangements. These are further discussed in the 'Recommendations' section at the end of this report.

1. Provide a variety of voicing channels and consider the use of an external independent advice channel when introducing a speak-up arrangement.

2. Be prepared to accept that concerns received may not be strictly considered speak-up or whistle-blowing cases but some of them may nonetheless help organisations recognise previously unidentified risks.

3. Design a speak-up 'back office' to record concerns and use this data to strengthen risk management and response processes, investigation and intervention, acknowledging the variety of concerns that could be raised.

4. Ensure that responsiveness is well organised, clearly mandated and adequately resourced. Merely encouraging employees to speak up, without putting robust response systems in place, is likely to have negative consequences, for both employees and the organisation.

5. Make responses visible where possible. This may be achieved by exploring whether employees who raised a concern can be included in developing a solution to the problem; this in turn can contribute to developing collective sense-making and increase trust in the effectiveness of the speak-up arrangement. It is also important to emphasise continuously to managers at all levels that responding to concerns is part of their role, and to restrict their discretion about whether/how to respond.

6. Consider participating in the development of a standard for the public reporting of data from speak-up arrangements.

Specific recommendations to directors and managers are available from the ACCA website at **www.accaglobal.com/whistleblowing**

Contents

1. Introduction

Having whistle-blowing arrangements contributes to sound risk management but developing a culture of speaking-up remains the key challenge for organisations.

This research project examined the opportunities, challenges and best practices associated with different types of speak-up arrangements, both internal and external, in a variety of organisational settings. Qualitative research was undertaken with people operating the speak-up arrangements in a health care organisation (an NHS Trust in the UK), a multinational bank, a multinational engineering company, and a central government in South East Asia.[1] The research focused on:

- improving understanding of the distinctions between internal and external channels through which employees can voice their concerns

- identifying key challenges for effective speak-up policies by providing evidence of how to overcome practical limitations of these channels

- understanding the opportunities and best practices associated with effective speak-up arrangements, enabling cross-sector learning by drawing on experience from banking and finance as well as public health services and public and private sectors in different cultural settings.

Whistle-blowing forms a key means of addressing dangerous wrongdoing and dysfunctional behaviour in today's organisations. The absence of effective speak-up arrangements prevents organisations and societies from avoiding major disasters (Devine and Maassarani 2011). For this reason, whistle-blowing has become an important issue, both for societies and for organisations, and attempts to alert the authorities to wrongdoing by internal personnel have been increasing.[2]

In many cases, suffering and retaliation experienced by whistle-blowers are exacerbated because few, if any, procedures are in place to receive and follow-up concerns raised by employees (Alford 2011; Devine and Maassarani 2011).

Speak-up arrangements can have economic benefits for organisations and society. Whistle-blowing is important from a societal and an ethical perspective, but it also saves money both for private and public sector organisations. A recent study of over 5,000 firms shows that 40% of companies surveyed suffered from serious economic crimes that averaged over $3m each in losses (Devine 2012). Whistle-blowers exposed 43% of these crimes, which means that whistle-blowing was more effective than all the other measures combined: corporate security, internal audits and law enforcement.

Workers who voice their concern can help to prevent the dysfunctional behaviour that leads to financial and reputational losses by firms and public sector organisations. Ineffective speak-up arrangements, by contrast, deny organisations and institutions an opportunity to address the wrongdoing that whistle-blowers perceive, early on in the process, and thus lose time, money and effort along with protracted and unnecessary legal battles.

The question of how to develop effective speak-up arrangements has become urgent. Media attention on whistle-blowing cases has increased, and policymakers across the world are being pressured to pass legislation protecting whistle-blowers (Vandekerckhove 2006; Devine 2015).[3] While legislation is essential for encouraging speaking up against wrongdoing, it has also drawn attention to its connection to the organisation and the particular arrangements it can, but often fails to, put in place to facilitate effective speaking up.

Implementing effective speak-up arrangements is now part of reforming corporate governance, public sector accountability and professional responsibility. It is hoped that this report will contribute to the success of these reforms.

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1 The research was funded by ACCA and the ESRC, and was approved by the University of Greenwich Research Ethics Committee (ref UREC 14.4.5.13).

2 In health care, for example, whistle-blowing to the media led to the Public Inquiry into the Mid-Staffordshire Hospital Trust, and an enduring stream of NHS whistle-blower cases triggered the Freedom to Speak Up Review in 2015. In the wake of the financial crisis, in the US the Securities and Exchange Commission (SEC) received 3,620 cases through whistle-blower disclosures in the fiscal year 2014, up 10% from 2013, and 21% compared with 2012. In the UK, the Financial Conduct Authority (FCA) received 1,040 cases from whistle-blowers in 2013, an increase of 60% compared with the year before (see SEC 2014 and FCA 2014).

3 Also see Council of Europe (2014).

2. Methodology

Qualitative research was conducted in various organisational settings across different sectors, industries and locations.

In the past, research into whistle-blowing mainly took the viewpoint of the whistle-blower, leading to critical improvement in legal protection in countries such as the UK (Vandekerckhove et al. 2014a). Looking at speak-up arrangements in four organisations (both private and public) covering five continents (Africa, Europe, Latin America, North America, and Asia), the research presented here takes the viewpoint of those who develop, operate and oversee speak-up arrangements, to provide practical recommendations for policymakers and organisations.

The research was conducted in three stages. The first, preparatory, stage was a desk study of relevant literature, policy documents and professional publications on internal procedures for voicing concerns about wrongdoing. This was followed by interrogating existing data from interviews with whistle-blowers from health care, financial services and defence contracting services (n=56) with the aim of identifying key characteristics of ineffective speak-up arrangements.

In the second research stage, primary data was collected from four organisations (described in more detail below) through semi-structured interviews, carried out face to face and over the phone with speak-up operators such as compliance officers, HR officers and directors, legal counsel, investigators and auditors (n=26). It also proved possible to use documents from the four organisations, such as annual reports, whistle-blowing policies, and intranet screenshots. The analysis of the interview data started during the data collection period (November 2015–January 2016). A researcher not involved in the interviews used Nvivo to conduct open thematic analysis of the interview transcripts. Initially, 120 themes were coded, which were collapsed into 76 themes, and 22 groups of themes. The research team held weekly discussions to develop the within-case analyses. This led to a further short round of primary data collection through interviews with external speak-up operators and advisers (n=6): a speak-up consultant, a hotline operator, an external ombudsman, an independent advice line, a law firm, and a regulator.[4]

The third stage of the research consisted of a cross-case comparison to identify common threads, key themes and topics. Preliminary findings were presented to three stakeholder audiences: ACCA members, compliance and ethics officers, and whistle-blower support groups.[5] This involved a short presentation of the research aims and preliminary findings, and moderation of a Q&A-driven discussion, of which notes were taken. These were used to assist the researchers in arriving at the findings and recommendations presented in this report.

