SPEAK UP? LISTEN UP? WHISTLEBLOW?

A SURVEY OF ICAS MEMBERS

ICAS

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ACKNOWLEDGEMENTS

FOREWORD

Major whistleblowing stories are never far away from front page news, and although cases such as WikiLeaks, Panama papers and Cambridge Analytica are infamous, the way these first came to light and what ensued for those who dared to speak up is seldom recognised. The price for speaking out can be dire – intimidation, harassment and bullying, blighted career prospects and financial ruin.

More recently yet, a June 2019 report from the All Party Parliamentary Group (APPG) for Whistleblowing[1] - formed with the stated objectives to '*provide stronger protection for whistleblowers*' and '*not only aiming to change the current legislation but also the culture and perception of whistleblowers*' - calls for an urgent and radical overhaul of whistleblowing law.

As far as the accounting profession is concerned, CAs have become trusted business advisers, over and above solely operating the mechanics of financial management and reporting. As such, they are often privy to, and assessors of, closely guarded information. Most of this information will be legal and legitimate, but some will also indicate fraud and other unethical practices.

When this is the case, as stated by ICAS' The Power of One[2] business ethics initiative, "*individuals, and particularly CAs, should have the confidence to speak out and influence the culture of organisations in which they work.*" If raising issues internally is not appropriate, maybe due to the fact that senior management are those perpetrating the fraud, then whistleblowing becomes of the essence.

In this context, this ICAS research publication is the first of two papers documenting the results of a two-stage research project funded by ICAS[3] - "*Speak up? Listen up? Whistleblow?*" -, commissioned with the aim of examining how ICAS members respond to ethical dilemmas.

This publication "*Speak up? Listen up? Whistleblow? – A Survey of ICAS Members*" documents the results of the first stage of the research project consisting of a review of academic literature on speaking up, listening up, and whistleblowing, ethics and organisational culture, which then formed the basis of a questionnaire survey of ICAS members.

Findings and recommendations can be found as they relate to:

- Organisations - such as encouraging even the smaller companies to set out their values in relation to ethical behaviours, considering that the research found a strong correlation between the size of organisations and the likelihood of a Speak up policy, and for policies to be more visible and better communicated;

- Standard-setters - for the Financial Reporting Council (FRC), in relation to the UK's Corporate Governance Code, to require Boards to report on the outcome of their periodic review of Speak up / Whistleblowing arrangements (to the extent possible without breaching confidentiality); and

- ICAS - increasing the visibility of the Code of Ethics and of the Power of One initiative for younger members particularly, considering introducing an ethics mentoring system, and championing the need for improvements in the UK's current legal framework for speaking up and whistleblowing.

For the second stage of the research, ICAS members were interviewed to gain a deeper understanding of their ethical dilemmas and actions, and in particular their speak up, listen up and whistleblowing responses to those dilemmas. The outcomes and recommendations from this part of the research are discussed in the separate ICAS publication: "*Speak up? Listen up? Whistleblow? In their own words – Insights into the ethical dilemmas of ICAS members*".

Together these two publications set out the key findings from the research project and provide recommendations to individuals and organisations for tackling ethical issues based on the 'real life' experiences of ICAS members. They highlight speaking up and listening up as key parts of effective organisational culture and provide advice to individuals to help them deal with ethical dilemmas, and have the potential to take the practical aspects of professional ethics to a new level.

Whilst this research project draws on the experiences of ICAS members, its findings and recommendations are also relevant to the wider community. It is hoped that it will help embolden individuals to speak up if they encounter ethical issues within their organisations, and also help inform about the vital importance of effective speaking up and listening up mechanisms to ensuring a successful organisational culture.

Guy Jubb
Chair of the ICAS Research Panel

September 2019

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[1] APPG Whistleblowing (2019) Whistleblowing – The Personal Cost of Doing the Right Thing and the Cost to Society of Ignoring it
https://docs.wixstatic.com/ugd/88d04c_9754e54bc641443db902cd963687cb55.pdf

[2] ICAS (2017) The Power of One – Organisational culture and values
https://www.icas.com/__data/assets/pdf_file/0004/304339/ICAS-The-Power-of-One-Organisational-culture-Sept-2017-FINAL.pdf

[3] Paisey, C, Paisey NJ and Tsalavoutas, I (2019) Speak up? Listen up? Whistleblow? A survey of ICAS members. Paisey C (2019) Speak up? Listen up? Whistleblow? In their own words – Insights into the ethical dilemmas of ICAS members.

Executive Summary

Background and method

In this report, the term 'speak up' is used for situations in which people speak up internally within their organisations while whistleblowing here refers to situations where people report wrongdoing externally. Effective *speak up* and whistleblowing arrangements are regarded as key elements of an effective organisational culture. Attention is also now beginning to turn to the importance of listening as well as speaking up on the basis that, if someone speaks up, this will be ineffective if nobody listens and takes action accordingly. 'Listen up' is a phrase that has only just begun to enter the lexicon but it is starting to gain traction as it signals a culture shift, placing the onus on organisations to listen as well as on individuals to *speak up*.

A considerable amount of research has been conducted in the areas of business ethics and organisational culture but little of this focuses specifically on the ethical context within which professional accountants work, and the ethical dilemmas they face. Where research relevant to the accountancy profession does exist, most takes the form of experiments, usually with graduate or MBA students as participants but rarely with auditors or accountants.

This report aims to address this gap by examining how respondents to a survey of ICAS members deal with ethical dilemmas, with a particular focus on:

- **speaking up** - occasions where they choose to speak up, or not, as the case may be;

- **listening** - whether they are listened to when they raise issues and whether they listen when others raise issues with them; and

- **whistleblowing** - whether, and in what circumstances, they decide to become a whistleblower by disclosing information outside their organisation.

The focus is mainly on the individual accountant but individuals experience ethical dilemmas and frame their responses within particular organisational contexts. Hence, while focusing mainly on individual aspects, this project first captures the characteristics of the organisational contexts within which survey respondents operate.

This research project was conducted in two stages. First, a literature review was undertaken of research in the areas of speaking up, listening up and whistleblowing, ethics and organisational culture, and how people deal with ethical dilemmas, including the determinants of whistleblowing. This literature review was then used as the basis for a questionnaire survey of members of ICAS. The survey was distributed in the autumn of 2017 and 651 responses were received. The respondents were representative of the total membership of ICAS as regards gender, country location and work sector. Firms of all sizes were represented, with 40% of respondents working for firms with over 1000 employees and a further 31% working in firms with between 50 and 999 employees. The response under-represents members below the age of 35 but this is not considered to invalidate the results as previous research has shown that mid and later career accountants are more likely to experience ethical dilemmas. Mid and later career accountants will also have more experience to draw upon, enabling them to judge more effectively whether something is abnormal. Nonetheless, further research focusing specifically on younger members would be informative.

Survey findings

Most respondents work in organisations that have ethics policies, codes of ethics and core values. *Speak up* policies exist in the organisations of around two-thirds of respondents but this survey has found that *listen up* policies exist in less than half of organisations across all sectors.

The results show a strong correlation between the size of an organisation and likelihood of having a *speak up* policy. Hence, accountants working for small and medium-sized organisations will often be in organisations that lack a formal, documented, *speak up* policy.

Although a range of ethics policies exist, the details are not always known and training is not always provided. This creates an impression that there is a gap between rhetoric and reality that is exacerbated by the finding that the policies are not always regarded as being effective.

This survey has found that the ICAS members who feel most equipped to deal with ethical dilemmas are also most likely to be satisfied with the outcome if they raise issues. Training therefore can increase awareness which is associated with increased satisfaction.

Although formal *listen up* policies are not yet the norm, around three-quarters of respondents believe that they work in organisations that listen, at least on a basic level, although fewer than half have received training in listening. Listening is often thought of as an action carried out by individuals. However, a person could work in an organisation where one or more colleagues or managers might listen on an individual level but where the organisation as a whole does not have a culture that values listening. Listening is therefore often characterised as an element of organisational culture where management is committed to listening and where communication loops are established to ensure that both senior management and employees are aware of the importance of listening to the organisation. This organisational aspect is sometimes referred to as a listening culture, where a listening culture is regarded as a part of wider organisational culture. When respondents were asked the extent to which they agreed or disagreed with the statement "My organisation has a listening culture", only just over half felt that their organisation did so. It needs to be recognised that ethical issues might well demand different responses at organisational level from non-ethical issues and so the culture towards listening could vary depending upon the nature of the issue being raised. Nonetheless, our results suggest that organisations should reflect on whether they could do more to promote a so-called listening culture, especially as regards ethics matters, including communication and providing training.

Respondents were found to have encountered a range of ethical dilemmas throughout their careers. Dilemmas occur in all sizes and types of organisations and the issues are serious, not solely relating to accounting and tax matters but also covering areas such as fraud, theft, bribery, corruption, bullying, discrimination and harassment. When respondents encountered an ethical dilemma, most spoke up internally. Our findings suggest that respondents who are male and/or older are more likely to *speak up*.

Although many respondents found the courage to *speak up*, their experiences are not always positive. In instances where they had experienced a dilemma of an ethical nature and had reported it, respondents indicated that a majority of instances were investigated but not all, that a quarter of instances were not resolved and that, in 35% of cases, they were not at all satisfied with the outcome. In some cases, the respondents indicated that

they did not know whether the matter had been investigated or how it had been resolved. This shows the challenges around research into speaking up. It may sometimes be the case that organisations are not able to provide details of the outcome of their investigations and that matters have been dealt with although those who speak up may be unaware of this. Our findings point to the need for organisations to give careful consideration to the extent to which they can communicate outcomes, even if sometimes this only amounts to an assurance that an investigation has taken place but because of specific circumstances the organisation cannot divulge the full details of the outcome. Thus, careful communication could go some way to assuring people who speak up that their concerns have been taken seriously. Despite outcomes not always being viewed positively by respondents, it is very encouraging that the vast majority of respondents who had reported an ethical concern would do so again.

Knowledge of relevant ICAS publications such as the Code of Ethics and *Power of One* appears to increase with age and experience. A majority of ICAS members indicate that they would be likely to approach another CA for advice on a personal basis if they had an ethical dilemma. Respondents would like more advice from ICAS and training in ethical dilemma resolution but there is little desire for financial support or assistance in finding another job if a member feels the need to resign from their occupational role. Further investigation into the role members would like ICAS to play would be informative in further developing ICAS policy in this area.

Conclusions

Although two-thirds of respondents stated that *speak up* policies exist in the organisations in which they work, it is of concern that one-third are in organisations without such policies. Even in larger organisations where respondent members work, although a range of ethics policies exist, the details are not always known and training is not always provided. This creates an impression that there is a gap between rhetoric and reality that is exacerbated by the finding that the policies are not always regarded as being effective.

Whilst it may be impractical for the smallest organisations to have detailed procedures and mechanisms relating to *speak up* and *listen up* policies, there is scope for all organisations to set out their ethical values and policies in broad terms and for medium-sized entities to adopt a greater range of ethics policies and procedures.

Listen up policies are starting to appear but are at a much earlier stage of development than *speak up* policies. Stressing the importance of listening is as much about cultural change as it is about specific policies and our results show that there is considerable scope to improve policies in this regard.

Since knowledge of relevant ICAS publications such as the Code of Ethics and *Power of One* appears to increase with age and experience, there is a need to increase visibility among younger members. Consideration also needs to be given to support female and younger members who are less likely to *speak up* than male and older members. This is not to suggest that females or younger members are weaker than males and older members but points to the need to understand specific barriers to speaking up and how these might be addressed.

Policy recommendations

Whilst bearing in mind that our survey only included ICAS members, it does draw on the views of 651 members who are representative of the wider membership of ICAS as regards gender, country location and work sector, and a good fit for the general population regarding religious adherence. As such, the survey provides insights across a wide range of organisations, enabling the following policy recommendations to be proposed.

For organisations

Although speak up and whistleblowing policies are widespread in large organisations, there is a need to continually stress the benefits to the organisation of the reporting of ethical concerns at the earliest opportunity.

Small and medium-sized organisations are less likely to have ethics policies, codes of ethics, statements of core values and *speak up* policies and they should be encouraged to develop policies to the extent that is practical. While the level of detail is likely to vary with size of organisation, setting out an organisation's values in relation to ethical behaviour should be possible for even small organisations.

There is still a tendency for speaking up and whistleblowing to have negative connotations. Organisations should review the vocabulary used both in written documentation and in oral communications so that the benefits to the organisation of speaking up and whistleblowing are clear and that the message is given that such behaviours are valued.

Firms may be concerned that encouraging speaking up and whistleblowing could result in erroneous or malicious reports. Whilst these cannot be eradicated, organisations need to review their policies to focus on the benefits rather than drawbacks.

Whilst *speak up* policies are becoming embedded, *listen up* policies are still not widespread. Given the importance of listening when people *speak up*, organisations should consider how they can promote more effective listening, including specific provision of *listen up* policies as this would represent a cultural shift towards a more supportive organisational environment.

The details of ethical, including *speak up* and *listen up*, policies need to be more visible and better communicated so that people in organisations know how to access the policies.

It is also important to provide training in the content and usage of ethical, including *speak up* and *listen up*, policies as training practice is currently variable and needs to be more widespread.

