



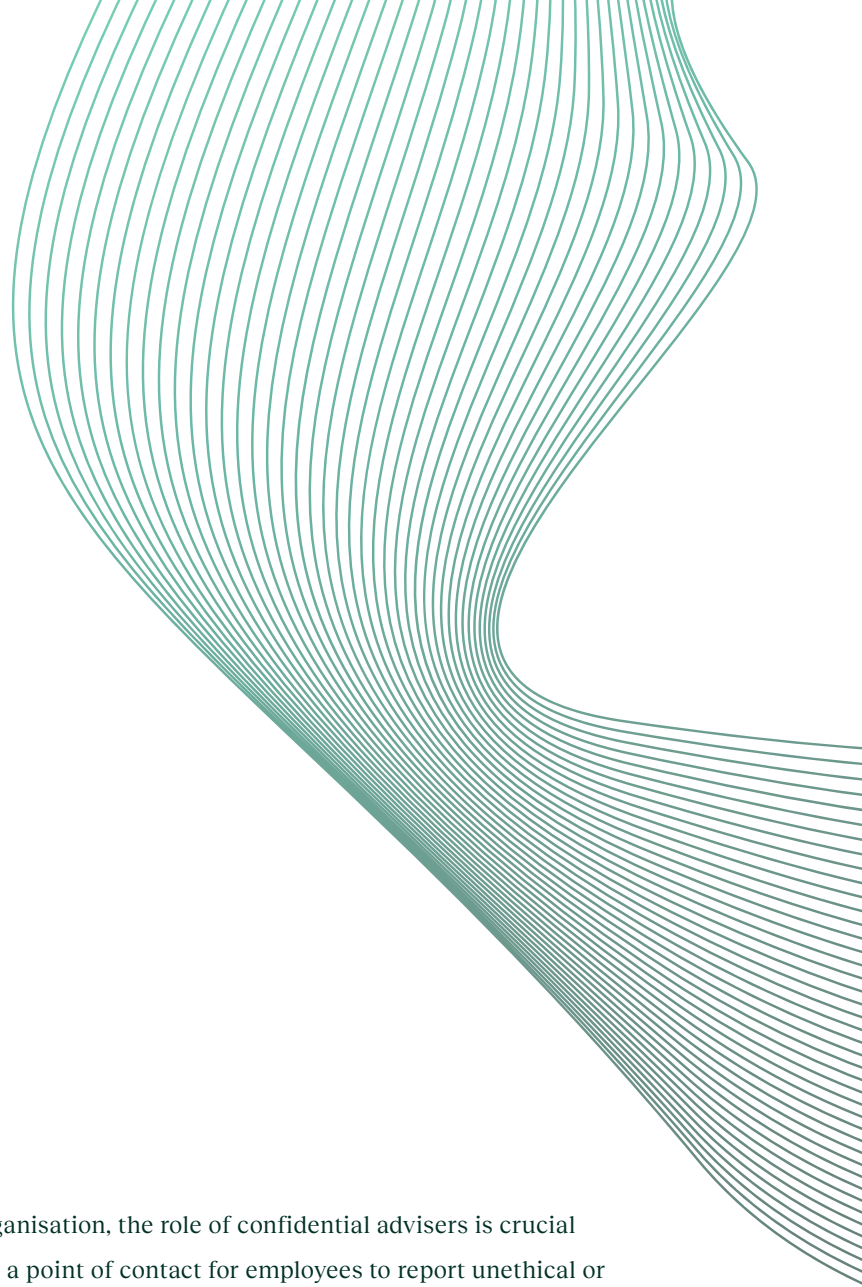
→ e-book

Confidential Advisers: Are They Enough for Your Whistleblowing Program?

Explore the risks of relying on confidential advisers, and what organisations can do to complement their whistleblowing mechanisms.

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When addressing misconduct within an organisation, the role of confidential advisers is crucial yet complex. Confidential advisers serve as a point of contact for employees to report unethical or illegal behaviour.

If you ever wondered whether relying on confidential advisers is enough, you're not alone. While they bring in value for an organisation to handle sensitive situations, they can pose limitations too – some of which are worth assessing.

Especially with today's headline-making #MeToo stories and the frequent eruption of scandals, it's crucial that you're aware of the best and most effective whistleblowing processes available. That's why being informed about the role of confidential advisers, understanding the potential pitfalls of relying solely on them, and knowing how to enhance your overall whistleblowing mechanism by incorporating additional methods is always a better approach.