ORGANISATION 1: THE NHS TRUST

As a National Health Service Trust this hospital is a public sector corporation, treating more than 200,000 patients a year. It is located in the Northwest of England.

Three years ago the organisation had a number of experiences where employees raised concerns with a regulator and the press. Managers acknowledged that they had not acted fast enough or had not communicated well enough with the employees who had raised the concern. A speak-up arrangement was developed consisting of different channels with various levels of confidentiality and independence and various communication interfaces.

ORGANISATION 2: THE BANK

This bank is headquartered in Northwest Europe. It provides a range of services to personal, business and corporate customers. Its branches are predominantly in Northwest Europe, but there is also a presence in the US.

The organisation has had a speak-up channel through its compliance function since the early 2000s. In 2012 the board requested a review of how the organisation facilitates its employees in raising a concern. This decision was made in response to changes in regulation on whistle-blowing, as well as a desire to change the approach to speaking-up from policing towards engagement. HR at group level took over the coordination and developed a speak-up arrangement that includes direct and indirect communication channels, as well as an external independent advice channel.

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4   These were Speakout Speakup, Expolink, Rohde-Liebenau RCC Risk Communication, Public Concern at Work, Global Practice Head Employment and Incentives at Linklaters LLP, London.

5   ACCA members on 21 January 2016 at ACCA London; ethics and compliance officers at the European Business Ethics Forum (EBEF) on 29 January 2016 in Brussels; whistle-blower support group representatives on 22 March 2016 at the University of Greenwich in London. Participants in the latter workshop were: Wendy Addison (whistle-blower and trainer through Speakout Speakup), Anna Meyers (Government Accountability Project, Washington DC), John Devitt (Transparency International Ireland), Colin Leys (Centre for Health and the Public Interest), and Georgina Halford-Hall (Whistleblowers UK).

Two of the organisations studied introduced their speak-up arrangement in response to an internal crisis; two did so after legislative changes.

ORGANISATION 3: THE ENGINEERING COMPANY

This is one of the world's largest engineering firms, with more than 300,000 employees. It is active in more than 180 countries, in diverse sectors such as power generation and transmission, transport, and medical imaging.

In the mid-2000s the company went through a crisis, triggered by a number of bribery scandals that were exposed in the media. Top management was replaced. Under the new CEO a compliance organisation was created at group level. The number of employees in specialist compliance functions grew tenfold. A speak-up arrangement was developed comprising IT-based internal channels, an externally operated hotline and an external ombudsperson. The organisation made these channels accessible in many languages and devised procedures and protocols for a systematic processing and follow-up of employee concerns.

ORGANISATION 4: THE CENTRAL GOVERNMENT

This is a central government of a country in South East Asia. The country is in the top 30 of countries by GDP.

At the end of the 1990s an anti-corruption law was enacted, and in the early 2000s an anti-corruption commission was established. Recognising the importance of individuals who speak up about corruption that they witness, the government passed a witness protection law. The legislation did not, however, protect whistle-blowers from workplace retaliation. To mitigate this, a guideline was issued for developing a speak-up arrangement in government agencies. This arrangement is currently being implemented in state institutions, government agencies and local governments. Civil servants can raise a concern with a special administrative unit designated to receive whistle-blowing information, and to monitor and report the progress of investigations to the minister and the whistle-blowing employee. A separate audit unit analyses the information and carries out the investigations. Another separate unit decides on sanctions for wrongdoers.

3. Combining different channels

Effective speak-up arrangements involve a combination of different channels through which employees can voice a concern.

Speak-up arrangements in the four organisations participating in this study comprised various combinations of voice channels.[6] Respondents from all organisations saw direct and verbal voicing of concerns with the line manager as the ideal arrangement. Even so, they also acknowledged that this might not always be, or at least be perceived to be, the most effective way of voicing concerns. A brief description of the channels is given here, with an overview of the how these channels exist in each organisation in Table 3.1.[7]

3.1 INTERNAL CHANNELS

There were three types of internal channels among the participating organisations: question channels, internal hotlines, and key internal persons. Some of these provide information as well as voicing mechanisms.

Two organisations, the NHS Trust and the engineering company, provided *question channels* through which employees could ask management whether something of concern to them actually constituted wrongdoing or not. In the engineering company the compliance function would provide answers directly to the voicing employee, whereas in the NHS Trust the CEO coordinated the answers and published an anonymised version on the Trust's intranet, accessible to all staff members.

The NHS Trust operated internal hotlines in combination with the question channel. Allegations of wrongdoing voiced through that channel were referred for investigation and followed a separate response route. Hence, the NHS Trust operated an internal hotline as a combined route for voicing concerns, whether as questions or allegations. Additionally, the CEO personally responded to the letters and emails received directly from a voicing employee, but these conversations might also have appeared anonymously on the intranet, where appropriate. The bank provided employees with a toll-free phone number, and operated this hotline internally.

All four organisations also listed *key internal persons* with whom employees could raise a concern. In the bank these were the CEO, chairman, HR director, head of internal audit, chief risk officer, and head of compliance. In the NHS Trust, in addition to the CEO, these were a non-executive director, counter-fraud officer, and the director of finance. In the engineering company, they included local compliance officers and regional managers. In the central government speak-up arrangement the key persons were the respective heads of the government agencies and the minister.

3.2 EXTERNAL CHANNELS

There appeared to be considerable differences between external channels. An externally provided hotline is an extension of the company's internal channels: such hotlines are externally operated, but concerns received are transmitted back to whoever oversees the speak-up arrangement within the company. An external ombudsperson, usually a lawyer, passes on information from the voicing employee to top management (with permission of the employee), while making the necessary arrangements to follow up how both the concern and the voicing employee are handled. The level of autonomy for the voicing employee is greatest with external independent advice operators. Their advice to the voicing employee is covered by legal privilege and their client relationship is with the voicing employee.

Call centres operated by an *external hotline provider* operate with a script of questions aimed at getting the information required to evaluate the concern and investigate further. External hotline providers also provide digital chat-rooms that allow two-directional anonymous communication between voicing employees and company compliance officers. External hotline provision does leave some autonomy and choice with the voicing employee. Call-

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6   In the literature, 'employee voice' denotes different ways in which employees express ideas or opinions in order to influence practices and decisions in organisations. While there are academic discussions around different typologies of voice, in which whistle-blowing is a particular type of voice (justice-oriented voice), there are also perspectives emphasising commonalities of different types of voice (see Mowbray, Wilkinson and Tse 2015)

7   It must be noted that the voicing of concerns to a union or the regulator was not within the scope of this research. A union should always be able to give an employee advice on how to raise a concern and even be a source of support, but only the NHS Trust explicitly lists this route. There is also no 'contracting' between a union and a company, and in this sense unions, like regulators, are not part of speak-up arrangements. Unions or regulators are therefore not included in this discussion of speak-up arrangements. There is, howev-er, literature that argues that unions should be part of speak-up arrangements (see Lewis and Vandekerckhove 2016 and Van-dekerckhove and James 2013).