There is considerable variability in *speak up* policies and organisations should review their policies to ensure that they incorporate best practice, including assurances about confidentiality and anonymity, protection from retaliation and the provision of multiple means of access (such as phone, email and the internet) in order to make it as easy as possible for people to make reports whilst also being mindful of legal requirements to report and situations where reports might constitute tipping off.

For the FRC in relation to the UK's Corporate Governance Code

The latest version of the FRC's Corporate Governance Code (FRC, 2018) contains a number of improvements that fit with the findings of our survey. These include the shift in responsibility for speak up/whistleblowing arrangements to the board rather than the audit committee, the reference to the workforce rather than staff of the company and the inclusion of anonymity. Given our finding that procedures are not always effective in practice, we suggest that a useful addition to the current guidance would be for the board to report on the outcome of their periodic review of the effectiveness of arrangements to the extent possible without breaching any confidential information.

The FRC's 2018 changes also refer to 'concerns' rather than the wording in the previous code of 'concerns about possible improprieties in matters of financial reporting or other matters'. Given that we found evidence of a wide variety of ethical concerns, both financial and non-financial, the use of a more encompassing reference to 'concerns' is welcome. However, whilst generally supportive of the current wording, we have some reservations about the term 'concern' as this might be interpreted as meaning actual concerns whereas the workforce may have issues that they are uncomfortable with but may not be in a position to know whether these represent actual concerns. Moreover, a concern indicates something relatively serious, whereas it is in the interests of the organisation not to impose a limit on the severity or nature of issues raised as something seemingly insignificant could turn out to be of greater importance than initially thought. We therefore suggest that consideration should be given in future Code revisions to replacing the term 'concerns' with a reference to 'issues of actual or potential concern'.

For ICAS

Knowledge of relevant ICAS publications such as the Code of Ethics and *Power of One* appears to increase with age and experience, pointing to a need to increase visibility among younger members.

Given the finding that younger members and female members are less likely to raise ethics concerns than older, male ICAS members, consideration needs to be given to understanding why this is the case and strategies that could address this.

Since a majority of respondents indicate that they would be likely to approach another CA for advice on a personal basis if they had an ethical dilemma, ICAS could consider introducing an ethics mentoring system along the lines of its current career mentoring. Respondents would like more advice from ICAS and training in ethical dilemma resolution, but there is little desire for financial support or assistance in finding another job if a member feels the need to resign from their occupational role.

It is clear from the survey findings that many ICAS members voice concerns and seek to influence the behaviour in their organisations. Insofar as practical given confidentiality considerations, it would be informative for the membership to learn of such instances where members can act as role models for others.

Given that the UK's legal framework for speaking up and whistleblowing is falling behind developments elsewhere, ICAS could encourage and lead debate about potential improvements such as the extension of legal protections beyond the current limited categories, in line with recent EU and Australian developments, requiring organisations above a specified size to have policies in place for speaking up and whistleblowing, and requiring them to report on the usage and effect of these policies.

1. Introduction

A healthy organisational culture is a valuable asset, defining the way firms conduct their business and helping them to navigate a fast-changing business environment (EY, 2016). Speak up and whistleblowing arrangements are regarded key elements of an effective culture (CISI, 2014) and attention is also now beginning to turn to the importance of listening as well as speaking up.

Individuals operating within organisational settings have privileged access to information and some serious breaches have only come to light because of the actions of whistleblowers (Rapp, 2013). In some egregious circumstances, whistleblowing may be the only realistic way for some issues to emerge, for example the operation of cartels (MacCulloch, 2003), fraud (Nicholaou, 2011; Qian, 2013; Everett and Trembley, 2014), trade secrets (Rowe, 2009), and bribery and corruption (Barkemeyer *et al.*, 2015; Johnston, 2015). Whistleblowing is also considered to be a necessary element in the prevention and tackling of stock market manipulation (Constable, 2013) and where managers feel under pressure to achieve high targets because of competition, undue shareholder influence or wider economic pressures (Littler, 2006).

Whilst the public gaze is often on companies, recent events both in the UK and elsewhere have shown that fields as diverse as the charity, film, sport, politics, education and health sectors have also been exposed, often with the aid of insiders who have spoken up. Previously they might not always have been listened to, but now people are finding a voice and being heard. However, raising issues is still not an easy thing to do and requires considerable moral courage (Grant, 2002; Priesemuth, 2013; ICAS, 2015b).

Within the accountancy profession, individual accountants work in a wide variety of roles and sectors. Often, they hold senior positions of trust in organisations and, as the ICAS *Power of One* initiative recognises, individual accountants possess the power to influence those around them. ICAS has placed ethical leadership at the heart of the professional claim (ICAS, 2015b, p.7), a factor that has been associated with effective speaking up (Ahn *et al.*, 2018), and ICAS members are reminded that:

> *Robust challenge must be seen as healthy and positive in relation to organisational culture. People need to take the lead and be able to speak their mind…*

and

> *Individuals, and particularly CAs, should have the confidence to speak out…* (ICAS, 2015b, p.7).

Yet, despite a voluminous literature on business ethics, little is known about the specific ethical context within which professional accountants work, and the ethical dilemmas faced by them. Gao and Brink (2017), in a review of whistleblowing studies in accounting research, identified several areas where evidence is lacking in relation to the accountancy profession. First, although speaking up is starting to be considered in academic literature and there is an extensive literature generally on whistleblowing, very little of this focuses specifically on accountants. Gao and Brink (2017) cite only one study that surveys accountants and this is now dated. The other studies they review involve experiments, usually with graduate or MBA students as participants but rarely with auditors or accountants. Second, they suggest that gaps exist in relation to the organisational characteristics that influence whistleblowing and perceptions of internal reporting channels. Third, they note that most studies relate to situations in which the whistleblower works in the organisation where the wrongdoing has taken place, and that more attention needs to be placed on whistleblowing more broadly, for example where the wrongdoing takes place elsewhere such as at a client or outsourced organisation. The findings of this study can address all of these gaps.

Aim

The aim of this research project is to examine how members of ICAS respond to ethical dilemmas, with a particular focus on:

- **speaking up** - occasions where they choose to *speak up*, or not, as the case may be;

- **listening up** - whether they are listened to when they raise issues and also whether they listen when others raise issues with them; and

- **whistleblowing** - whether, and in what circumstances, they decide to become a whistleblower.

The focus is mainly on the individual accountant but individuals experience ethical dilemmas and frame their responses within particular organisational contexts. Hence, while focusing mainly on individual aspects, this project first captures the characteristics of the organisational contexts within which respondents operate.

Objectives

The above aim is broken down into two related objectives. The first objective is to review the academic literature on speaking up, listening up and whistleblowing in accounting and related fields such as law, business ethics and organisation studies. We also include the medical field since the issue of whistleblowing has received considerable attention there in recent years which might point to lessons for other professions. The purpose of the literature review is to identify current knowledge relating to how individuals respond to ethical dilemmas. Following from this first objective, the second objective is to use the literature review findings to develop a questionnaire in order to learn about the contexts within which respondents work and the situations where they have experienced an ethical dilemma, including how they responded in relation to speaking up, listening and whistleblowing.

Specifically, the questionnaire was designed to provide insight into:

- whether they raised concerns (spoke up);

- if they did so, whether people listened;

- whether they considered whistleblowing outside of the organisation, whether they actually did so, and with what consequences;

- whether actions were taken to address the issues;

- whether they felt that their organisational policies worked in practice;

- why people acted in the way that they did and what drove their behaviour;

- whether more support could be made available and, if so, what this might entail;

- whether there is a need/demand for guidance and support from ICAS.

Given that the questionnaire was distributed to members of ICAS, it is hoped that the resulting findings can inform ICAS policy as well as being of interest to the wider business and academic communities.

Report outline

The next chapter sets out relevant concepts and reviews prior literature. The research approach is then outlined, followed by the presentation and discussion of the results of the questionnaire survey. Finally, conclusions and policy implications are set out.

2. Relevant concepts, legal framework and literature review

Over 400 documents from a range of academic journals drawn from accounting, law, business and ethics disciplines, supplemented by professional, corporate and media sources have been reviewed. Details of the literature review sources are listed in Appendix 1. The literature on this topic area is extensive but articles use a variety of terms, sometimes interchangeably. In addition, terms such as *speak up* and *listen up* are relatively new and therefore are only beginning to be found in the literature. Thus, a wide range of keywords was used for the literature search – see Appendix 1 for details. This section aims to capture the main concepts and themes that have been discussed in prior literature.

2.1 Professions, professionals and professional ethics

Academic literature has presented a variety of theoretical insights into professions. Some focus on the functions carried out by professions and the characteristics that they embody. One commonly cited trait of professions is their expression of an ethical basis, hence professions are distinguished from other occupations in part on the professional claim to act ethically and in the public interest in order that others can have confidence and trust in their work (see for example Perks, 1993). Another strand of academic literature presents the view that claims to professional ethics are not altruistic but rather serve to protect the status and income of professionals, hence serving the private interest of professionals rather than the wider public interest (see for example Willmott, 1986; Lee, 1995; Larson, 2013). Both strands are however united in their acceptance that professional bodies tend to develop codes of ethics as part of the process of professionalisation, although it has been questioned whether these focus sufficiently on ethics or whether they are more akin to quality assurance guidelines (Velayutham, 2003). Professional bodies also tend to develop disciplinary procedures to deal with situations where professionals have fallen short of expected ethical standards though, again, these have been criticised for being used infrequently and often for breaches that are relatively minor in nature (Lee, 1995; Canning and O'Dwyer, 2003, 2006).

The precise nature and purpose of professional ethics have therefore been questioned but professional accountancy bodies affiliated to the International Federation of Accountants (IFAC) are nonetheless required to have a code of ethics. In practice, most codes in the accountancy profession are aligned with the IFAC Code of Ethics that specifies five fundamental ethical principles: integrity, objectivity, professional competence and due care, professional behaviour, and confidentiality (IESBA, 2016; ICAS, 2017a).

Professional status generally implies that professionals have an express duty to serve the public interest (Dellaportas and Davenport, 2008) and to take personal responsibility for their actions (Gulyás, 2003). Where professionals are also employees operating within organisations, in addition to abiding by their code of ethics, such professionals have obligations to their employer in employment relationship terms, resulting in the potential for conflict between professional obligations to employers and the wider public interest (Martin, 1992), especially if the wrongdoing involves fellow professionals (Lewis, 2012).

The fundamental principle of confidentiality included in accounting codes of ethics can cause a dilemma if the CA is considering breaching confidentiality. Since 2017, accountants have been permitted to set aside the duty of confidentiality under the Code in order to disclose non-compliance with laws and regulations (NOCLAR) to appropriate public authorities where there is a strong public interest reason for so doing (IESBA, 2016).

ICAS has issued guidance on a variety of aspects of ethics under the *Power of One* initiative launched in 2015 (ICAS, 2015a). Topics include personal responsibility and ethical leadership (ICAS, 2015b), personal reputation (ICAS, 2016) and the CA role in organisations (ICAS, 2017b). The need to exercise moral courage (ICAS, 2015c) and the CA's impact on organisational culture and values (ICAS, 2017c) have also been stressed. In order to assist CAs when making ethical decisions, an ethical decision framework (ICAS, 2015d) and guide to possible ethical approaches (ICAS, 2017d) have also been published. These, along with the ethics oath, the ethics helpline service and ethics case studies (Molyneaux, 2008; ICAS, 2009; Brennan, 2016) show that ICAS has placed ethics at the heart of its claim to be a profession. This research project builds on this work, investigating the ethical dilemmas faced by respondents and how they resolve them.

2.2 Defining terms

The terms 'speak up' and 'whistleblowing' are sometimes used interchangeably. Near and Miceli (1985, p. 4) define whistleblowing as "the disclosure by organization members (former or current) of illegal, immoral, or illegitimate practices under the control of their employers, to persons or organizations that may be able to effect action". Although very broad in scope, this is the most widely used definition in subsequent academic literature. It encompasses whistleblowing through both internal and external channels, whistleblowing to supervisors and external parties, including both criminal and non-criminal activities, involving behaviour that is unethical or illegitimate, or both. In the minds of the public, however, whistleblowing tends to be regarded as an extreme action taken when all else has failed, usually associated with the disclosure of situations involving considerable legal and/or ethical breaches where the whistleblower goes outside of the organisation. This is reflected in the following quote:

> *The overwhelming majority of whistleblowers are deeply loyal, committed employees who have high expectations of their organisations. It's when those institutions fail to meet high standards that the nascent whistleblower becomes distraught, frustrated and sounds the alarm. Only when they find – to their mounting disappointment – that they are ignored or rejected do they go outside the organisation to draw attention to their grievances* (Heffernan, 2013).

This suggests that external whistleblowing often comes at the end of a protracted process, in circumstances where other options have failed or are considered to be unlikely to be effective. In keeping with the benefit of dealing with matters at the earliest opportunity, recent evidence suggests that employers are increasingly trying to provide an open culture in which employees feel able to *speak up* informally rather than feeling they have to report formally and externally (CISI, 2014; Johnson, 2015).

