

**Reference:** IR750

**Date issued:** 2 September 2020

## Whistle-blowers

I am writing in response to your request for information below dated 09 August 2020 in which you requested information regarding whistle blowers.

For ease of reference, I have reproduced your questions below and set out our corresponding responses.

**1. Does your Organisation take action to protect external whistleblowers from unjustified treatment by their employers or others?**

A [statutory instrument](#) (the Public Interest Disclosure (Prescribed Persons) Order 2014/2418) provides that the Auditor General for Wales is a prescribed person for disclosures about *'the proper conduct of public business; value for money, fraud and corruption in relation to the provision of public services'*. The AGW is not under a duty to investigate every disclosure he receives; he can only investigate disclosures in accordance with his existing audit and related legal powers and duties.

Further whistleblowing information can be found on the [Audit Wales website](#). This has our [published leaflet](#) providing guidance for the public on the role of the Auditor General in regard to whistleblowing, including how to make a disclosure under the Public Interest Disclosure Act 1998 and what to expect from us in response.

**2. Does any protection against unjustified treatment provided by your organisation extend to persons reporting on behalf of external whistleblowers?**

We do not hold information which specifically matches this description – please see the [whistleblowing leaflet](#) on the Audit Wales website.

**3. Does any protection extend to proposed or intended unjustified action against an external whistleblower contemplated by his/her employer or another in respect of the disclosure?**

We do not hold information which specifically matches this description, however refer you to our [whistleblowing leaflet](#) on the Audit Wales website which provides *"the Auditor General does not have the power to decide whether a disclosure is protected (because that is a matter for an Employment Tribunal), or to get involved in employment relations, and he cannot provide legal advice"*.

- 4. Does your organisation offer any reward or bounty for information received from an external whistleblower in respect of information about which you are the prescribed body or person?**

No

- 5. Does your organisation publish for the public a step by step guide on how it follows up on external whistleblower information?**

Yes, we refer you to [whistleblowing page](#) on the Audit Wales website, which provides a good practice guide for workers and employers in the public sector, as well as a published leaflet providing [guidance](#) for the public on the role of the Auditor General in regards to whistleblowing, how to make a disclosure and what to expect from us in response.

- 6. Where your organisation does not feel itself to be legally competent to engage with a disclosure made by an external whistleblower, do you have a policy and process to refer that disclosure to another prescribed body/person/regulator or other agency better placed to deal with it?**

Where external whistleblowers raise matters that are not relevant to the Auditor General's role and remit, we will typically refer the individual to other persons or organisations, including other prescribed persons, for whom the matters are relevant. In our [published guidance](#), we also provide a link to the [UK Government list of prescribed people and bodies](#).

- 7. Where in the circumstances described in Q6 above, your organisation passes information to another prescribed body etc, do you have a policy and process to advise the external whistleblower that the disclosure has been passed to another body etc?**

See response to Q6 above.

- 8. Where an external whistleblower may be dissatisfied with his/her dealings with your organisation, is there an appeals policy and process which engage someone who is independent of the investigating department?**

Yes, such a scenario would be dealt with under our complaints process, as outlined in our published [Complaints Leaflet](#).

- 9. Does your organisation publish FAQ to advise and assist external whistleblowers considering making a disclosure to you?**

We have published [guidance](#) for the public on our website on the role of the Auditor General in regards to whistleblowing and on how to make a disclosure, which includes key points to note..

- 10. Does all your staff which communicates with or otherwise manages external whistleblowers receive specialist and on-going training for that purpose?**

Staff that lead on the handling of disclosures and preparation of responses receive periodic specialist refresher training for that purpose.

**11. Where, following a disclosure to your organisation by an external whistleblower about a matter for which you are prescribed, an alleged act of retaliation occurs against the external whistleblower by the employer or another person, does your organisation investigate the alleged act of retaliation?**

Please see our [whistleblowing leaflet](#) which outlines the scope of the Auditor General's role in relation to whistleblowing.

**12. Please describe what criteria you consider in deciding whether to investigate information received from an external whistleblower about a matter in respect of which you are prescribed?**

As outlined in [our published guidance](#), the Auditor General is not under a duty to investigate every disclosure he receives and can only investigate disclosures in accordance with his existing audit and related legal powers and duties. Information about the Auditor General's powers and duties is available on our website in our [Guide to Welsh Public Audit Legislation](#).

**13. Does your organisation distinguish between public complaints and disclosures from external whistleblowers?**

Yes. See our [Guide for Correspondents](#) on our website which explains our approach.

**14. Apart from any information on your website, does your organisation undertake any public awareness programme(s) regarding whistleblowing?**

Yes. Periodically, through our good practice work programme, we host shared learning seminars to discuss different approaches to handling disclosures, what it feels like from a whistleblower's perspective, and where to find tools and resources to help make the most of this valuable intelligence. The [most recent such event was held in 2017](#). Through our audit work programmes, from time-to-time we also publish audit reports specifically focused on the effectiveness of whistleblowing policies and procedures e.g. <https://www.audit.wales/publication/pembrokeshire-county-council-follow-review-whistleblowing-and-grievance-policies-and>

**15. In respect of Article 5(c)(ii), Prescribed Persons (Reports on Disclosures of Information) Regulations 2017, please disclose any and all reports (suitably redacted, where appropriate) which describe how disclosures from workers in other organisations (not your Organisation) have impacted on your Organisation's ability to perform its functions and meet its objectives during the reporting periods 2017 – 18, 2018 – 19, 2019 – 20.**

We do not have information recorded specifically meeting this description, however, refer you to the most recent reports:

<https://www.audit.wales/publication/annual-report-and-accounts-2019-20> (page 130)

<https://www.audit.wales/publication/annual-report-and-accounts-2019-20>

<https://www.audit.wales/system/files/publications/Annual-Report-2019-eng.pdf> (page 128)

<https://www.audit.wales/publication/annual-report-and-accounts-2018-19>  
(page 128)

If you have any queries, or questions about my handling of your request, please do not hesitate to contact me.

Yours sincerely  
Information Officer