> There are considerable differences among both internal and external speak-up channels.

centre operators tell callers the person to whom they will pass on the voiced concern, at which stage callers can still decline the transmission of their concern. With digital anonymous chat-rooms the voicing employee is able to end the communication and 'disappear' at any time.

The engineering company used a hotline operated by an external provider. Concerns raised were fed back to the central compliance team at headquarters. Consideration for deciding on this approach included coverage of different languages by the provider, its 24–7 accessibility, safety considerations, and data protection. In the central government special agencies were created that were independent of other government agencies, to receive and investigate concerns.

An *external ombudsperson* is usually a lawyer, but there are many models of ombudsperson systems. Usually, the ombudsperson will only pass on information from the voicing employee to top management with permission of the employee. The ombudsperson will also make the necessary arrangements to follow up how both the concern and the voicing employee are handled.

Ultimately, however, the ombudsperson acts for the long-term interest of the organisation. An ombudsperson is an 'inside–outsider' working under strict confidentiality and neutrality. In the long-term they can help to develop the effectiveness of a speak-up

arrangement. A silenced concern or retaliation against a voicing employee is a risk to the company's integrity. In the short-term the ombudsperson can facilitate alternative dispute resolution when other speak-up channels prove ineffective. The engineering company had contracted an external ombudsperson.

The bank and the NHS Trust had contracted an *external independent advice line* where employees could seek advice on how to voice their concerns in the most effective way, and within the boundaries of legal whistle-blower protection. Both the bank and the trust used a registered legal advice centre, whose advice to the voicing employee is covered by legal privilege.[8] In contrast with an external ombudsperson, an external independent advice operator has a client relationship with the voicing employee and offers advice in the employee's interest.

Although they explore possibilities for internal voicing first, external independent advice lines can and do advise and guide voicing employees to regulators. They also inform employees about their rights and avenues under the whistle-blower protection legislation. They differ from external hotline providers in the sense that the default position is to help the employee to identify the most effective way of voicing a concern. Only exceptionally, and always on request from the employee, will they voice to the organisation on behalf of the employee.

Table 3.1: Speak-up arrangements as combinations of voice channels in four organisations

	Informal	Question channel	Key internal persons	Internal hotline	External hotline	External Ombuds-person	External independent advice
NHS Trust	X	X	X	X			X
Bank	X		X	X			X
Engineering company	X	X	X		X	X	
Central government	X		X		X		

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8   For both these organisations this was Public Concern at Work (UK).

> The use of digital technology for speak-up channels has only just began and it is too early to measure its implications.

3.3 DIGITAL CHANNELS

The speak-up arrangements in the four organisations included voice channels that made use of digital technology. In addition to a telephone interface, internal and external hotlines also used email and Web applications. At the time of writing, the engineering multinational was conducting a trial in a number of countries with a telephone hotline that uses automated voice handling instead of 'live' staffed call centre. Some of the internal key persons in the central government speak-up arrangement used smartphone apps as a channel for employees to raise a concern. The Institute for Business Ethics has also launched an app that can be used as a question channel (Institute for Business Ethics n.d.).

One interviewee saw the advantages of speak-up apps as follows:

> 'Those apps are becoming increasingly sophisticated, and of course, one of the advantages of the app or mobile technology is, number one, people are very likely, irrespective of where they're located in the world, to have mobile technology and, number two, you can deal with language barriers.'
> (Interviewee R)

Socio-technological innovation for speak-up channels has only just begun. The implications of these innovations for the effectiveness of speak-up arrangements are still unclear.

4. Trust as a process

Rather than relying on the level of trust already present in the organisation, speak-up arrangements can in fact increase internal trust.

Underlying trust is important for effective and safe whistle-blowing procedures (Holtzhausen 2009, Near and Miceli 1995). The research demonstrated that rather than relying on the level of trust already present in the organisation, speak-up arrangements can in fact increase internal trust. This is because developing trust is a continuous process involving practices that change over time and that are supported by the independence of speak-up operators but, in some cases, can be undermined by external factors.

Three of the organisations studied had introduced their speak-up arrangement in response to a crisis of trust. In the engineering company this crisis was triggered by wrongdoing involving the organisation, which had led to substantial media attention, regulatory sanctions, and wide-scale police interventions. In the NHS Trust regulators carried out inspections after a concern was directly raised with them. In the bank, widespread scandals in the industry also affected trust in their own organisation.

None of these organisations had time to rebuild trust before implementing a speak-up arrangement. Instead, each rebuilt it through implementing such an arrangement.

4.1 TIME

Speak-up arrangements can change the level of trust in organisations over time. The organisations studied differed in the time needed to implement speak-up arrangements.

Over a decade ago, the engineering company introduced its speak-up arrangement, comprising multiple channels (section 1.1 above) to voice concerns. This was part of an organisational overhaul of the compliance function, which was centralised to have more independence from operational matters. The number of compliance officers grew tenfold. While initially the question channel was used the most, the company saw more employees raising a concern through the externally operated hotline over time. Over time, in most of the regions where it operates, voicing employees started to use open and direct communication more frequently. Hence there was a shift in the channel preferred by employees: from an initial preference for asking integrity-related questions through a Web interface to a preference for directly raising a concern. It is possible that familiarity and positive experiences with one channel transfers trust to other channels, in this case between past experiences to future experiences (Nooteboom 2006). The increased resourcing and change in the role of the compliance function could also have helped develop trust within the company.

Development of trust can also be initiated by changing the 'tone at the top'. The research showed an evolution in how management can cultivate trust through speak-up arrangements. The bank moved the oversight of the speak-up arrangement from the compliance function to the HR function at the group level, to support a change of 'tone' about speaking up and widen the scope of concerns taken into account, while emphasising the well-being and engagement aspect of speak-up rather than portraying it as 'policing'. At the same time, the organisation started to promote an additional channel through which employees could get free and independent advice on how to raise a concern and how the law protects them.

These changes to how people trust the speak-up arrangements corresponded with changes in the professional identity of those who operated these arrangements. Compliance officers from the bank and the engineering company noted that the speak-up arrangement had changed the employees' perception of them. While they used to be 'police', they now said they were seen more as 'someone who can help'.

Speak-up operators
argued that their level
of independence from
day-to-day operational
matters gave them
status as trustworthy
professionals.

4.2 INDEPENDENCE

The secondary interview data indicates that a lack of independence of speak-up operators leads to ineffective whistle-blowing and a general distrust of top management.

This resonates with the primary interview data with speak-up operators: they argued that their level of independence from day-to-day operational matters gave them status as trustworthy professionals.