Although the use of the term 'whistleblowing' has not ceased, a newer term - 'speaking (or speak) up' – is being used increasingly in the organisational world. This term is softer, potentially broader and avoids some of the negative connotations sometimes associated with whistleblowing. The term 'listen up' is newer still. Although not yet widely used, the term is entering the lexicon and is interesting as it flips the focus from the person who speaks up to the person who listens, recognising that speaking up will be ineffective unless the person who speaks up is listened to.

In this monograph, the terms *speak up*, *listen up* and *whistleblow* are used as follows:

Speak up	This refers here to speaking up internally within an organisation.
	The matter being raised may be anything from minor and small scale to major and very serious. Sometimes this is referred to as 'internal whistleblowing' or 'internal reporting'. The term is often used to refer to *speak up* policies that facilitate, and provide a mechanism for, speaking up.
Listen up	This refers here to being listened to if someone speaks up.
	The term may refer to specific *listen up* policies and is regarded as an important element of organisational culture on the basis that speaking up will not be effective unless someone listens.
Whistleblow	This refers to speaking up externally, where information is communicated outside of the organisation, for example to government agencies or the media.
	This is often regarded as a last step when internal speaking up has not worked, but sometimes matters may be communicated externally without going through internal procedures beforehand.

The following sections elaborate on how these terms are defined for the purposes of this research project.

2.3 'Speak up'

For the purposes of this project, speaking up is considered to be broader than whistleblowing, covering any form of speaking up from very informal and quite minor situations to much more formal and serious ones. Additionally, whilst whistleblowing is sometimes regarded as covering both internal and external disclosures, here whistleblowing is regarded as relating to external disclosures whereas speaking up relates primarily to internal disclosures.

The academic literature sometimes uses the terms 'internal whistleblowing' or 'internal reporting' (Heacock and McGee, 1987), involving informing relevant members of the organisation, such as management or internal audit, about potential wrongdoing. Internal whistleblowing or reporting are therefore similar to speaking up.

Whatever the terminology, speaking up is an aspect of 'employee voice'. In a study of employee voice at two organisations, Rees *et al.* (2013) found that employees who are encouraged to build reciprocal relationships with both senior and line managers are more likely to feel engaged and to voice issues.

The Chartered Institute of Securities and Investment (CISI) has done a considerable amount of work in relation to speaking up. CISI regards speaking up as important since matters raised at an early stage can be acted upon in order to prevent wrongdoing becoming entrenched. They recommend speaking up internally in the first instance, if possible, via informal disclosure (for example approaching a wrongdoer, speaking to a colleague or informally raising the issue with a line manager/HR). If this is ineffective, they recommend making a formal disclosure (for example following internal *speak up* procedures or formally raising the issue with the manager/compliance/senior management). Only if such informal and formal speaking up is ineffective do they recommend disclosing to a regulator or, as a last resort, disclosing publicly (for example to the media, the government or on the internet). There may be instances, however, where a person chooses not to go through these steps in sequence if, for example, a person judges that it is too risky to raise the matter internally (CISI, 2014).

Given the perceived benefits of speaking up at an early stage (Johnson, 2015; CISI, 2014), within the accountancy profession attention is starting to focus on how to develop effective *speak up* arrangements, with specific guidance for directors and managers (Vandekerckhove *et al.*, 2015). A case can be made for following the procedures set out by an employer, as research by Lewis (2015) showed that those who followed an employer's procedure when raising a concern had better outcomes than others.

Speaking up, especially if internal and informal, is not always visible. Therefore, whilst transparency and visibility are sometimes regarded as evidence of systems working well, in the case of speaking up, it is possible that if a *speak up* system worked very well, there might be little evidence of prevalence. Research attention (both academic and professional) has therefore tended to focus on the existence of *speak up* arrangements rather than their usage. For example, in a survey conducted by the UK's Institute of Business Ethics (IBE) of FTSE 350 and selected other large companies, all respondents had a whistleblowing or *speak up* line, and 97% also had a policy to protect employees who *speak up* against retaliation, although only 41% of such companies had established a formalised approach to monitoring the policy (Dondé, 2016).

Another survey by IBE, CEA and Forética (2015) examines the usage levels of *speak up* systems across the UK, France, Germany, Spain, Italy, the Netherlands and the US. The survey results reveal that 93% of respondents had a *speak up* system, with 73% allowing allegations to be made confidentially and anonymously, while 27% permitted only confidentiality. Other key highlights of the survey are as follows:

- 78% could be accessed by phone, 86% by email and 73% via a dedicated website;

- 51% were managed in-house;

- 61% permitted non-employees, such as customers or suppliers, to access the system as well as employees;

- 63% placed no restrictions on the types of issues that could be raised;

- 90% had a policy to encourage non-retaliation against whistleblowers, of which 29% did not have a process to monitor non-retaliation;

- Around three-quarters of contacts to the *speak up* mechanisms contained allegations, approximately a third of the allegations proceeded to enquiry and approximately 20% led to disciplinary action;

- 40% were made anonymously;

- the report rate was 12 reports per 1,000 employees;

- the most frequently reported issues were bullying/harassment, human resources matters and fraud/theft.

2.4 'Listen up'

Training in listening began to be introduced in the 1970s (Janusik, 2002) but the term *listen up* is of more recent origin. It is based on the idea that if someone speaks up, then another party needs to listen for the speaking up to be effective. An early business example of the use of the term *listen up* dates from 2002, when Alice Peterson founded Syrus Global in Chicago in order to meet the provisions for confidential and anonymous employee reporting contained in The Corporate and Criminal Fraud Accountability Act, widely known as the Sarbanes-Oxley Act, passed in 2002 in the USA (SEC, 2002). More recently, Linklaters, a leading UK law firm has launched its Listen up! campaign aiming to encourage businesses to refocus their approach by adopting effective reporting systems and ensuring management is equipped to listen to, recognise and deal effectively with serious issues raised by employees. The campaign deliberately refocuses emphasis away from encouraging employees to *speak up*, to ensuring that if employees do *speak up* managers are equipped to hear them (Linklaters, 2014).

Although listening is only now being researched within the management domain, it is a widely held view that it is an important leadership tool. It is said to have positive effects by making people feel more respected and visible, and less anonymous (Alvesson and Sveningsson, 2003). Listening is also regarded as good practice as the UK government's guidance for employers, issued in 2015, recognises:

> *As an employer it is good practice to create an open, transparent and safe working environment where workers feel able to speak up. Although the law does not require employers to have a whistleblowing policy in place, the existence of a whistleblowing policy shows an employer's commitment to listen to the concerns of workers. By having clear policies and procedures for dealing with whistleblowing, an organisation demonstrates that it welcomes information being brought to the attention of management.* (BIS, 2015, p.3)

In an effort to encourage UK Civil Service employees to speak up, a Whistleblowing Awareness Week was held in October 2016 during which employees were assured that if they spoke up then their line management "should be ready to listen and engage" (Manzoni, 2016, p. 1). Likewise, in the UK's NHS, the importance of listening has been recognised (Francis, 2015) and new guidelines were introduced in April 2016 (NHS Improvement, 2016, p.6) in a section entitled 'Speak up – we will listen':

> *We are committed to listening to our staff, learning lessons and improving patient care. On receipt the concern will be recorded and you will receive an acknowledgement within two working days. The central record will record the date the concern was received, whether you have requested confidentiality, a summary of the concerns and dates when we have given you updates or feedback.*

Likewise, Johnson (2016) concludes that listening is crucial. He reports on an *Ethics at Work* survey of over 3,600 respondents across the UK and continental Europe that found a disconnect between the provision of a *speak up* or whistleblowing line (with the precise terminology varying between organisations), and its effectiveness, leading Johnson (2016, p. 40) to conclude that:

> *Boards need to listen to, act upon and report back on relevant concerns raised by their employees. Failing to do so is almost worse than not having a mechanism for employees to speak up.*

Listening is often thought of as an action by individuals. Hence, in one of the first empirical studies of listening in a business context, respondents were asked whether their supervisor "is interested in what I have to say" and "makes me comfortable so I can speak openly" (Lloyd *et al.*, 2015). However, a person could work in an organisation where one or more supervisors might listen on an individual level but where the organisation as a whole does not have a culture that values listening. Listening is therefore often characterised as an element of organisational culture where management is committed to listening and where communication loops are established to ensure that both senior management and employees are aware of the importance of listening to the organisation. This organisational aspect is sometimes referred to as a listening culture, where a listening culture is regarded as a part of wider organisational culture (Flynn *et al.*, 2008).

2.5 Whistleblow

Internal whistleblowing has been discussed in section 2.2 as part of *speak up*. In this section, the focus is on external whistleblowing where a person communicates information outside of their organisation, typically to government agencies or the media. External whistleblowing involves either an internal allegation becoming public or the whistleblower directly disclosing an allegation outside the organisation, for example to the media or to a regulatory agency (Bowen *et al.*, 2010).

Whistleblowing generally refers to reporting (act of disclosure) by former or current organisational members (actor), of suspected wrongdoing, immorality, illegality or illegitimate practices under the control of their employer (disclosure subject) to the appropriate authorities or to organisations that may be able to effect action (disclosure recipient). This is done in circumstances where the whistleblower believes that the public interest overrides the interests of the organisation that s/he serves (disclosure subject) with the disclosure entering the public domain (outcome) (Jubb, 1999).

Whistleblowing is likely to be contemplated at the end of a thought process, in circumstances where other options have failed or are considered to be unlikely to be effective. Nor is whistleblowing necessarily a single action; in many cases whistleblowing can be decomposed into a number of moral decisions leading up to the act itself (O'Sullivan and Ngau, 2014).

An aspect neglected in the academic literature is that, when whistleblowing occurs, the whistleblower may be correct or incorrect in their claims. If they are correct and have spoken up externally, exercising considerable moral courage in doing so, the implication is that the organisational culture has not operated in such a manner as to allow the matter to be dealt with at an earlier stage via an organisation's internal speak up arrangements. Alternatively, if the whistleblower has made an erroneous claim, the disclosure might be an honest mistake, indicating a breakdown in communication or relationships, or it might be an act of a disgruntled employee. The latter require particular treatment so as not to

undermine the integrity of the arrangements (Vandekerckhove, 2018). Therefore, like speaking up, whistleblowing arrangements cannot be divorced from organisational culture and a considerable body of research is building up on the topic of how to encourage a more effective corporate culture (Senekal and Uys, 2013).

Whistleblowing has played a crucial role in exposing many accounting and corporate scandals including the Enron, WorldCom and Olympus cases (Lehman, 2014). More recent examples include bribery at Rolls-Royce (Milmo, 2012), the Tesco profit overstatement due to incorrect treatment of supplier payments (Thomas, 2014) and Volkswagen's emissions defeat device (Ewing, 2016). There are also positive examples where firms act decisively on the information received. In April 2017, KPMG in the USA dismissed six individuals including five partners, one of whom was its head of audit, for receiving improper warnings of Public Company Accounting Oversight Board (PCAOB) regulatory inspections. KPMG had learned of the situation from an internal source and immediately reported themselves to the PCAOB (Economia, 2017).

Some whistleblowers have been lauded in the press and have succeeded in forging alternative careers as speakers/advisers on whistleblowing (Lehman, 2014). However, many whistleblowers suffer greatly in terms of finances, health and personal life (Vinten, 1992).

Whistleblowing has traditionally had negative connotations (Orr, 1981) with whistleblowers being labelled telltales or tattletales, snitches or industrial spies (Trejchel, 1999, Boyce, 2014). Often whistleblowers lose their jobs and suffer from bullying, harassment and emotional distress (Mesmer-Magnus and Viswesvaran, 2005; Dussuyer, 2015; Park *et al.*, 2018). Feelings of isolation are common (Lang *et al.*, 2016) and organisations often portray whistleblowers as mentally unstable or unreliable in order to undermine their claims (Kenny *et al.*, 2018). The conceptualisation of whistleblowing as a form of occupational suicide (Perry, 1998) is telling as it suggests that there can be no improvement or positive outcome with a person's future job prospects being seriously affected. Whistleblowers are often regarded as traitors (Koehn, 1998) who have betrayed their organisation (Moberg, 1997). It is therefore not surprising that the Banking Standards Board found that some employees are reluctant to raise concerns (BSB, 2017). A key question is therefore how to promote a culture that enables people to raise their concerns without fear of retaliation since, as the next section shows, speaking up and whistleblowing can provide benefits for organisations.

2.6 Ethics and organisational culture – good governance

Speaking up, listening and whistleblowing are regarded as being vital and necessary elements of good governance, alongside other components such as audit committees (Sarens *et al.*, 2009), professional codes, internal controls, risk management, organisational support and ethics training (Brennan and Kirwin, 2015; Alleyne *et al.*, 2018; Remišová *et al.*, 2018). For example, the Chartered Institute of Internal Auditors (CIIA) states that:

> *Employees who sound the alarm about bad practices early enough can help to ensure that problems come to light before it is too late, thus helping to prevent disasters ranging from widespread customer mistreatment to loss of life* (CIIA, 2014, p.6).

In an ideal world, whistleblowing externally would not be necessary because systems would be in place, and an organisational culture would exist, in which all people would be able to internally report their concerns. For this reason, when whistleblowing occurs, this suggests that there has been a breakdown in organisational culture.