This eBook tells you the role of both internal and external confidential advisers in whistleblowing and weigh out the risks of relying on them for handling misconduct reports in your organisation. By the end, we provide you tips on enhancing your whistleblowing practices and what you can start doing from today to change it for the better.

Who are Confidential Advisers?

Confidential advisers in whistleblowing are individuals designated within organisations or from outside, who offers support and guidance to employees considering making a report on unethical or illegal activities. Their role is to facilitate the reporting process, making sure that employees feel safe and supported when voicing concerns. At large, they try to mitigate and prevent integrity violations.

In some regions, they may also be known as integrity advisers or ombudsmen, emphasising their role in maintaining organisational integrity. They must meet [several requirements](#), such as have knowledge of the organisation and structure, empathy, balanced personality and more.

There are predominantly two kinds of confidential advisers in the whistleblowing process: **internal and external confidential advisers**. Internal advisers are employees within an organisation who take on the role alongside their primary duties, benefiting from deep company knowledge and easier accessibility for employees.

External advisers, on the other hand, are professionals hired from outside the organisation, offering a level of independence and impartiality that can enhance trust in the whistleblowing process.



How Effective is a Confidential Adviser in Whistleblowing?

While confidential advisers play an essential role in supporting whistleblowers, organisations must recognise the limitations of relying solely on them for managing reports and the risks it imposes on their whistleblowing program.

Such advisers can be involved in coordinating the procedure or leading investigations to maintain impartiality. However, in our two decades of experience in compliance, we hear many organisations share the same worry: Are confidential advisers capable of handling potential whistleblowing reports in the most effective way?

Yes, while many organisations have adopted confidential advisers, relying solely on them may not be enough for a solid, foolproof whistleblowing mechanism within your organisation. Confidential advisers can inadvertently lead to several organisational challenges, creating a whistleblowing process that might not be equipped to handle complex and sensitive cases effectively.

The next chapter tells you why. →

Risks of Relying Solely on Confidential Advisers

Internal confidential advisers

→ Limited Investigative Authority

- Confidential advisers are primarily tasked with offering support and counselling, not conducting thorough investigations.
- This limitation can lead to inadequate resolution of reports, as advisers may not have the necessary tools or authority to investigate fully.
- Advising is typically not their full-time job, which means their knowledge on the intake of a topic cannot be guaranteed. This can hinder the investigations process.

→ Organisational Burden

- Relying on trusted persons can be cumbersome for organisations, as these individuals may not have access to all necessary information due to privacy regulations.
- The reports must be kept confidential to the larger organisation, which leaves the escalation of the issue up to the adviser. This arrangement may lead to potential inefficiencies and delays if the wrongdoing reported is not identified in due time.

→ Varying Comfort Levels of Reporters

- Though sensitive, the issue of gender imbalance, background or language barrier in confidential advisers can dissuade reporters from engaging with them. Reporters may not feel comfortable if there isn't representation of advisers.
- Advisers are typically already an employee of the organisation, and hierarchy of their role potentially has effect over the comfort levels of reporters. For example, a junior employee may not voice their concern to a staff manager, or their own direct manager. →

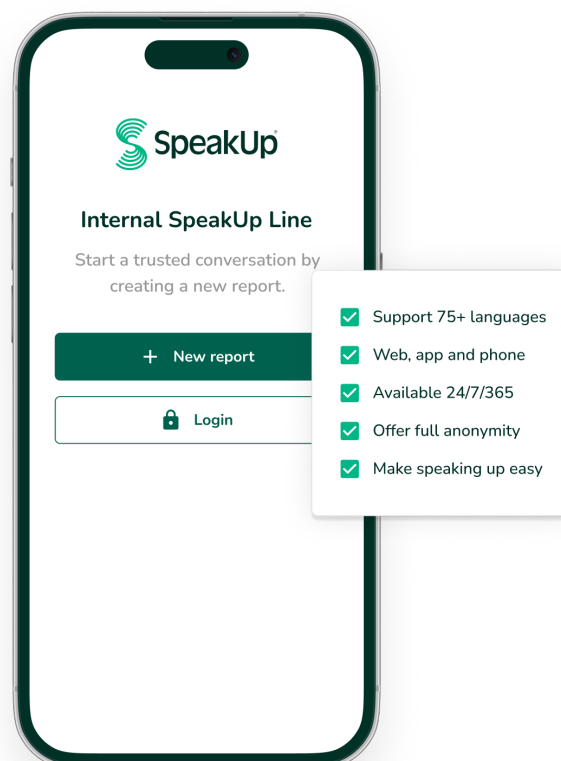
→ Creating a speak up culture

→ Availability Constraints

- Confidential advisers typically operate within standard working hours, which may not align with the needs of all employees.
- This lack of flexibility can hinder timely reporting and follow-up on crucial issues.