> '…one of the advantages that we have with my role [is that] I'm not a business partner. So if you were running this through the HR business partners, they're a little bit too close. Whereas I'm not aligned to any one of the individual business teams, so that gives me the added opportunity to be more independent.'
> (Bank interviewee K)

4.2.1. Specialist speak-up operators

As receiving and following-up speak-up concerns is their primary task rather than a marginal aspect of their job description, specialist operators tend to focus on appropriate listening, objective evaluation of the quality of investigations, and carrying out and documenting the end-to-end following-up of concerns. They are also able to spot potential wrongdoing underlying concerns that at first sight seemed insubstantial or unfounded.

Interviewees gave examples of concerns that would have been ignored before the speak-up arrangement was in place, but were now looked into as a result of involving specialist operators. There were also examples where the compliance function had initially referred a concern to the specialist HR speak-up operator because they believed it had no compliance-related content. Subsequently, the HR operator identified issues that had relevance for compliance that were not initially mentioned by the employee.

In all the organisations, interviewees noted that at least half the concerns raised through speak-up channels were not about wrongdoing in the sense of harm to the public interest, breach of regulation, or breach of organisational policy. Specialist speak-up operators tend not to disregard such concerns as an 'employee grievance' or just a nuisance. Instead, they are able to perceive what seem at first sight to be people-related concerns as potential signals of underlying risks of an operational, people-management, or compliance nature.

The secondary interview data supports this argument. Those managers who saw their internal whistle-blowing arrangement as just an additional procedure often complained that employees were not using the procedure for what it was meant: employees were raising grievances rather than concerns about harm to the public interest. This corresponded with their distrust of the whistle-blowing arrangement as a whole. This contrasted with other managers, who saw the potential benefit of whistle-blowing to the organisation as an arrangement that allowed a wider range of concerns to be raised. They did not see employee 'hacking' of the procedure as problematic, but were willing to spend additional effort and resources to look into concerns that did not include obvious 'smoking gun' evidence of wrongdoing.

4.2.2 Rule-bound referrals

Organisational policies that contained rule-bound referrals[9] of employee speak-up concerns also influence how speak-up operators perceived their independence. These restrict the discretion of both managers and speak-up operators for referring employee concerns for investigation. Speak-up operators asserted that these rules supported them in investigating concerns that could lead to sanctions against managers.

They also gave examples where these rule-bound referrals mandated them to take action where local managers wanted to 'wait and see' how things developed, or wanted to handle the concern themselves. Some organisations had worked out flow-charts for rule-bound referrals.

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9   The term 'rule-bound referrals' here means protocols and policies that specify rules for managers at different levels about how, when, and to whom within the organisation a concern raised by an employee must be escalated.

External independent advice operators maintain a legal privilege with the voicing employee and offer advice in the interest of the whistle-blower.

'If I look into the cases that arise in the organisation, [some] colleagues do not like it if I give them to the compliance organisation. So they say "we should deal with it on our own, and it's not such a difficult case, and it's not so serious" and so on…It's easy for me because my managers give me backing… and I can say "if we don't give it to them, and the case escalates, then we are part of the problem. Please be part of the solution and not part of the problem".'
(Engineering company interviewee C)

'Another obstacle may also lie in the inspector himself. I have worked for three inspectors here. Two of them were good. They were brave. If there was something problematic, during their years of service, they directly confronted it with the head of audit or, at least, with our prime secretary. But the third inspector did not have it at all…He said "Let us wait, let us just wait for longer time". Although our leaders already gave us freedom and [the] necessary mandate to handle the case but our boss just waited.'
(Central government interviewee F)

4.2.3 External independent advice

As noted in section 3.1, external independent advice operators are fundamentally distinct from externally operated hotlines or external ombudspersons. External independent advice operators maintain a legal privilege with the voicing employee and offer advice in the interest of the whistle-blower. When internal voice is ineffective or leads to retaliation, these advisers will guide voicing employees to the appropriate regulator, as well as inform them about their rights under the whistle-blower protection legislation.

Two of the four organisations studied promoted an external advice line as part of their speak-up arrangement.

'When I first took over this job, I thought they were a place where people could actually report. But their service is not that. They never take reports from individuals and escalate them to us. What they position themselves as is an advisory line. So if I think there is something wrong and I ring them and I say, "I think this kind of thing has happened and what do I do and how do I go about it and whatever?" Their role there is talk me through the process, to talk to me about the potential impacts on me, what I might have to go through in terms of investigation, etc. and then to leave me to make a decision with regard to whether I will proceed with that or not. And therefore, all we get from them is numbers [about how many people called them for advice and the type of concerns]… [Nonetheless this is a] (v)ery high added value for us.'
(Bank interviewee H)

Contrary to what one might expect, speak-up operators from these organisations did not see the presence of an independent advice line for employees as opposing their own role. In fact, they perceived that by facilitating employees to seek their own advice, the speak-up arrangement was made more trustworthy even when that opportunity was not actually used.

5. Responsiveness

Responding to concerns raised contributes to developing trust in the arrangement; conversely, a lack of responsiveness can create the perception that speaking up is futile and risky.

The research demonstrates the importance of having a robust and consistent response system in place. Responding to concerns raised not only demonstrates the effectiveness of the procedure but also, and as a result, contributes to developing trust in the arrangement.

Conversely, a lack of responsiveness can create the perception that speaking up is futile and risky. Gradually a climate of silence is formed through an interactive process of collective sense making[10] in which salient events are exaggerated and generalised (Morrison and Milliken 2000).

5.1 RECORDING SPEAK-UP EVENTS

'Informal voice' is defined as ideas or concerns expressed directly and outside a structured process (Klaas et al. 2012). 'Formal voice' is where the idea or concern is recorded according to specific processes and a systematic evaluation of the voiced idea or concern is applied.

In the organisations researched, the development of speak-up arrangements always implied a formalisation of voice in two ways: voice is increasingly recorded and response to voice is increasingly prescribed to managers at all levels. Nonetheless, some interviewees reported that they knew many organisations where management still focused on encouraging people to speak-up rather than paying attention to how the organisation responded to their concerns.

The additional provision of voice channels, ie internal key persons, question channels, and internal or external hotlines, provides further opportunities to record voice.

Table 5.1 gives an overview of where voice data is centralised in the four organisations. In practice, the organisations differed in the extent to which they recorded speak-up voice. Some of them were still deliberating on what exactly to record as a 'speak-up'. The engineering company had the most developed policy on recording voice, which corresponds with the fact that it has the longest track history of operating the speak-up arrangement among those interviewed.

In the NHS Trust, concerns formally raised under the speak-up policy were recorded as speak-up events. Concerns voiced to local managers would not be recorded, but concerns voiced verbally with or written to internal key persons would be. Anything voiced, – concerns and questions – through the internal hotline was also recorded. The Director of Corporate Affairs maintained the register and reported every six months to the Audit Committee. The external independent advice line provided management with aggregated numbers of concerns but did not allow management to record the individual concerns raised with them. It was possible, however, that an employee would voice a concern with a key internal person or through the internal hotline after seeking independent advice.