The importance of speaking up and whistleblowing mechanisms is recognised in the UK's Corporate Governance Code issued by the Financial Reporting Council (FRC, 2018a) that applies to listed companies. This latest version applies to accounting periods beginning on or after 1 January 2019. Principle E of the Code makes it clear that the workforce should be able to raise any matters of concern whilst provision 7 states that:

> *There should be a means for the workforce to raise concerns in confidence and – if they wish – anonymously. The board should routinely review this and the reports arising from its operation. It should ensure that arrangements are in place for the proportionate and independent investigation of such matters and for follow-up action.*

This replaces a provision in the previous version of the Corporate Governance Code (FRC, 2016a, provision C 3.5) which charged the audit committee rather than the board with responsibility for arrangements by which staff of the company could raise concerns. The new focus on board responsibility serves to underline the importance of such arrangements while the reference to the 'workforce' rather than 'staff of the company' is of wider application, recognising that companies often utilise contractors, agency workers and people on zero-hours contracts. Anonymity is also included which accords with academic literature that suggests that anonymity is an important protection for some whistleblowers.

Both the current and previous versions of the Code recognise that effective *speak up* and whistleblowing policies can also help to engender trust and break down barriers between the board and the workforce, thus contributing to a healthy corporate culture that aligns company values with strategy and promotes integrity (FRC, 2018b, FRC, 2016b).

Beyond listed companies, organisations more widely are being encouraged to provide whistleblowing and *speak up* policies (see, for example, guidance produced by the Institute of Business Ethics (Bradshaw, 2007), the Financial Reporting Council (FRC, 2017), the Bank of England Prudential Regulation Authority (PRA, 2017) and the Financial Conduct Authority (FCA, 2017)).

2.7 Ethics and organisational culture – legal framework

Three broad areas of legal provision that have been extensively discussed in the literature are legal protection for whistleblowers, financial rewards for information that leads to successful prosecution and the legal duties on interested parties such as companies and their auditors.

Legal protection for whistleblowers

The UK's Public Interest Disclosure Act 1998 provides some legal protection to workers who make 'protected disclosures' in certain specified circumstances. Although the legislation was widely welcomed (Mayne, 1999), case law shows that is difficult to make a successful claim (Lewis, 2008). In 2013, the provisions were amended so that disclosures are only protected if they are in the public interest. However, concerns have been expressed that this is likely to deter whistleblowers, that the new requirement may be more effective at protecting against workplace grievances than protecting whistleblowers, and that employees in smaller, private companies may find it harder to satisfy the public interest test (Lewis, 2012; Slaughter and May, 2014).

In the USA, some legal protection for whistleblowers was enshrined in the National Labor Relations Act 1935 with more recent legislation including the Whistleblowers Protection Act of 1989 and the Ethics Reform Act of 1989 (Sikula, 1996). The Sarbanes-Oxley Act of 2002 was intended to improve corporate governance and to foster a more positive culture (Stern and Cohen, 2007; Hargrove and Raiborn, 2013). It contains protections from discrimination and retaliation for employees who become whistleblowers, sets out a framework for the handling of whistleblowing disclosures by audit committees and provides for confidentiality (SEC, 2002). All public companies must comply with the act. Following the 2008 financial crisis, the Dodd-Frank Wall Street Reform and Consumer Protection Act, known as the Dodd-Frank Act (SEC, 2010) was enacted. This legislation significantly strengthened the protection afforded to whistleblowers including enhanced whistleblowing regulations, a broadening of the class of individuals who can be considered whistleblowers, protection from retaliation in certain circumstances and the provision of financial rewards for whistleblowers, as well as continuing assurances of confidentiality and anonymity (Luhrs, 2012). Legislation also exists at state level, with considerable variation in protection and compensation, but generally greater protection for public rather than private sector employees (Cordis and Lambert, 2017).

In the European Union, a legislative resolution was passed by the European Parliament on 16 April 2019 to give legal protection to whistleblowers who report on breaches of EU law relating to such areas as procurement, financial services, product and transport safety, public health, nuclear safety, consumer and data protection, and money laundering. Member states have two years in which to implement the new law which recognises that existing whistleblower protection in the EU is fragmented and insufficient. The new EU directive will apply to people in both the public and private sector, and will establish safe and confidential reporting channels, protection of whistleblowers against dismissal, demotion and other forms of retaliation and require national authorities to inform citizens and provide training for public authorities on how to deal with whistleblowers. In addition, all companies with more than 50 employees will have to set up an internal procedure to handle whistleblowers' reports. The protections cover both internal and external disclosures, with encouragement in the first instance for internal reporting if that is possible, but with protection for those who decide to go straight to external reporting (European Parliament, 2019). This represents a major extension of current whistleblower protections across Europe and will affect relatively small enterprises as well as large ones.

In Australia, the Whistleblowers Protection Act 1993 in South Australia made it unlawful to penalise a person for disclosing public interest information to an appropriate authority and the Public Interest Disclosure Act 2013 gave protection on a country-wide basis to public officials who make prescribed disclosures. The Australian legislation provides good protection for the groups covered but whistleblowers from the corporate, unincorporated and charitable sectors were largely unprotected (Australian Collaboration, 2015). Legislation has recently been enacted to provide protection to corporate whistleblowers. The Treasury Laws Amendment (Enhancing Whistleblower Protections) Act provides protection for people making qualifying disclosures and the protections extend beyond those currently in place in other jurisdictions in that a wide variety of people now receive protection, not solely employees. Those covered by the legislation include all past as well as current employees, office holders, suppliers of goods and services and their employees, individuals who are associates of the company, and relatives or dependents of these people. The legislation also imposes a new legal duty on public companies and on large propriety companies to implement a whistleblower policy, with penalties for failure to implement such a policy (Pinsent Masons, 2019). These developments are ground-breaking, representing a significant extension of current provisions that could be a model for other countries to follow.

Financial rewards for whistleblowers

For some, the very idea of paying whistleblowers may be abhorrent yet for others a payment reflects the reality that often whistleblowers lose their jobs and suffer financially (Frean, 2017). In some cases, such as those involving insider trading and other highly complex financial transactions, a reward seems to have acted as an incentive to disclose wrongdoing that might not otherwise have come to light (Kamman and Hood, 2009; Gendron and Smith-Lacroix, 2015).

In the USA, there is a history of federal and state laws allowing the government to pay an award to an informer who presents information that leads to a governmental financial recovery. These include the False Claims Act, the Tax Relief and Health Care Act, the Insider Trading and Securities Fraud Enforcement Act and the Dodd–Frank Wall Street Reform and Consumer Protection Act (Castellina, 2011; Hargrove and Raiborn, 2013). The False Claims Act was originally enacted during the US Civil War. The latest version incorporates a so-called bounty law that rewards individuals who disclose fraud being perpetrated on the government. If the government wins the case, the relator receives a portion amounting to between 10 and 30 percent if the amount recovered exceeds $1m (Ellig and Peirce, 2014). Hence, the sums are considerable.

The Sarbanes-Oxley Act was criticised for not providing compensation to be paid to whistleblowers "for their substantial personal and professional sacrifices" and a case was made for bounty payments to be available to cover not only actual damages but also to offer additional compensation (Schichor, 2008, p. 272). Section 748 of the Dodd–Frank Act accordingly set out incentives (bounty programs) for whistleblowers who voluntarily provide high-quality, original tips to either the Securities and Exchange Commission (SEC) or the Commodity Futures Trading Commission (CFTC) about violations that result in the imposition of monetary sanctions over $1 million. The effect of the tip being voluntary is that the whistleblower cannot wait until a request for information is received from the SEC. A further requirement is that the information must be based on independent knowledge or analysis from the whistleblower, hence must be original, first-hand, facts (Hargrove and Raiborn, 2013). The amount of the bounty depends upon a number of factors including the significance of the information provided by the whistleblower to the success of the judicial or administrative action and the degree of assistance provided by the whistleblower and any legal representatives of the whistleblower but does not take account of the balance of the fund. In practice, whistleblowers typically receive between ten and thirty percent of the fines collected for ethical breaches (Frean, 2017).

Outside of the USA, there appears to be little appetite for rewarding whistleblowers (Miceli *et al.*, 2009). The matter was briefly discussed in the UK in parliament in 1987 (Likierman, 1989) and again in 1990 (Vinten, 1992) but the proposals were rejected, representing the view that information should not be obtained at any cost, whereas the US position is predicated on the view that motive for reporting is less important than getting useful information (Miceli *et al.*, 2009) and that the economic benefits outweigh the costs, moral or otherwise (Carson *et al.*, 2008).

The Prudential Regulation Authority (PRA) and FCA conducted research in 2013 into the question of whether a case could be made for providing financial incentives in the UK. They concluded that incentives in the US benefit only the small number whose information leads directly to successful enforcement action resulting in the imposition of fines (from which the incentives are paid), while providing nothing for the vast majority of whistleblowers.

They believed that there is as yet no empirical evidence of incentives leading to an increase in the number or quality of disclosures received by the regulators; that introducing incentives has been accompanied by a complex, and therefore costly, governance structure; that the incentives system has also generated significant legal fees for both whistleblowers and firms, although many whistleblowers are represented on a contingency basis (no award, no fee); and that incentives offered by regulators could undermine the introduction and maintenance by firms of effective internal whistleblowing mechanisms. They also articulated some concerns relating to malicious reporting, entrapment, conflicts of interest in court, inconsistency with regulators' expectations of firms and negative public perceptions. Taken together, these provide strong arguments against the provision of incentives, despite the fact that they can sometimes lead to successful disclosures and redress (PRA and FCA, 2014).

Financial incentives did, however, find some support in a survey undertaken by the Chartered Institute of Securities and Investment (CISI, 2014, p.6). When respondents were asked the question "Financial incentives to US whistleblowers get results. Should the UK likewise offer rewards to encourage reporting of wrongdoing by companies?", 46% were strongly in favour, 35% were somewhat in favour with only 19% somewhat or strongly opposing the suggestion.

Evidence on the effectiveness of financial rewards is inconclusive. According to Hargrove and Raiborn (2013) there is no clear evidence that the payment of bounties has encouraged potential whistleblowers to move from a culture of reticence to candidness, although they report that 43% said that the possibility of a substantial bounty did provide encouragement for whistleblowing outside of their organisation. They therefore conclude that bounties are useful, but of equal importance is positive communication to the public about the need for, and benefits of, sharing information about wrongdoing. Financial rewards for whistleblowers appear to be effective in the USA (Rose *et al.*, 2018) and Indonesia (Latan *et al.*, 2018) but do not appear to be effective in Germany, showing the importance of taking the cultural context into account (Lee *et al.*, 2018).

Legal duties on interested parties

External auditors have obligations in a number of countries including the UK to report concerns of legal improprieties such as fraud, bribery and money laundering. For example, the UK's Proceeds of Crime Act 2002 introduced the offence of money-laundering and set out criminal sanctions for failure to report money laundering while the Money Laundering Regulations 2007 require regulated firms to appoint a Money Laundering Reporting Officer (MLRO). The Bribery Act 2010 introduced an offence of failure to prevent bribery and suspicions of bribery should also be reported to a firm's MLRO. Such legislation over-rides the professional accountant's obligations under their code of ethics to maintain client confidentiality. Of relevance in the context of speaking up and whistleblowing are the so-called 'tipping off' provisions contained in UK law that create the offence of making a disclosure likely to prejudice a money laundering investigation being undertaken by law enforcement authorities. This means that potential reports need to be made carefully to ensure that any subsequent legal proceedings are not jeopardised.

Other countries are now tightening legal provisions in this regard. For example, in South Africa, an obligation on external auditors to report material irregularities that would be likely to lead to material financial loss to stakeholders such as members or creditors, theft and fraud has been introduced. The benefits of such an obligation are said to be that it aids corporate governance and the embedding of a culture of transparency, whilst

also conferring legitimacy to auditing (Maroun and Solomon, 2014) and providing useful additional information for stakeholders (Maroun and Atkins, 2014 a and b). Furthermore, although the duty to report does not drive audit quality, it does seem to be a feature of audits that are regarded as being of high quality (Maroun, 2015).

Within the EU, sectoral legislation applies relating to breaches of the Audit Directive or Regulation (European Commission, 2014) and the Anti-Money Laundering Directive (European Commission, 2015). However, the application is limited to employees in external audit firms and employees in external accountant, tax advisory and auditor firms, although the Anti-Money Laundering Directive also contains the addition of "persons in a comparable position". Furthermore, the reporting mechanisms are not aligned. Under the Audit Directive, firms must set up internal reporting procedures but the Anti-Money Laundering Directive requires a specific, independent and anonymous channel (Accountancy Europe, 2017).

These legal duties relate to individual auditors and others but there are also legal developments aimed at imposing a legal duty on organisations. As discussed earlier, under the proposals currently under consideration by the European Commission, all companies with more than 50 employees or with an annual turnover of over €10 million will have to set up an internal procedure to handle whistleblowers' reports (European Commission, 2018). The new Australian legislation is similar as it imposes a new legal duty on public companies and on large proprietary companies to implement a whistleblower policy, with penalties for failure to implement such a policy (Pinsent Masons, 2019). These are significant developments designed to strengthen the legal framework. In the UK, companies under the remit of the FRC's Corporate Governance Code have obligations in relation the provision of reporting mechanisms for concerns but there are no plans as yet for the statutory framework to be developed along EU or Australian lines.