→ Legal and Regulatory Compliance

- Adhering to regulations such as the European Whistleblower's Directive requires an impartial and secure reporting mechanism.
- Organisations must navigate complex legal landscapes to ensure compliance, which may be challenging without the proper tools.



External confidential advisers

→ External Data Storage Risks

- When external parties are involved, sensitive data might be stored outside the organisation, increasing cybersecurity vulnerabilities.
- This external storage can lead to potential data breaches, putting both the whistle blower and the organisation at risk.

→ Accessibility and Familiarity

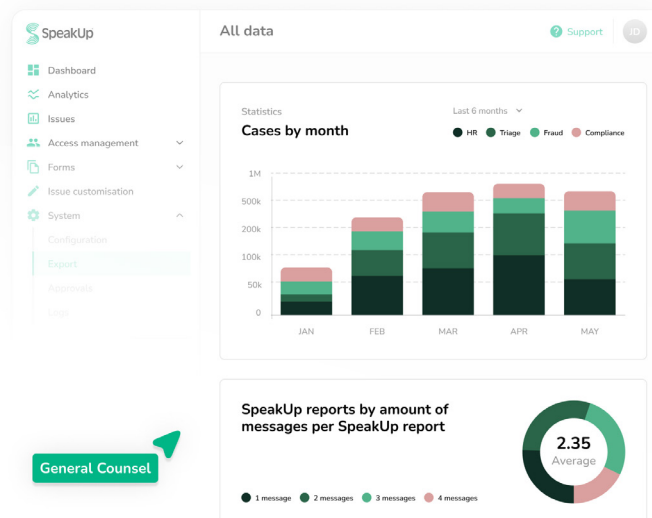
- External advisers might not be as familiar with the organisation's culture and processes which can affect their effectiveness in handling reports and advising employees.
- The lack of regular, physical presence within the organisation can lead to challenges in building trust and rapport with employees, which is crucial for encouraging them to come forward with concerns.

→ Autonomy vs. Organisational Insight

- While external advisers offer a degree of autonomy from the organisation's internal culture, this separation can also mean they lack nuanced understanding of the organisational context, which is important for effectively evaluating and advising on reported issues.

→ Confidentiality and Anonymity Concerns

- While not specific to external advisers, managing these aspects can be more challenging when involving external parties, who may not be as integrated into the organisation's confidentiality protocols.



How Can You Enhance Your Whistleblowing Program Alongside a Confidential Adviser

- **Implement an Anonymous Reporting System:** Encourage the use of systems for secure, anonymous reporting, ensuring employees can report misconduct without fear, judgement, or retaliation.
- **Introduce a [Dedicated Whistleblowing Solution](#):** To reduce the organisational burden you run, look towards a whistleblowing solution that everyone in the organisation can have access to – and one gives you a clear oversight of cases.
- **Regular Training and Awareness Programs:** Educate employees and confidential advisers on the importance and use of the whistleblowing system. Tell them the scope of use, clear anti-retaliation policies and the kinds of concerns they can report on.
- **Establish Clear Communication Channels:** Provide multiple, accessible channels for reporting, ensuring they cater to diverse employee needs.
- **Reflect on Language Barriers:** Make sure you have options available for multilingual reporting. Employees shouldn't have to fear communication gap, or whether their report will be correctly understood due to language barriers.
- **Maintain a Feedback Loop:** Inform reporters about the progress of their reports within confidentiality limits. They should not have to remain in the dark about what will be done with their shared concern.

Conclusion

Confidential advisers are valuable for supporting whistleblowers, but solely relying on them can impose limitations on an organisation's whistleblowing process.

To effectively overcome these challenges and ensure maximum protection for whistleblowers, organisations must integrate a reliable, anonymous reporting system available 24/7. This system not only guarantees confidentiality but actively encourages employees to come forward with their concerns, creating a culture of trust and openness.

[SpeakUp](#) enables fully anonymous reporting with multi-device availabilities (phone, app, web), in 75+ languages, whenever and wherever someone wants to send in their concern. Designed to unburden both organisations and reporters with a simple reporting system that doesn't stonewall conversations, it opens a genuine dialogue so the very act of speaking up doesn't have to be so hard.

By also including diverse reporting options alongside a confidential adviser, continuous training, and transparent communication, you **can** create a **robust environment for whistleblowing** that aligns with legal compliance and encourages a speak up culture at the same time.

Need information on whistleblowing best practices?



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