The bank required its key internal persons to advise voicing employees on whether their concern would best be treated as a grievance or as a speak-up. They were required to record speak-up voice formally, after which the Group Strategic HR took over as the contact for the voicing employee, and coordinated the investigation. An employee writing a letter to the CEO to voice a concern would not,

Table 5.1: Centralisation of speak-up data in the four organisations

	Director of Corporate Affairs	Group Strategic HR	Central Compliance	Internal Audit
NHS Trust	X	X	X	X
Bank	X		X	X
Engineering company	X	X	X	
Central government	X		X	

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10 Collective sense making is a process of story-telling and other verbal interactions, through which people come to have a shared un-derstanding of a situation without necessarily having experienced that situation.

> The responsiveness of organisations can increase when two or more functions coordinate in a way that allows each function to exercise its expertise.

however, necessarily or automatically be recorded or treated as a speak-up. The interviewees indicated that a policy on what to record as a speak-up was still in development. The ownership of the speak-up arrangement had changed hands a short while previously from compliance to HR, and the bank was in the process of deciding who would be its 'speak-up champion' in response to the regulatory requirement of the Financial Conduct Authority (FCA).

Some were considering a more integrated formalisation of voice:

> 'the broad definition of speak-up is somebody picking up a phone, or sending an email through a designated line or email address…We'd have it through other formats, but it's not actually categorised as speak-up… So we're actually missing a trick in classification'
> (Bank interviewee N)

The engineering company went furthest in recording voice. Not only did it log concerns voiced through the question channel, but it also required local compliance and HR managers to record concerns containing a compliance aspect. Central compliance monitored patterns emerging from the integrated database. The company produced manuals for managers at all levels on how and when to record voice. Interviewees reported that the formalisation of recorded voice was one of the key changes in the organisation's response.

In the central government, the speak-up arrangement did not replace the role of managers or HR director, within the different agencies, in listening and responding to employees but employees could use the speak-up arrangement to circumvent their hierarchical line when they believed their supervisor to be involved in the wrongdoing. Hence, concerns voiced by employees only within their departments would not be recorded.

5.2 LIAISING FUNCTIONS AND DIVISION OF LABOUR

The responsiveness of organisations can increase when two or more functions are involved in operating speak-up arrangements. Coordination between different functions such as compliance and HR, facilitated by clear protocols, allows a division of labour in which each function exercises its expertise.

At the bank, Group Strategic HR owned the speak-up arrangement and liaised with the Special Investigations Unit. One function was to 'mantle', ie, to protect the voicing employee and safeguard their well-being, while the other function was to investigate the potential wrongdoing:

> '…when a report [from a whistle-blowing employee] comes in, [the Special Investigation Unit] is always the first point of contact we would make, and they're effectively the internal professional investigators. We have a very strong protocol around protecting the individual by checking their comfort levels…So [we are] keeping a very distinct split between the case manager, who typically will… be someone in HR, someone like me…and the investigator. [We have] very, very clear divisions of responsibility.'
> (Bank interviewee K)

In the engineering company, central compliance owned the speak-up arrangement though it did not deal with everything. Some of the concerns voiced through the speak-up channels were HR-related rather than compliance issues. Compliance referred the HR-related concerns to a designated HR officer at headquarters, who would investigate, sometimes devolving concerns to regional levels and following them up there. Where what appeared to be an HR-related matter turned out to have a compliance element, compliance would liaise with the HR function under a clear protocol.

> Merely formalising voice channels is not enough; they need to be embedded in such a way as to reinforce the message that responding to voice is part of a manager's job.

5.3 MAKING RESPONDING THE NORM

A lack of responsiveness is mainly an outcome of managers' fear of negative feedback and implicit beliefs they often held, eg 'management knows best' and 'unity is good and dissent is bad'. Managers receiving voice may pay 'lip-service' or act as if threatened and might try to avoid embarrassment or suggestions of incompetence and vulnerability (Morrison and Milliken 2000).

Those operating speak-up arrangements seemed to be aware of these managerial tendencies and made attempts to tackle them. Merely formalising voice channels is not enough; they need to be embedded in such a way as to thwart managerial tendencies to deny or neglect them. Some organisations in this research did so by reinforcing the message that responding to voice is part of a manager's job and retaliating is a disciplinary and legal breach.

> 'I'm not saying all managers are bad eggs out there but I'm saying that they need to be driving this themselves, and not just [leave it] to an HR function to issue policies and procedures every so often, once a year.…That needs to be on the forefront of people's minds that this is an avenue to go down.'
> (Bank interviewee N)

The continuous reinforcement of this message is important. A model of manager responsiveness based on the theory of planned behaviour posits that the way managers will respond to employee concerns is influenced by their personal beliefs about whistle-blowing, social norm cues the manager receives about responding, and the manager's perceived behavioural control for responding (Vandekerckhove et al. 2014a).[11] The rule-bound referrals discussed in section 4.2.2 can influence manager's perceived behavioural control. Having speak-up operators can also signal the norm about responding to employee concerns.

> 'But there's no doubt about it: you have to do it as part of the overall agenda where we're saying to line managers, "It is your responsibility to listen", and sometimes line managers keep saying, "Well, I have my own job to do", and we have to keep saying, "No, you're the people manager and part of your responsibility is to listen, to act and to respond".'
> (Bank interviewee H)

5.4 BARRIERS TO RESPONSIVENESS

From an employee perspective one of the key attributes of effective voice systems is credibility, and employees perceive a manager to be fair when he or she provides accounts and explanations for decisions (Harlos 2001, Morrison and Milliken 2000). In the context of concerns about wrongdoing, giving account and explanation is not always straightforward for management for three reasons: anonymity concerns, legal limitations, and the invisibility of response.

5.4.1 Anonymity concerns

Communicating back to someone who voiced a concern anonymously is difficult, if not impossible. Even when a manager considers that the organisation is responding to the voice, it is not always possible to see it from the employee's point of view. A voicing employee might be mistaken about their concern and management may not take any action: in which case the employee will perceive only the lack of any management intervention.

> '[A]n individual invoked the right to raise [something] on an anonymous basis. They sent it in in a paper format and we investigated it. They have sent that speak-up in three times now, but because they've remained anonymous, we can't go back to them to tell them we've looked at it seriously, we've investigated it, [but] we haven't been able to back up the claims. We don't have any more additional information.'
> (Bank interviewee H)

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11 The term 'perceived behaviour control' refers to someone's perception of the ease or difficulty of performing a specific behaviour. Thus, managers might personally believe it is good that employees voice a concern, and they might also receive cues from higher man-agement that it is important to respond to these concerns, but if these managers do not know how to respond or do not believe they are adequately mandated to respond, they might still neglect the concern. This model of managerial responsiveness builds on Ajzen (1991).