2.8 Dealing with ethical dilemmas – influencing factors

So far, this literature review has shown that speaking up, listening and whistleblowing are important elements of an effective ethical organisational climate. In addition, the corporate governance, legal and ethical frameworks within which accountants operate provide the context for the accountant's actions. Speaking up and whistleblowing confer considerable benefits in revealing malpractice and a wide variety of organisations now provide guidance to those who are considering speaking up and whistleblowing. Nonetheless, speaking up and whistleblowing are still considered to be far from easy and even if people do *speak up*, it is not certain that they will be listened to, protected and have their claims fully investigated and addressed.

In order for someone to become a whistleblower, they will have reached the view that their duty to reveal malpractice should prevail over the cost to themselves or others (Smith, 1997). This is especially so if the whistleblower is a senior employee, as more junior employees often have a team to share problems with, but mid-range and more senior employees are often isolated, with few or no people that they can confide in (Seymour, 1988; Helliar and Bebbington, 2004). There is a lack of information about the specific factors that may affect the accountant's decision to *speak up* or whistleblow but there is a range of literature that focuses on the factors that may affect the decision to *speak up* or whistleblow more generally. Overall, there is widespread evidence that the

whistleblowing decision is affected by the perceived seriousness of a misdemeanour (Hersh, 2002; Ayers and Kaplan, 2005; Mesmer-Magnus and Viswesvaran, 2005; Vadera *et al.*, 2009; Somers and Casal, 2011; Cassematis and Wortley, 2013; Gao *et al.*, 2015 and Andon *et al.*, 2016). Near *et al.* (2004) found that employees were more likely to whistleblow if they observed wrongdoing involving mismanagement or sexual harassment, and less likely to whistleblow if they observed stealing, waste, safety problems or discrimination. Robinson *et al.* (2012) found that employees who were professionals were more likely to report theft rather than financial statement fraud, and material as opposed to immaterial financial statement fraud.

In addition to the nature of the perceived misdemeanour, a range of other factors have been found in the literature to influence actions taken. These are set out below but it should be noted that most studies do not focus specifically on accountants and many involve experiments, for example using graduate or MBA students rather than studies of actual accountants.

Personal characteristics

Gender	Overall, the results are inconclusive (Lee and Xiao, 2018). Some studies find inconsistency or a slight tendency for females to whistleblow (Sims and Keenan, 1998; Mesmer-Magnus and Viswesvaran, 2005) or to report whistleblowing intentions (Dalton and Radtke, 2013) while others find no difference (Zhang *et al.*, 2009; Cassematis and Wortley, 2013). Women may be more likely than men to report concerns if the reporting channel is anonymous (Kaplan *et al.*, 2009).
Age	Overall, the results are inconclusive (Vadera *et al.*, 2009; Lee and Xiao, 2018). Some studies find that older people are more likely to report misconduct (Stansbury and Victor, 2009), especially if they hold more powerful positions and are less fearful for their position (Miceli and Near, 1988; Vadera *et al.*, 2009). Other studies find younger people more likely to report misconduct (Brennan and Kelly, 2007; Zhang *et al.*, 2009) but most studies find no association (Keenan, 2000; Chiu and Erdener, 2003; Cassematis and Wortley, 2013).
Length of tenure	Most research finds no association between length of tenure and whistleblowing (Keenan, 2000; Rothwell and Baldwin, 2007; Sims and Keenan, 1998; Singer *et al.*, 1998; Zhang *et al.*, 2009) although Stansbury and Victor (2009) found that people who have been employed by an organisation for a shorter period of time are less likely to report misconduct than those with longer tenure. There is some evidence that longer tenure is negatively related to external whistleblowing but positively associated with internal whistleblowing (Miceli and Near, 1988; Vadera *et al.*, 2009).

Employee's level within the organisation	Overall, research results indicate that employees at higher levels of the organisation are more likely to whistleblow (Floyd, 1997; Rothwell and Baldwin, 2007; Vadera *et al.*, 2009). Helliar and Bebbington (2004) found that earlier career CAs often had support mechanisms whilst mature CAs had built up a wealth of experience and that it was mid-career CAs who were therefore most likely to struggle with ethical dilemmas.
Education	Although there are few studies that focus predominantly on educational factors, overall, research results suggest that more highly educated and better paid employees are more likely to whistleblow (Miceli and Near, 1988; Vadera *et al.*, 2009).
Prior education in ethics	There is a considerable literature advocating education in ethical dilemmas and whistleblowing, making the assumption that education in ethics is likely to have positive effects (see, for example, Warren and Tweedale, 2002; Koehn, 2005; Uys, 2011) but these papers do not provide actual evidence that education affects ethical decisions.
Cultural background	Some research finds that employees from collectivist cultures (i.e. cultures that are based on valuing the needs of a group or a community over the individual, in which kinship, family, and community are of prime importance) are more likely to be supported by colleagues and hence more likely to become a whistleblower than employees from more individualistic cultures where independence is encouraged (Sims and Keenan, 1999; Zhuang *et al.*, 2005; Alleyne *et al.*, 2013; Trongmateerut and Sweeney, 2013). Other studies report more mixed results (Park *et al.*, 2005; Sims, 2009). There is limited research on the effect of religiosity (Soni *et al.*, 2015) and the results are inconclusive.

Intrinsic factors

Personal motives	Some literature finds that whistleblowing is more likely to be undertaken if it not only benefits the organisation but also the whistleblower (Dozier and Miceli, 1985). Whistleblowers appear to conduct a cost-benefit analysis of the situation (Lee and Xiao, 2018) and to assess the impression management perceptions of their actions (Gundlach *et al.*, 2003). Weber (1990) found that people were more likely to whistleblow if they took a self-centred focus and felt a sense of guilt if they violated their underlying values (Weber, 1990).
Professional identity	There is some, albeit limited, evidence that people are more likely to whistleblow if they perceive it as their responsibility, and have a heightened sense of professional identity and positive attitude towards the accountancy profession (Lee and Xiao, 2018).
Loyalty (attachment)	Feelings of loyalty to an organisation can prevent someone from whistleblowing, especially where people regard loyalty as a moral action (Uys and Senekal, 2008).There is some evidence that disclosure to external parties is more likely to be seen as disloyal than reporting internally (Andrade, 2015). However, connections between whistleblowing and loyalty are difficult to evidence since research interprets loyalty in a variety of ways (Vadera *et al.*, 2009).
Perceptions of harm	In a study of determinants of whistleblowing among employees, the strongest factor driving propensity to whistleblow was found to be the potential harm caused by the action being disclosed (Chen and Lai, 2014). This includes the personal cost of reporting, thus referring to the harm suffered by the whistleblower (Alleyne *et al.*, 2013) as well as harm to the organisation.
Social pressure	The perceived social pressure to perform in a particular way, based on a person's thoughts about the likelihood that significant others approve or disapprove of performing a given behaviour, was found to be a statistically significant influence on both internal and external whistleblowing (Park and Blenkinsopp, 2009).
Self-efficacy	Self-efficacy is the judgment of one's capability to affect the outcome. It was found to influence the propensity towards internal whistleblowing (MacNab and Worthley, 2008; Zhang *et al.*, 2009). The act of whistleblowing also enables someone who initially seems powerless to take control of a situation that they find to be disturbing, hence is attractive to someone wishing to exercise a degree of agency (Avakian and Roberts, 2012).

Loners and non-conformity	Greenberger *et al.*, (1987) hypothesise that as whistleblowing is an act of non-conformity, loners and those who challenge conformity may be more likely to whistleblow than those who are more susceptible to team pressure. However, they did not test this hypothesis.
Idealism	More idealistic individuals are less likely to require anonymity in order to become whistleblowers and are also less likely to whistleblow externally, preferring internal channels (Nayir and Herzig, 2012).

Organisational culture

Ethical climate	A strong ethical climate (Dalton and Radtke, 2013) and the perceived strong ethicality of leaders (Bhal and Dadhich, 2011; Liu *et al.*, 2015) have been found to increase whistleblowing intentions.
Support mechanisms	The existence of support mechanisms for reporting wrongdoings (Alleyne *et al.*, 2013) including supervisor (Mesmer-Magnus and Viswesvaran, 2005) and team (Lee and Xiao, 2018) support, and favourable attitudes towards whistleblowing (Lee and Xiao, 2018) have been found to aid whistleblowing intentions.
Structural support	Whistleblowing is more likely where there are externally administered reporting channels (Gao *et al.*, 2015). Brennan and Kelly (2007), in an experiment with trainee auditors, also found that where firms have adequate formal structures for reporting wrongdoing, the trainee auditors were more likely to report it.
Protection from retaliation	Fear of retaliation seems to reduce the likelihood of reporting internally, sometimes forcing whistleblowers to report externally (Lee and Xiao, 2018). Turley and Zaman (2007) found that senior management are more confident about not being retaliated against if they have confidence in internal audit's ability to assess the seriousness of the issues, and in internal audit's confidence in the audit committee.
Confidentiality	The importance of the assurance of confidentiality in order to support whistleblowing is widely accepted (Deming, 2012) and most companies that provide *speak up* / whistleblowing mechanisms incorporate confidentiality (Dondé, 2016). However, a potential barrier to whistleblowing is that some employees are required to sign confidentiality agreements with employers (Gao and Brink, 2017).
Anonymity	Anonymity can encourage employees to come forward (Murdock, 2009) but may make it more difficult for companies to keep the person who raised the concern informed of the outcome (Dondé, 2016).

Ability to effect change	People are more likely to whistleblow if they are in a culture where they feel that they can effect change. Near *et al.*, (2004) found that if people felt that nothing could be done to rectify the situation and that their whistleblowing would therefore be ineffective, they were less likely to whistleblow. Societal views change over time; therefore the timeframe is also significant (Dandekar, 1990).
Superior-subordinate relationship	The superior-subordinate relationship has been found to affect employee voice behaviour and the tendency to *speak up*, and that employees are more likely to *speak up* if they feel that they have psychological ownership and feel empowered (Wang, 2016).
Locus of control	Whistleblowing is facilitated when individuals feel in control of the situation and is less likely where individuals feel that control lies with someone else (Chiu and Erdener, 2003; Alleyne *et al.*, 2013; Ogunyemi, 2013).

Contextual factors

Number of people who know about the misdemeanour	A bystander effect was identified by Gao *et al.*, (2015) whereby an individual is less likely to whistleblow if aware that others have also witnessed the wrongdoing. Robinson *et al.* (2012) found that employees were less likely to report when the wrongdoers were aware that the potential whistleblower had knowledge of the misdemeanour and when nobody else knew about the misdemeanour.
Closeness to perpetrator	The evidence is variable here. Whistleblowing is more likely where there is more distance between parties according to King (1999) but Mesmer-Magnus and Viswesvaran (2005) found that those who were closer to the wrongdoer were more likely to whistleblow.
Size of organisation	Whistleblowing is more likely to occur in large organisations (Barnett, 1992; Bowen *et al.*, 2010), with high growth and relatively unclear communication channels (Bowen *et al.*, 2010). Accountants in smaller businesses can feel a sense of personal culpability which can reduce propensity to whistleblow (Ritchie and Richardson, 2004).
Organisational structure	Whistleblowing is more likely in organisations with clear structures and multiple hierarchical layers as there is more distance between parties (King, 1999).
Sector	Public sector employees are more idealistic and less inclined to whistleblow anonymously and externally (Nayir *et al.*, 2016).

Financial strength of the organisation	Cahan (1992) found that people in failing organisations were less likely to make disclosures as they felt that such organisations were less likely to be able to withstand the consequences of disclosure.
Union representation	Organisations are more likely to be subject to allegations of corporate financial misdeeds where there is union representation (Barnett, 1992; Lewis and Vandekerckhove, 2018).
Existence of a reward	There is some evidence that whistleblowing is more likely to occur in situations where a reward is available (Zhang, 2008; Bowen *et al.*, 2010; Gendron and Smith-Lacroix, 2015).
Corruption context	In countries with greater levels of fraud and bribery, there is some evidence that individuals are less likely than those from other contexts to whistleblow (Sims and Keenan, 1999).
Evidence base	The evidence base can be important, for example whether whistleblowers have secured the information properly, analysed it fully and presented it fairly (Jensen, 1987; McLain and Keenan, 1999). This may be more relevant to the likely effect of whistleblowing rather than the decision whether to whistleblow but is included here as there is some evidence that people are more likely to report internally when they feel that they have a good evidence base (Lee and Xiao, 2018).

Despite the plethora of extant literature reviewed above, it is clear that there remain noticeable gaps, not just in relation to the business world in general or accountancy in particular but across a wide variety of contexts. As Gao and Brink (2017, p. 13) state:

> *Effectively encouraging whistleblowing is of great importance, as employee tips are considered the most common method of detecting fraud …. There has been extensive research in accounting literature investigating ways to encourage whistleblowing. However, our understanding of the determinants of whistleblowing intentions is still limited.*

Specifically in relation to accountancy, there is a lack of literature about the scale and nature of ethical dilemmas faced by chartered accountants, how these individuals tackled them, including situations where accountants may have considered whistleblowing or speaking up but chose not to, or situations where whistleblowing or speaking up took place, and with what effect. Whilst of interest, much of the literature is dated which represents a problem given that the business context is constantly evolving and responding to concerns arising in the aftermath of financial scandals. This research project sought the views of ICAS members on these issues in order to provide an evidence base from which to identify issues for further analysis and to draw policy recommendations.

