

# The Anatomy of a Whistleblowing Investigation



StoneTurn



## Suspected (or Risk of) Wrongdoing

### EXAMPLES

- Breach of law
- Breach of policy or regulations
- Bullying, harassment, discrimination
- Unauthorised use of funds or resources, abuse of authority
- Conflict of interest
- Harm to human rights, the environment, health and safety

## Reporting Concerns (Blowing the Whistle)

- A 'whistleblower' is a person who reports suspected wrongdoing
- Should have reasonable belief information is true when reporting
- Can be an individual within an organisation or a third party



## Receiving Whistleblowing Reports

### REPORTING CHANNELS

-  In person
-  Internal/external telephone lines
-  Online, email or mobile application
-  Post or internal mail

### HANDLING OF DATA

-  Data must be held securely and according to relevant laws and regulations
-  Relevant parties (whistleblower and any subjects), should be afforded confidentiality if at all possible

## Assessing Reports of Wrongdoing

### → Triage: *Prioritise reports by risk, assess impact/likelihood*

#### CONSIDERATIONS



- Nature and timing of the wrongdoing
- Criminal offence
- Immediate risk to health and safety, human rights and/or the environment
- Risk to the organisation's operations and/or reputation
- Immediate need to secure and protect evidence
- Wrongdoing reported previously
- Risk of the wrongdoing being reported outside of the organisation
- Appropriate skills and resources available to investigate the wrongdoing

#### NEXT STEPS



- **Engage** with other functions (e.g., HR, legal)
- **Inform** relevant authorities, if necessary
- **Take preliminary measures** (e.g., secure evidence, suspend employee(s))
- **Provide feedback** to whistleblower, if possible



### → Detriment: *Consider risks to the whistleblower and other relevant stakeholders*

#### CONSIDERATIONS

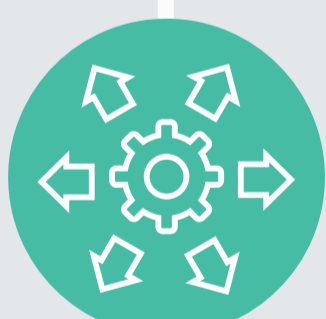


- What is the whistleblower's relationship with the organisation?
- Is the whistleblower aware of any immediate threat of detriment?
- Is the whistleblower involved in the wrongdoing or is it directed at them?
- What is the whistleblower's relationship with the subject of the report?
- What is the likelihood of confidentiality being maintained?

#### NEXT STEPS



- **Define** and implement strategies to prevent detriment against the whistleblower and other relevant interested parties:
  - Protect their identity
  - Share information on a need-to-know basis
  - Provide support throughout the process
  - Change workplace or reporting arrangements
- **Monitor** and review risks during the process and after the case has been closed



## Addressing Reports of Wrongdoing

### INVESTIGATION



- Fair and impartial
- Adequately resourced
- Subject's right to respond and option to be assisted
- Consider engaging external investigators, independent/specialist skills
- Secure and protect evidence
- Maintain a clear audit trail
- Protect information that could identify the subject of the report

### SUPPORT AND PROTECTION



#### *Whistleblower, subject(s) of report and other relevant parties*

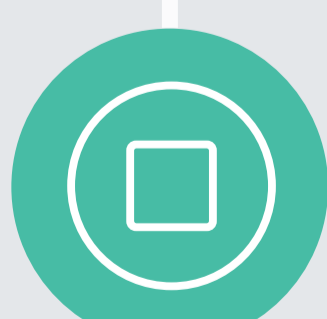
- Maintain confidentiality (to the extent possible)
- Protect from detriment and offer wellbeing support
- Support throughout the process, including regular communication

#### *Relevant Interested Parties*

- Witnesses, others assisting or involved in a report of wrongdoing, internal investigators, family members, trade union representatives etc.

## Concluding the Investigation

- Issue findings and recommendations
- Take actions to resolve any wrongdoing and monitor effectiveness
- Administer sanctions (e.g., disciplinary action)
- Update the relevant authorities, where appropriate
- Retain relevant documentation
- Identify ongoing protection measures



## Performance Evaluation

- Obtain feedback from all parties, if appropriate
- Identify lessons learnt, and improvements to policies, procedures and controls
- Consider creating anonymised case study for training purposes