Privacy, anonymity and data protection regulation may limit what organisations can communicate.

'Perhaps the information that we act [on] and [how we] handle the whistle-blowing cases is not spread out to the employees. As far as I know, when I, the CEO or his deputies receive an anonymous letter, we do respond and act upon it.'
(Central government interviewee A)

Before the review of their speak-up arrangement, the NHS Trust received an anonymous concern and had escalated it to the board level. The investigation had not been conducted fast enough for the voicing employee, who thought that the concern had been ignored. The employee blew the whistle to the regulator, who authorised an inspection.

Anonymous speak-up often occurs through a purposely made email account, eg whistle333@hotmail.com. The speak-up operator would be able to communicate further with the employee who has created the account, but a problem arises when the employee fails to check it after that, thus making it a de facto one-way anonymous communication. This can be an additional challenge to responsiveness because it is not possible to ask for additional information about the alleged wrongdoing.

5.4.2 Legal issues

Speak-up operators along with other interviewees reported that communicating the outcome of an investigation is necessarily limited on legal grounds. Conveying details can inhibit legal proceedings against a wrongdoer. Privacy and data protection regulation also limit what can be communicated about an investigation or outcome. Hence, communications about investigations and outcomes are nearly always vague. This may create the impression with the voicing employee that their concern is not taken seriously. It is therefore necessary that speak-up operators manage the expectations of voicing employees, by giving them an indicative timescale as well as informing them of regulatory limitations that may limit the detail given in the response.

5.4.3 Invisibility of the response

Even when sanctions are taken against a wrongdoer these are not always visible; for example, a minor wrongdoing might be punished by a reprimand or a formal warning. Nevertheless, it is the perceived as well as the real response that matters for individual and collective sense-making about management's responsiveness. This can affect the perception of how effective (or futile) it is to raise a concern.

5.5 FACILITATORS OF RESPONSIVENESS

Although management's ability to demonstrate responsiveness may be limited for the reasons mentioned above, some actions against wrongdoers are visible. Some of the organisations studied seemed to assume there were enough of these visible cases to create a shared perception that the organisation was responsive to speak-up concerns. Speak-up operators in the central government assumed that employees are able to recognise organisational responsiveness even from less visible sanctions.

'We received a whistle-blowing letter and then the wrongdoer, who was a middle manager, got sanctioned. We transferred him to another office and demoted him. Everybody knows why. We did respond to the whistle-blowing information but we do not need to announce that he was punished because of the case. Smart employees will be able to see that the whistle-blowing information was acted upon. The wrongdoer has been caught, and that's it'
(Central government interviewee A)

At the engineering company, word-of-mouth communication of visible responses among staff was relied on to create a shared perception of responsiveness.

'From time to time, if somebody does the wrong thing, he or she has to leave the company, and everybody knows it…they hear it [through the] grapevine, that this or that person had to leave the company because of bad behaviour.'
(Engineering company interviewee D)

'[It's] quite easy for every single employee from the company in this country to understand that the rules apply to everyone and the system works. It's not a thing that I need to emphasise very much here'
(Engineering company interviewee E)

Organisations must find ways of creating better perceptions of responsiveness by making responses visible where possible.

Management may need to find ways of creating better perceptions of responsiveness. The NHS Trust, for example, used the intranet to publish answers to voiced questions or concerns where no other person is accused of wrongdoing.[12] Such as system makes the response process visible to all staff rather than relying on word-of-mouth among employees or hoping that some cases are sufficient on their own. In this way, the NHS Trust tried to maximise the opportunities to form a shared perception of effective organisational responsiveness.

Research literature notes that a supportive organisational climate is needed for whistle-blowing or voicing concerns about wrongdoing. Nonetheless, the literature remains vague as to the factors that create such a climate (Miceli and Near 1992). The present research suggests that because organisations have only limited agency in being responsive to employee voice, it is important for management to be as responsive as possible even where a speak-up channel is used to voice concerns that do not lead to investigations or sanctions. Without a proper speak-up arrangement, these concerns would be neglected. Organisations may, on the contrary, see these concerns as an excellent opportunity to demonstrate their responsiveness, as they are not bound by legal limitations and can thus communicate the response internally.

The NHS Trust also had positive experiences with involving an employee who had raised a concern, in developing a solution to the problem. It must be noted that the concern in question related to an operational matter rather than a compliance-related issue. The employee who had spoken up was made part of the team that subsequently developed and implemented a solution to the problem. This had generated positive collective sense making. Arguably, organisations should not underestimate the importance of such events for effective speak-up arrangements. In the secondary interview data there were instances where unresolved operational concerns had grown further into problems harming clients and the public interest, and had made whistle-blowers escalate their concerns to regulators and the press.

12 An example is a nurse who was concerned that the radio was playing music during operations and asked whether this might constitute a risk to patient safety

6. Using speak-up data

Speak-up data can help organisations strengthen their risk management by improving their risk awareness and internal controls.

Speak-up arrangements integrate voice channels by centrally recording and tracking employee concerns. This enables top management and board members to measure 'voice climates'[13] at various locations and levels within the organisation. Organisations in the sample were at various stages in making use of this additional data.

6.1 PATTERN RECOGNITION

Consistently across the cases, top management intended to use data from the speak-up arrangement to steer management responses to voice at different levels. At the time of the interviews, most of the organisations reported aggregated numbers to the board and outcomes of investigations into alleged wrongdoing to top management.

'We simply report on facts. The more we report on these, it's down for management to learn based on the work that we do. It's down to management at the senior level to say, "Look, enough's enough", and then send that message down, and then reiterate about the speak-up policy.'
(Bank interviewee N)

The engineering company and the NHS Trust were performing pattern recognition of all speak-up data to spot potential issues underlying unsubstantiated concerns. The engineering company went further by communicating and following up potential issues identified from the pattern recognition. The firm argued that a systematic follow-up of all concerns voiced through the speak-up channels had helped it to strengthen its risk management. In this sense speak-up arrangements not only help organisations to deal with issues before they blow up, but also improve the risk awareness and internal controls of a proactive organisation.

The other organisations were still discussing whether a concern voiced informally at local level should be recorded as a 'speak-up' at all.

6.2 DATA FOR TRAINING PURPOSES

The organisations in this research were reluctant to use speak-up data for training purposes. The interviewees mentioned confidentiality and keeping the whistle-blower safe as the main reasons for this.

'We have not 'cultivated' the attitude of giving reward to the whistle-blower explicitly in front of other employees. Do you know why? If we give them reward and we announce that they are the whistle-blowers, they will die again [from being the centre of attention.'
(Central government interviewee A)

'I can't work out a way to do it without the individuals who raise issues feeling a little bit compromised.'
(Bank interviewee H)

Although the speak-up operators in the engineering company sometimes used speak-up cases for training purposes, they preferred focusing on the 'back-office' process of what happens with an employee concern, emphasising the independence of investigation and follow-up.