3. Research approach

3.1 Survey design

Drawing on the literature review themes as set out in section 2, a first draft of an internet-based survey instrument was developed.[1] The final version of the survey included 66 questions, with the maximum possible number of questions per respondent (including demographical data) being 61.[2]

The survey was distributed via e-mail by ICAS to 18,700 of its members on two occasions: on 17 October 2017 and on 15 November 2017. In between, on 2nd November 2017, ICAS published a prompt to recipients in its news daily e-mail that the survey was open. The survey was closed on 30 November 2017. The invitation e-mail was received and opened by 11,465 recipients across both mailings and we received 651 responses in total (i.e., 5.7% response rate). This response rate based on emails received and opened is an approach that is widely used in email surveys and the response rate is comparable to other email-distributed academic surveys in accounting and finance.[3][4] It is also around the average for all ICAS' member communications.

3.2 Demographic data

The first section of the questionnaire was designed to capture background information about the respondents. This data is used in the analysis section to investigate any differences across respondents.

Table 3.2.1 summarises the participants' demographic characteristics. This first shows that the majority of respondents are based in the UK, with a small proportion of respondents from Australia, Canada and the US, and the remaining 7% of respondents being based in various other countries across the world. These percentages reflect the actual ICAS membership given that 14% of ICAS members work overseas.

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[1] To ensure logical flow of the questions, construct validity of the questionnaire, and to optimise wording and tone of the questions, the instrument was piloted by one academic researcher, three members of the ICAS Ethics Board and six members of the ICAS Strategy and Research Advisory Group (SARAG, now renamed as the Research Panel). In response to this feedback, first, we liaised with the ICAS Ethics Board and, second, reworded, added some and deleted other survey questions and made some structural changes. The revised questionnaire was piloted with another academic researcher who is also a chartered accountant, the ICAS Acting Director of Research and Senior Policy Director, and one member of the ICAS SARAG.

[2] Depending upon the experiences and responses of respondents, not all respondents received 61 questions. For example, if someone indicated that their company did not have a speak up policy, then the questions asking about that policy were not relevant to that respondent. Respondents could skip questions if they chose not to answer them. Where multiple-choice questions were used, as an alternative option a free-text ('other') response was permitted. Where relevant, we provide some of these 'other' qualitative responses. Finally, the questionnaire secured ethics approval from the University of Glasgow and the survey was completely anonymous.

[3] See, for example, 1.5% in McCahery *et al.*, 2016; 9% in Graham and Harvey, 2001; 5-8% in Graham *et al.*, 2005; 5.4% in Dichev *et al.*, 2013). However, across the survey questions included in the analysis for this report, the average response rate is lower as some respondents skipped questions, did not fully complete the survey, or some questions were not relevant to them depending their profile, previous responses and experiences.

[4] To minimise any concerns of non-response bias, in line with Graham and Harvey (2001), we compared the responses of those who completed the survey early with the responses of late respondents and found no evidence of bias. Additionally, the demographical information of our respondents appears to be representative of the ICAS membership.

Reflecting the fact that 66% of ICAS members are male, male respondents are heavily represented in the survey. In line with data from the 2011 UK census (ONS, 2013), about one third of the respondents declare that they practice no religion and almost two thirds are Christians. The remaining respondents preferred either not to say or indicated that they practise another religion.

Moreover, we see a good distribution with regard to the various age groups of respondents, albeit the overall response is somewhat skewed towards middle-aged participants.[5] More specifically, 15% of respondents are 34 years old or younger, 65% are between the age of 35 and 64, and 20% are 64 years of age or older. As indicated in section 2.7 among CAs, the groups most likely to experience difficult dilemmas are those at the mid- and later career stages with the challenges being especially great for those in mid-career who have yet to accumulate the experience of more senior accountants (Helliar and Bebbington, 2004). Thus, the profile of our respondents reflects individuals who are most likely to have faced challenging ethical dilemmas whose responses are therefore particularly informative for this survey.

Finally, we find that 23% of the participants feel they are extremely well equipped to deal with ethical issues / dilemmas, 47% very well equipped and 26% somewhat well equipped.

Table 3.2.1: Participants' demographic characteristics

Respondents' country of residence:	%
UK	84
Australia	3
Canada	3
US	3
Other country	7
	100

Respondents' gender:	%
Female	30
Male	70
Transgender	0
Prefer not to disclose	0
	100

Respondents' age:	%
18 to 24	0
25 to 34	15
35 to 44	17
45 to 54	20
55 to 64	28
65 to 74	13
75 or over	7
	100

Respondents' religion:	%
No religion	33
Buddhist	1
Christian	59
Hindu	0
Jewish	1
Muslim	1
Sikh	0
Prefer not to say	4
Other	1
	100

How well equipped do you feel to be able to deal with ethical issues/dilemmas?	%
Extremely well equipped	23
Very well equipped	47
Somewhat well equipped	26
Not very well equipped	4
Not at all equipped	0
	100

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[5] ICAS statistics show that 26% of ICAS members are under 35.

We then asked participants about the nature/area of activity of their organisation (if in employment) and their work status. Although all respondents are ICAS members and their work status may differ, the respondents in this survey are found in a diverse range of sites with 30% of them associated with an accounting/auditing firm, 13% with banking/ insurance/financial services companies, 7% with energy (including oil and gas) companies, 7% with manufacturing firms, 4% with academic institutions, 3% in IT related firms, 3% in construction firms and 3% in public authorities/organisations, among others.[6]

In terms of work status, Table 3.2.2 reveals that most respondents are employees in a professional services/accountancy firm, employees in other for-profit organisations, company directors, and people who have retired (13%).

Table 3.2.2: Participants' work status

Respondents' work status:	%
A sole practitioner	6
A self-employed person outside the accountancy profession	4
Entrepreneur	3
A partner in professional services/accountancy firm	9
An employee in a professional services/accountancy firm	13
Company director	15
An employee in a for-profit organisation	19
An employee in a non-profit organisation (e.g., charity)	5
An employee in the public sector	4
Teaching or lecturing	2
Currently unemployed (not retired)	1
Currently on a career break	2
Retired	13
Other	4
	100

The majority of respondents who are company directors and/or employees in a company other than a professional services/accountancy firm work in banking/insurance/financial services, energy (including oil and gas), and manufacturing.

Finally, respondents work in firms of all sizes. 40% are in large organisations employing more than 1000 employees. 14% are in organisations with between 250 and 999 employees and 17% are in organisations with between 50 and 249 employees.

[6] Again, the profiles of respondents reflect well the ICAS membership. For example, ICAS statistics show that 25% of its members are in practice (i.e., in Big 4 and non-Big 4 firms) and the next largest sectors are banking/finance/insurance (15%), energy (5%) and industry/manufacturing (5%).

4. Analysis and discussion

The discussion of our findings is organised as follows. Section 4.1 draws on generic information collected in relation to ethics and culture in the organisations in which the respondents are based. This focuses specifically on the *speak up* and *listen up* arrangements within the organisations of the respondents. This section also sheds light into the respondents' personal attitudes on *speak up* and *listen up* behaviours in general. Section 4.2 reports on the findings about the respondents' experiences with ethical dilemmas and section 4.3 discusses how they responded to/acted in such situations. Finally, Section 4.4 reports on the respondents' views about the role that ICAS can play in assisting and supporting its members both in developing their knowledge on dealing with ethical issues and how practically to tackle situations which involve ethical dilemmas. The narrative in all sub-sections includes the percentages of the corresponding sub-section respondents.

Please note that the percentages in graphs and tables do not always add to 100% (range 99-101%) due to rounding differences.

4.1 Ethics and organisational culture

Prevalence and contents of policies on speaking up

A clear majority of respondents work in organisations that had ethics policies, codes of ethics, and sets of core values. Organisations in the IT, retail, manufacturing, public administration, higher education and construction industries seem to be most lacking in ethics policies while organisations in the IT, higher education and retail sectors seem to be most lacking a code of ethics with only around half of respondents in those sectors reporting such a code. The largest sectors for ICAS members are accounting practice and the banking/finance/insurance sectors, and these sectors appear from our survey to be among the best equipped with ethics policies, codes of ethics and sets of core values.

Overall, about two-thirds of the respondents state that their organisation has a *speak up* policy (i.e., policy for internal reporting of ethical concerns, whether labelled as *speak up* or referred to by another term) and almost all know how to access this policy. Respondents from organisations in higher education, construction, manufacturing and the IT sectors were more likely to state that their organisation lacks a *speak up* policy.

In the accounting/auditing sector, respondents report that 68% of firms have a *speak up* policy although a higher proportion have an ethical policy, code of ethics and statement of core values, indicating that there is scope in this sector for greater implementation of *speak up* policies. Companies in the banking/financial services and retail industries appear to be the most likely to have a speak up policy in place (77% and 83%, respectively).

There appears to be a strong correlation between size of organisation and likelihood of having a *speak up* policy: 83% and 67%, respectively, of respondents in large organisations with 1000 or more employees or 250-999 employees, report that their organisations have a *speak up* policy. In contrast, 48% and 44% respectively of respondents in medium-sized organisations with 50-249 and 10-249 employees report that their organisations have a *speak up* policy. In orgnaisations with fewer than 10 employees, only 35% report that a *speak up* policy is in place. Whilst it may not be practical for the smallest, micro, organisations to have detailed, documented *speak up* policies, since the person that employees would speak to would potentially be the owners, beyond these very small organisations it is of concern that accountants working for small and medium-sized organisations are frequently working in organisations without such policies.

Graph 4.1.1 summarises the information we received with regards to who has the main day-to-day responsibility[7] for the *speak up* arrangements within the respondents' organisations. This reveals that responsibility for speak-up arrangements rests in a variety of locations including the executive team, human resources and compliance functions. From the separate answers we received under the category 'other', respondents indicate that the board or the CEO is sometimes responsible for handling such matters, whilst one respondent stated that a union representative had responsibility.
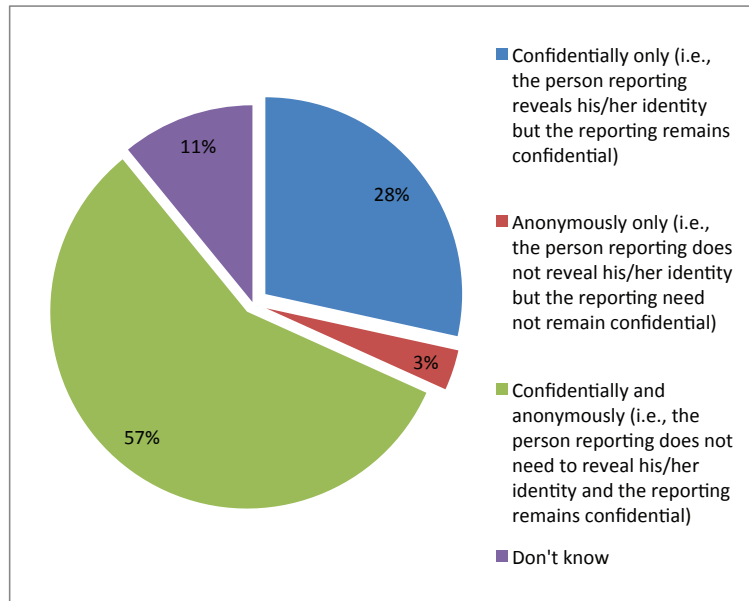
Graph 4.1.1:   Who has the main day-to-day responsibility for the speak-up arrangements within your organisation?
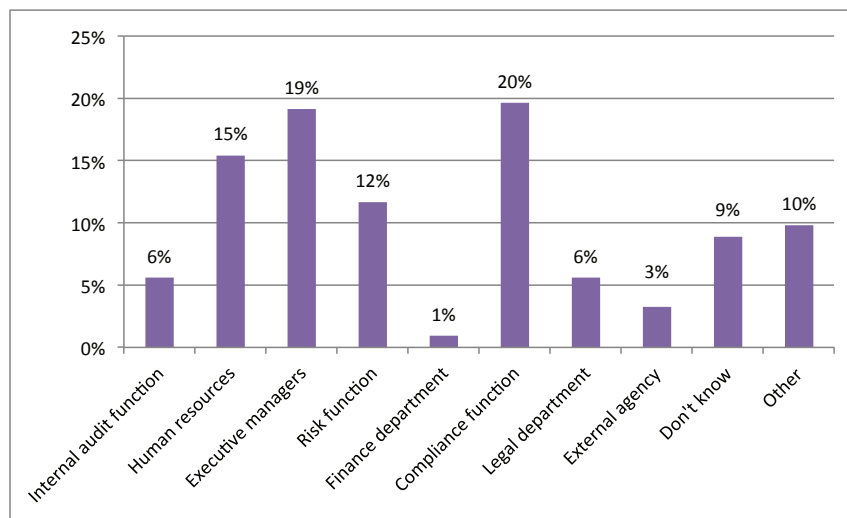
We then asked respondents to identify details of the policy (i.e., how the *speak up* policies operate and how they can be accessed). More than two thirds of the respondents who answered this question stated that the *speak up* policy in place includes how the organisation legally protects a whistleblower (for example, from retaliation). However, 20% stated that they do not know if that is the case. In almost two third of cases, the *speak up* policy in place allows allegations to be raised both confidentially and anonymously and, in almost one out of three of cases, only confidentially. Almost one in ten respondents to this question do not know how the policy operates (see Graph 4.1.2).

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[7] According to the Corporate Governance Code (2016) which was the code in existence at the time of the survey, the audit committee has overall responsibility for reporting arrangements but many ICAS members do not work for listed firms, hence we asked about day-to-day responsibility more widely.

Graph 4.1.2: Does the *speak up* policy in place allow allegations to be raised confidentially or anonymously?

Legend:
- **Confidentially only** (i.e., the person reporting reveals his/her identity but the reporting remains confidential) — 28%
- **Anonymously only** (i.e., the person reporting does not reveal his/her identity but the reporting need not remain confidential) — 3%
- **Confidentially and anonymously** (i.e., the person reporting does not need to reveal his/her identity and the reporting remains confidential) — 57%
- **Don't know** — 11%

Two thirds of the respondents stated that the *speak up* system/mechanism in place allows people to access it to make enquires and get advice as well as to make actual reports of ethical concerns. However, again, a large proportion (20%) stated that they do not know whether both enquires/advice and actual reports are covered by the system/mechanism in place. 16% state that they do not know how to access the *speak up* system in place. 41% state that the system is accessible by phone, 23% by e-mail and 20% via a dedicated website.

The respondents' relatively high unfamiliarity with their organisations' policies on *speak up* arrangements could possibly be attributed to the relative lack of relevant training. More specifically, 35% state that their organisation provides no training on speaking up. 4% state that they have received only a one-off training course and 7% state that they have received training in induction only. Importantly, 77% state that they manage people at work. However, 31% state that their organisation provides no training in how to deal with matters reported to them and 7% that they have only received a one-off training course or training in induction (4%) in this regard. Considering this background, it is not surprising that almost 39% of the respondents do not know whether their organisation's *speak-up* policy is effective and 7% of them explicitly state that it is not.

Prevalence and contents of policies on listen up

This sub-section provides insights relating to the *listen up* arrangements in the respondents' organisations, along with the respondents' perceptions regarding the organisational culture to which these arrangements contribute.

First, the respondents were asked about the extent to which they agreed or disagreed in relation to whether their organisation a) listens to what they have to say; b) interacts with them on a personal level; c) is sensitive to their concerns; d) responds to their requests; e) is empathetic and f) whether the organisation has a listening culture[8] in general.

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[8] Listening culture is discussed and defined in section 2.4.

To gain a better understanding of the listening culture in the respondents' organisations, we asked them to think of a typical interaction with their immediate line manager[9] and state whether they agreed or disagreed with a series of statements characterising such an interaction and describing the line managers' approach to listening to them.

Respondents agree or strongly agree that their line manager is interested in what they have to say (88%) and makes them comfortable so they can speak openly (82%). Additionally, 62% agree or strongly agree with the statement that their line manager does not judge them. Further, 66% of the respondents agree or strongly agree with the statements that their line manager cares about them and gives them full attention.

These answers indicate a relatively positive picture in terms of *listen up* culture in organisations. However, further questions indicate that this culture is probably the outcome of line managers acting as individuals instead of following a specific organisational policy on listening. More specifically, from the participants who answered this question, 33% stated explicitly that their organisation does not have a *listen up* policy in place and 30% do not know whether such a policy exists. Organisations in higher education, manufacturing, and IT appear to be most lacking a *listen up* policy with 0%, 18%, and 33%. In contrast, a larger, although arguably still low, proportion of organisations in construction, banking/financial services and accounting/auditing industries appear to have a *listen up* policy in place (44%, 44%, and 46%, respectively).

Additionally, 42% responded that their organisation has never offered training on listening, or offered it only in a one-off training course (3%) or training in induction only (4%). Organisations in manufacturing, higher education, IT, retail and banking/financial services industries appear to be those who provide less training on *listen up*. A large proportion of respondents in these industries state that they have never received such training in their organisations (71%, 54%, 46%, 43%, and 42%, respectively). This suggests that there is significant room for improvement in this respect, especially because 84% of the participants who answered this question agree or strongly agree in that listening skills can be improved with training.

Subsequently, the respondents who indicated that they are managing people at work were asked about their perceptions on a typical interaction with the people they manage. Their responses reflect those reported by employees with regard to a typical interaction with their managers as discussed earlier (see Table 4.1.1).

[9] In cases where they did not have an immediate line manager, respondents were asked to answer this question in relation to the person they would be most likely to consult within their organisation.

Table 4.1.1:   Think of a typical interaction with people you are managing at work. Generally, when I listen to my employee...:

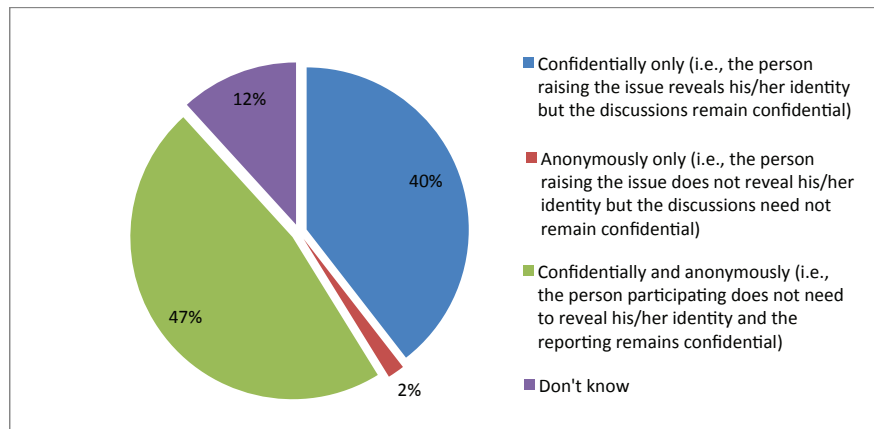|	Strongly disagree %	Disagree %	Neither disagree nor agree %	Agree %	Strongly agree %
I am interested in what my employee has to say.	0.5	0.5	4	55	40
I make my employee comfortable so they can speak openly.	0.5	0.5	5	54	40
I make it easy for my employee to open up.	1	1	9	61	28
I understand my employee's feelings.	0.5	1.5	17	62	19
I am interested in my employee personally.	0	3	14	56	27
I accept my employee for what they are.	1	1	9	54	35
I care about my employee.	0.5	0.5	8	52	39
I don't judge my employee.	0	8	18	54	20
I always give my employee my full attention.	0	5	18	59	18
I always try to respond to what my employee tells me.	0.5	0.5	5	65	29

As far as the *listen up* arrangements in place are concerned, the respondents indicate that, as in the case of *speak up* arrangements, these are also managed primarily by the executive team, human resources and compliance functions (Graph 4.1.3).

Graph 4.1.3:   Who has the main day-to-day responsibility for the *listen up* arrangements within your organisation?
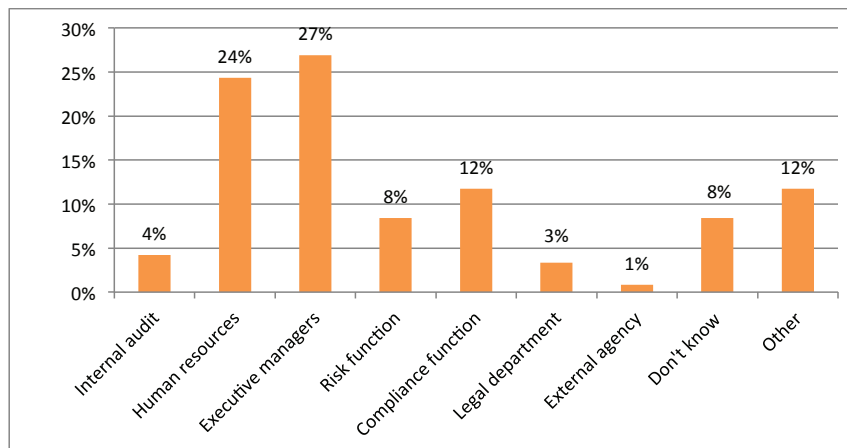
As with *speak up* policies, we then asked respondents to identify details of the *listen up* policy. 47% of the respondents who answered this question state that the *listen up* policy in place allows discussions to take place both confidentially and anonymously, and 40% only confidentially. A relatively large proportion of the respondents to this question (12%) do not know how the policy operates (see Graph 4.1.4).

Graph 4.1.4: **Does the *listen up* policy in place allow discussions to take place confidentially or anonymously?**

Legend:
- Confidentially only (i.e., the person raising the issue reveals his/her identity but the discussions remain confidential)
- Anonymously only (i.e., the person raising the issue does not reveal his/her identity but the discussions need not remain confidential)
- Confidentially and anonymously (i.e., the person participating does not need to reveal his/her identity and the reporting remains confidential)
- Don't know

4.2 Actual dilemmas encountered

The following sections explore the situations where respondents have experienced an ethical dilemma. First, we asked participants whether in either their current role or in the past, they have encountered a situation where they faced an ethical dilemma. Two thirds (67%) of those who answered this question (n=512) stated that indeed they have experienced an ethical dilemma. Further, the respondents stated that in 69% of cases, the incidence was discovered by the respondent while in 31% of cases it was reported to them. In most cases (88%) more than one person knew about the incidence. This may not be surprising considering that, in 90% of cases, the respondents who did face an ethical dilemma had a senior position in their organisations (for example, partners, chief financial officers, head of internal audit, managing director, group financial controller). This confirms Helliar and Bebbington's (2004) finding that mid-career and senior accountants were most likely to face ethical dilemmas.

In 48% of cases the incidence occurred within the last five years, in 22% of cases 6-10 years ago and in the remaining 30% of cases it took place more than 10 years ago. Finally, the respondents indicate that the incidences tended to take place in relatively large organisations (see Graph 4.2.1) but the high incidence in organisations with 50-249 employees suggests that ethical dilemmas should not be categorised as solely a large-organisation issue.

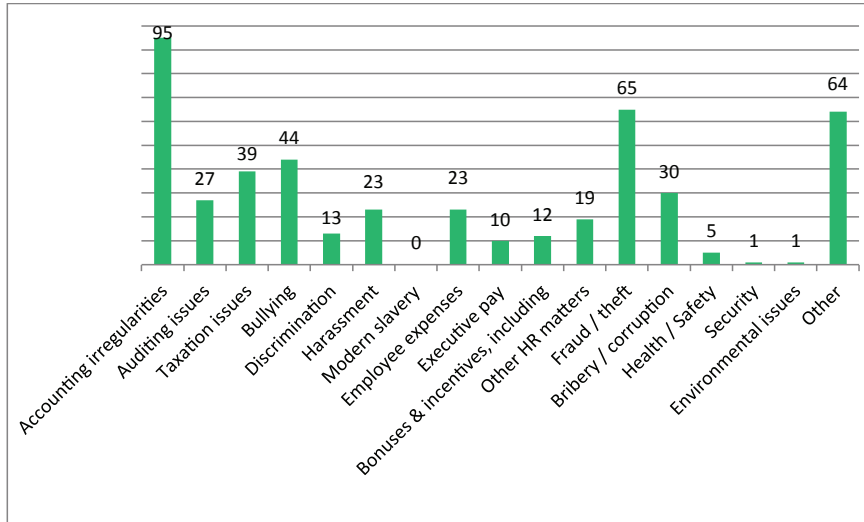**Graph 4.2.1: How many people worked for your organisation at the time when the incidence occurred?**
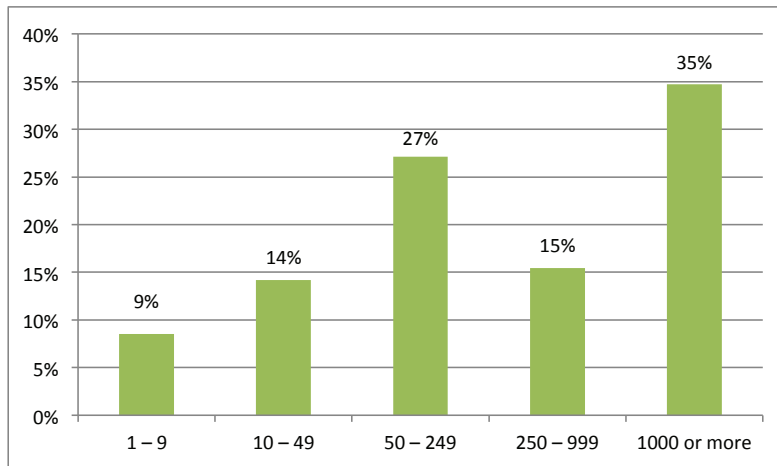
The nature/area of activity of the majority of these organisations were: accounting/ auditing firms (37%), banking / insurance / financial services companies (10%), manufacturing firms (10%), energy firms (6%) and construction companies (5%). This does not necessarily suggest that ethical issues are more prevalent in these environments but rather shows the areas of work in which our respondents who had experienced dilemmas were based. It is possible, for example, that respondents from highly regulated areas such as accounting and banking may have a heightened awareness of laws, regulations, compliance and conduct. Alternative research methods such as interviews could probe the impact of context on speaking up and whistleblowing more deeply.