6.3 PUBLISHING AGGREGATED SPEAK-UP DATA

Another way in which the speak-up data could be used is by making aggregated numbers from the speak-up arrangement publicly available. Two of the organisations in the research had recently signed up to the 'First100' campaign launched in the UK by Public Concern at Work,[14] which commits them to publishing speak-up numbers in their annual report. At the time of writing, these organisations had yet to have the experience of doing so.

Public Concern at Work conducted research on initial experiences of the First100 signatories (Public Concern at Work 2015). One of the respondents said that they had received questions from investors about the types of concern that employees had raised through the speak-up arrangement. While management found this a positive interest

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As more organisations publish data from their speak-up arrangements, a voluntary standard of what and how to report could evolve, helping the development of best practices.

from investors, it nevertheless remained 'nervous' about reporting numbers publicly, as it might trigger an influx of questions from other stakeholders.
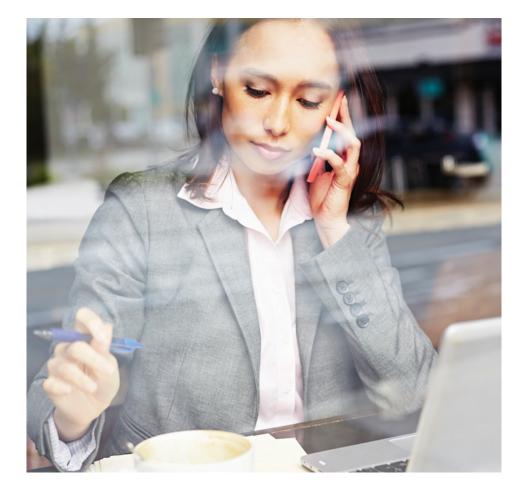
Although not a signatory to the First100 campaign, one of the organisations studied published aggregated numbers from its speak-up arrangement in its annual report. A speak-up operator from that organisation claimed that sometimes the figures are misinterpreted: 'Sometimes we receive questions from journalists who want to have more detailed numbers [but] you cannot compare the incoming cases of one period – one year or one quarter – with the disciplinary measures and the closing of the cases, because sometimes complex investigations take more than half a year or more than one year in total.

'Therefore, the numbers do mostly not refer to the same cases, they are just stating the in[put] and output of cases without saying anything about how much is still on-going within the compliance organisation. If we in one year have an incoming number of 100 cases and in parallel to that

outline disciplinary measures in or closing of 60 cases, that does not mean we are only handling 60 of the 100 cases. We may very well have 40 open cases which are passing on to the next quarter or the next year.'
(Engineering company interviewee B)

This interviewee nevertheless also saw the benefits of reporting numbers publicly:

'I think, from that intense culture of internal transparency but as well of pride concerning the effective first steps already taken, the motivation arose to put certain figures in the annual report'
(Engineering company interviewee B)

As more organisations publish data from their speak-up arrangements, a voluntary standard of what numbers to report and how to report them could reduce the risks that information will be misunderstood and that other issues will arise from increased transparency. Such a standard might also be helpful for the further development of best practices in designing and implementing speak-up arrangements.

The interactions between cultures can impact the effectiveness of speak-up arrangements.

To be effective, speak-up arrangements need to take into account the interactions between cultures and specific speak-up systems. Three types of cultural differences, national, organisational and language-based, are reviewed below.

7.1 NATIONAL CULTURES

There is no agreement in the research literature about the extent to which whistle-blowing practice is determined by national cultures.[15] In countries where corruption and bribery are said to be more widespread, or sometimes even assumed to be 'part of the culture', people have nonetheless spoken up and stood up to corruption by means of hunger strikes and mass street protest (Financial Transparency Coalition 2011).

The interview data from the present research, collated from interviewees on five continents, suggests that having concerns about possible wrongdoing and attempting to voice these concerns is universal. Nevertheless, depending on the geographical location, it emerged that employees may prefer different channels for voicing their concerns.

Speak-up operators in the engineering multinational found that in some parts of the world people preferred to speak directly to a compliance officer rather than calling a hotline or voicing their concern in written form through a Web application. The external ombudsperson was sometimes used to raise a concern in Central Europe, the Middle East and Asian countries, but much less by employees in Northwest Europe, North America or Latin America. These differences were relative, however, rather than absolute. Hence it appears that other factors, beyond merely national culture, also play a role.

Although they are able to overcome national cultural tendencies to some extent, organisations nevertheless remain open systems. Issues arising within society can trigger an increase in the number of employees voicing various concerns through the speak-up arrangement. Examples from the interview data include concerns of employees in Latin America voiced within the organisation but triggered by media reports of corruption cases in the region unconnected to the organisation. Another example involves employees who voiced concerns about colleagues who had written posts on their private Facebook pages that were unsympathetic to migrants, triggered by the discussions about the refugee crisis in Europe. The organisation that dealt with this was only able to do so because the 'back office' of the speak-up arrangement was appropriately resourced so that speak-up operators had the time and expertise to understand that not responding to these concerns would in itself pose a risk to the organisation.

7.2 ORGANISATIONAL CULTURES

As we discuss below, organisational culture can overcome national cultural differences Organisations should therefore take into account the potentially difficult interactions between organisational and national cultures when developing and implementing a speak-up policy.

Speak-up operators from the central government organisation said that one of the difficulties of implementing the speak-up arrangement was perception: people see it as an imported concept that cannot be directly implemented without considering the local context. One interviewee suggested this was not specific to speaking-up but could also apply to other processes.

'Which one is wrong? The concept or the culture? Or did we not culturally prepare to implement the whistle-blowing system?…Another example, the commuter rail company brought in a new concept from outside that passengers should use a train card instead of cash. The people were not ready. The automatic ticket checking machines were vandalised and passengers jumped up over the machine…To implement a good concept, everything should be prepared. The preparation includes developing awareness and desire to change, providing insight and understanding as well as knowledge. So far, it is only skin deep.'
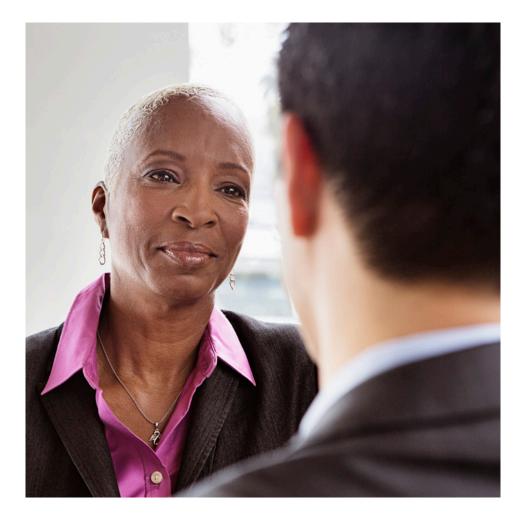(Central government interviewee A)

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15 For a review of the research and an overviews of the debate, see Vandekerckhove et al. (2014b).

Multi-national organisations must consider the languages spoken where they operate and what it means for the speak-up channels.

The engineering multinational uses a global expat strategy to ensure consistency across regions. Regional speak-up leaders either came directly from the country where the head office is based or had spent a number of years there so they were familiar with the speak-up policy and were well placed to help replicate it accordingly in other locations. The company was determined to keep this practice, and maintained that the use of speak-up channels in a particular region always increased directly after a visit from the head office to talk about compliance issues. This does not mean that overcoming regional differences happens easily. One interviewee from Latin America explained that, when rolling out the speak-up arrangement, the head office clearly explained what structures, mandates, and reporting lines had to be implemented. Even so, it had taken a while for managers in the region to grasp the rationale and the intended cultural changes behind this.

7.3 LANGUAGE

Coping with language differences is another factor that determines the effectiveness of a speak-up arrangement.

The engineering company made its Web-based and hotline speak-up channels available in all the languages where it operates. An interviewee from Latin America nonetheless believed that employees use those channels because they assumed that the external ombudsperson would not be able to understand Spanish or Portuguese. Another successful example from the firm's compliance officers who oversaw certain parts of North Africa suggests that having a shared conversational language, in this case French, made it comfortable for employees in the Maghreb and West Central African countries to voice a concern directly to compliance officers. These examples show the importance of having multiple channels with different interfaces.

8. Conclusions

Developing and operating effective speak-up arrangements help cultivate trust and functional behaviours in organisations.

This research project examined the opportunities, challenges and best practices associated with different types of speak-up arrangements, on the basis of four case studies. The speaking-up arrangements were examined from the viewpoint of those who develop, operate and oversee them.

The four organisations in the study provided various combinations of voice channels. These channels consisted of two broad categories: internal and external. Internal channels are more direct but face the challenge of independence. External channels can vary from outsourcing of the hotline function to external independent advisers, depending on their distance from the commissioning organisation. The use of digital technology may help circumvent some of independence issues but it is too early to measure its implications.

It is often considered that trust is important for effective and safe whistle-blowing. This study shows that the development and operation of the whistle-blowing arrangement can themselves help to cultivate trust. Trust building is a continuous process that may interact with speaking-up practices over time. For example, the successful operation of external whistle-blowing channels can encourage employees to start trusting internal channels. The key element in this process appears to be the independence of the channel.

Responsiveness to concerns raised crucially affects the perceived and real effectiveness of whistle-blowing arrangements. Various factors affect responsiveness, including the recording of speak-up events, coordination of follow-up activities, and management attitude towards whistle-blowing practice. There are furthermore barriers to responsiveness caused by the anonymity of voices, legal issues, and the invisibility of the response.

Recorded speak-up and whistle-blowing data can help management and the board assess the effectiveness of their whistle-blowing arrangements. Analysis of the pattern of concerns voiced by employees can help an organisation recognise risks that have previously been unidentified. Externally published speak-up data can facilitate better collective understanding of whistle-blowing arrangements that work in practice.

To enable an effective whistle-blowing arrangement, organisations need to consider how the arrangement interacts with cultural issues. While cultural challenges are surmountable, this might take time and effort. Organisations may also need to consider suitable strategies to address issues such as regional differences and language.

9. Recommendations

RECOMMENDATION 1:

Provide a variety of voicing channels and consider the use of an external independent advice channel when introducing a speak-up arrangement.
Speak-up arrangements often consist of different voice channels. The use of these channels can change over time, reflecting the development of trust in the arrangements. Each of these channels comes with its own barriers, eg independence, anonymity and perceived accessibility, influenced by national culture, language and societal context. Hence providing employees with a range of channels through which to voice their concerns increases accessibility, as characteristics of one type of channel compensate for the barriers imposed by another. The use of an external independent advice channel where employees raising a concern can seek advice under legal privilege can also help.

RECOMMENDATION 2:

Be prepared to accept that concerns received may not be strictly considered speak-up or whistle-blowing cases.
While some concerns may initially appear to be individual grievances or even trivial, they may nonetheless help organisations recognise previously unidentified risks.

RECOMMENDATION 3:

Design a speak-up 'back office' to record concerns and use this data to strengthen risk management and response processes, investigation and intervention, acknowledging the variety of concerns that could be raised.
To be effective, speak-up arrangements specialist staff in different functions (compliance, HR, audit) liaise with each other to follow up different types of concern, with a clear division of labour. The collated data can help management develop better risk management as well as to understand the effectiveness of the whistle-blowing arrangements.

Concerns raised through the different speak-up channels can be recorded and centralised. Best practices involve systematically recording voices and using this data for pattern recognition. Differences between departments or regions in the types of concern raised, as well as differences as to which speak-up channels are most used, allow speak-up operators to have an understanding of the different voice climates in the organisation and therefore enhance the effectiveness of the arrangements.

RECOMMENDATION 4:

Responsiveness needs to be well organised, clearly mandated, and adequately resourced.
Merely encouraging employees to speak up, without putting robust response systems in place, will have negative consequences, both for employees and for the organisation. Effective speak-up arrangements come about by designing and organising effective response to concerns raised. The complexity of the information flows should not be underestimated. Speak-up operators can only make the organisation responsive when they work with a clear mandate and are adequately resourced. Getting the response right is the first and most effective step towards encouraging employees to speak up.

RECOMMENDATION 5:

Make responses visible where possible.
This may be achieved by exploring whether employees who raised a concern can be included in developing a solution to the problem. This in turn can contribute to developing collective sense-making and increase trust in the effectiveness of the speak-up arrangement. It is also important to emphasise continuously, to managers at all levels, that responding to concerns is part of their role and to restrict their discretion about whether/how to respond.

Organisations may also find it challenging to decide how and what they can communicate about the outcomes of investigations. These limitations can be related to concerns voiced anonymously, legal issues about information that can be shared, and often also to the invisibility of sanctions imposed. Some organisations relied on word-of-mouth among employees, while others try creating an organisation-wide awareness by openly discussing a case story that does not involve individuals being named. In some cases, organisations can also seek to engage with the voicing employee in resolving the problem identified.

RECOMMENDATION 6:

Consider participating in the development of a standard for the public reporting of data from speak-up arrangements.
Speak-up operators are sometimes uncertain about reporting publicly aggregated numbers from their speak-up arrangement. While increased transparency can be a potential source of credibility for various stakeholders, there is also fear of first-mover disadvantage in the sense that the information might be misread. This can be overcome if more organisations start sharing information in the public domain in the future.

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