Although 67% of respondents had experienced an ethical dilemma, just under half of all respondents had reported a dilemma (314 respondents). Most of the cases involved incidences at the participant's organisation (59%) but 28% related to clients, 4% to suppliers, and 13% of incidences related to both the participant's organisation and an external party. Hence, our findings here address a gap identified by Gao and Brink (2017) who noted a lack of information about third parties.

Graph 4.2.2 summarises the types of issues the respondents faced which prompted the ethical dilemmas. The most common issues were accounting irregularities (95); fraud/theft (65), bullying (44), taxation issues (39) and bribery / corruption (30). When respondents provided clarification for their choice of 'other' these included money laundering, drug abuse, conflict of interests, and concerns about misuse of inside information.

Graph 4.2.2: To what did the issue relate? (N=314)*

Bar chart showing issue categories and counts: Accounting irregularities 95, Auditing issues 27, Taxation issues 39, Bullying 44, Discrimination 13, Harassment 23, Modern slavery 0, Employee expenses 23, Executive pay 10, Bonuses & incentives, including 12, Other HR matters 19, Fraud / theft 65, Bribery / corruption 30, Health / Safety 5, Security 1, Environmental issues 1, Other 64.

*Sum of incidences exceeds 314 as some incidences related to more than one category. The only category where no respondent identified an issue was modern slavery.

For the instances where a respondent answered that the issue involved accounting irregularities, we asked them to indicate the specific accounting issue. The most common areas were account reconciliations, related party transactions, revenue recognition, fairness of disclosures as well as measurement/valuation of tangible assets. None mentioned the areas of R&D reporting or share based payments, despite the fact that these two areas have been identified in the accounting literature as being heavily susceptible to managements' reporting incentives (Persons, 2006; Persons, 2012; Mazzi *et al.*, 2019).
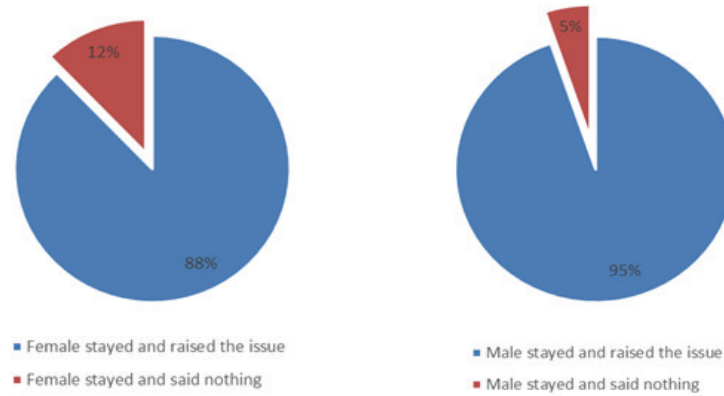
4.3 How people responded to ethical dilemmas and why

On the key question of how ICAS members respond to ethical dilemmas, 18% of the respondents who faced an ethical dilemma and answered this question (i.e., 295 of the 343) left their organisations. Although we observe that females seemed slightly more likely to leave than males (21% versus 17%) the difference is not statistically significant. Thus, gender does not seem to relate to the decision to leave the organisation. The remaining 82% stayed in their organisations, the large majority (93%) of whom raised the matter with someone. In most cases people report the issue internally (77%) or both internally and externally (19%). Only a small minority of 4% reported the issue externally only.
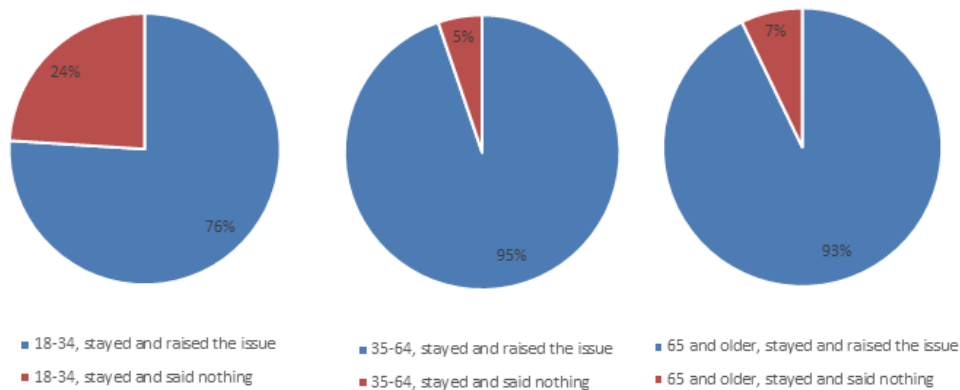
We find that men are significantly more likely to report issues. This is in contrast with prior literature which finds that women are more likely to whistleblow (Sims and Keenan, 1998; Mesmer-Magnus and Viswesvaran, 2005), to report whistleblowing intentions (Dalton and Radtke, 2013) or to report concerns if the reporting channel is anonymous (Kaplan *et al.*, 2009). It is possible that the experimental nature of these studies, or their use of students as proxies for professionals, rendered them less able to capture real life tensions. The fact that we report the views of professionals represents an advantage over prior studies.

Further, we also find that older respondents are significantly more likely to report issues than younger ones, whereas the results of the prior literature which mostly involves experimental studies and students as participants are inconclusive (Vadera *et al.*, 2009; Lee and Xiao, 2018). The following pie charts depict visually the extent of these differences.

Graph 4.3.1: Proportion of individuals reporting wrongdoing, split by gender

- Female stayed and raised the issue
- Female stayed and said nothing

- Male stayed and raised the issue
- Male stayed and said nothing

Graph 4.3.2: Proportion of individuals reporting wrongdoing, split by age

- 18-34, stayed and raised the issue
- 18-34, stayed and said nothing

- 35-64, stayed and raised the issue
- 35-64, stayed and said nothing

- 65 and older, stayed and raised the issue
- 65 and older, stayed and said nothing

The following reasons are indicated by the respondents as extremely or very important for someone choosing to report dilemmas internally (i.e., *speak up*):[10]

-   a)   Feeling that the issue was too important to ignore (96%);
-   b)   Feeling of doing the right thing (92%);
-   c)   May prevent similar situations in the future (81%);
-   d)   In the long term interest of the organisation (78%);
-   e)   Important for trust in business (77%);
-   f)   Protecting the reputation of the organisation (74%);
-   g)   Enhancing organisational culture (65%).

The following reasons are indicated by the respondents as extremely or very important for someone choosing *not* to *speak up* or whistle blow:

-   a)   No action would be taken to remedy the situation (73%);
-   b)   Fear of negative impact on future career prospects (52%);
-   c)   Fear of bad reputation (48%) ;
-   d)   Fear of losing job (35%);
-   e)   Did not know where to report the issue (35%).

[10]   Respondents could select all that apply in this and the next question.

Those respondents who took the decision to *speak up* did not perceive that such an action would have a positive impact in their career prospects or promotion. These were indicated as the least important reasons for someone to *speak up*. The high percentage of people who did not know where to report the issue indicates that there is scope to improve the *speak up* mechanisms in place to enhance the likelihood of speaking up.

Further, participants who decided to report the ethical concerns externally (i.e., whistleblow) were asked to indicate the importance of the reasons that contributed to them acting in this way. In almost the same order and importance levels, the respondents gave the same reasons as for speaking up internally (see above). The only difference is that the reason that whistleblowing may prevent wrong-doing in the future was considered as a very important reason (88%).

Subsequently, we explored the extent to which the respondents believed that their organisations acted upon the reporting of the issues raised and whether the issues were resolved (either internally or externally). In 16% of cases, respondents indicated that the issue was not investigated and for 11% of cases respondents were unaware of any action taken. For the remaining 66% of cases[11], respondents indicated that the relevant people in their organisations did investigate the matter.

The reported investigation rate was lowest in organisations with 50-249 (56%) and 250-999 (59%) employees respectively. Given that graph 4.2.1. shows that a high proportion of overall incidences took place in these categories of organisations (27% and 16% respectively), and that between 40 and 48% of these organisations do not have *speak up* and *listen up* policies, our results show the need for organisations in the mid-size range to further develop and implement such policies. Our findings show that the largest companies, with 1000 or more employees, are more likely to have such policies and to investigate matters.

Moreover, as indicated in graph 4.3.3, in most cases, the issue was resolved internally (48%) or it remained unresolved (24%). External authorities intervened in 8% of cases.[12]

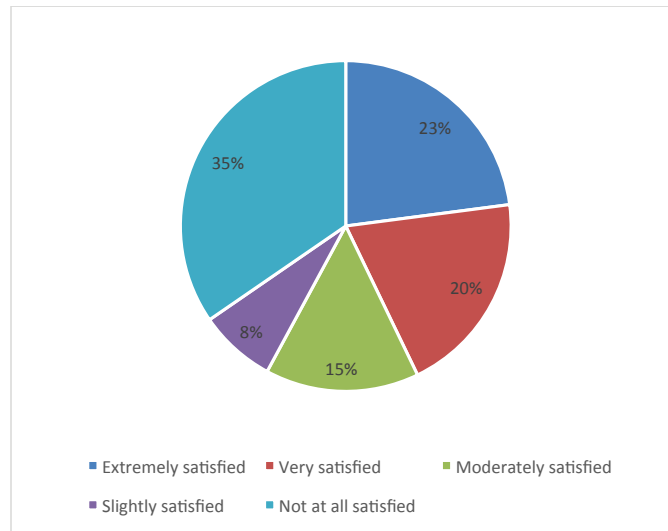## Graph 4.3.3. How was the issue resolved?

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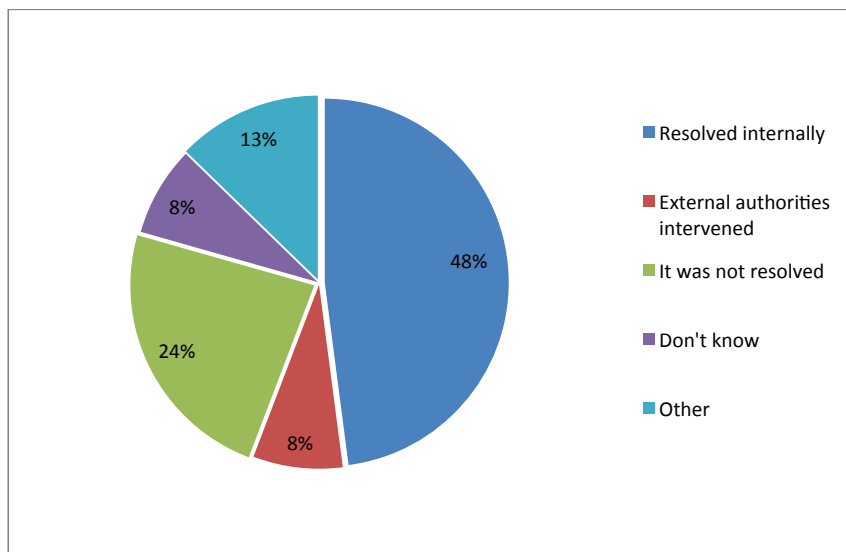
[11] 7% of respondents considered these responses to be inapplicable to their situation.

[12] In most cases where the respondents indicated 'other', they clarified that the issue is still under investigation.

The respondents indicate that in 29% of cases that have been resolved the individuals who were involved in the incidence received a punishment/penalty. In 51% of cases no punishment/penalty was provided. As far as those who reported the case are concerned, in only 1% of cases did they receive a financial reward.[13]

Considering their experience of the outcome with regard to the incidence they reported, we asked the participants to indicate the extent to which they are satisfied with how the incidence was resolved. As shown in graph 4.3.4, 35% of the respondents do not feel at all satisfied and 8% feel only slightly satisfied. A significant gender difference is identified here. Only 26% of female respondents were extremely or very satisfied with the outcome, as compared with 49% of male respondents. We also find that those practising a religion are more likely to be extremely or very satisfied than those not practising a religion (47% as opposed to 32%). Further, the more equipped people feel to deal with ethical issues, the more satisfied they are with how the issue was resolved: 64% and 43% respectively of those who reported feeling extremely or very well equipped to deal with ethical dilemmas were satisfied with how the dilemma was resolved. However, for those who reported feeling either not very well equipped or somewhat well equipped to deal with ethical dilemmas, 0% and 17% respectively felt satisfied with the outcome. This finding shows the importance of equipping CAs to deal with ethical dilemmas, and the likely effect that this will also increase their satisfaction with the resolution of the dilemma.

Graph 4.3.4. Overall, how satisfied are you with how the incidence was resolved?

Legend: ■ Extremely satisfied ■ Very satisfied ■ Moderately satisfied ■ Slightly satisfied ■ Not at all satisfied

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[13] Given that financial rewards are only common in the US, this finding is not surprising.

Finally, participants were asked to indicate how likely they would be to report the issue if they found themselves in the same situation again. Even though a large proportion indicated that they are not satisfied with how the issue has been resolved (see graph 4.3.4), the majority indicate that they would definitely report it (83%) or would probably report it (11%) again (see graph 4.3.5). Further, we find that male respondents are significantly more likely to indicate that they would report the matter again.

Graph 4.3.5: Given the experience and knowledge you now have, how likely would you be to report the issue if you found yourself in the same situation again?
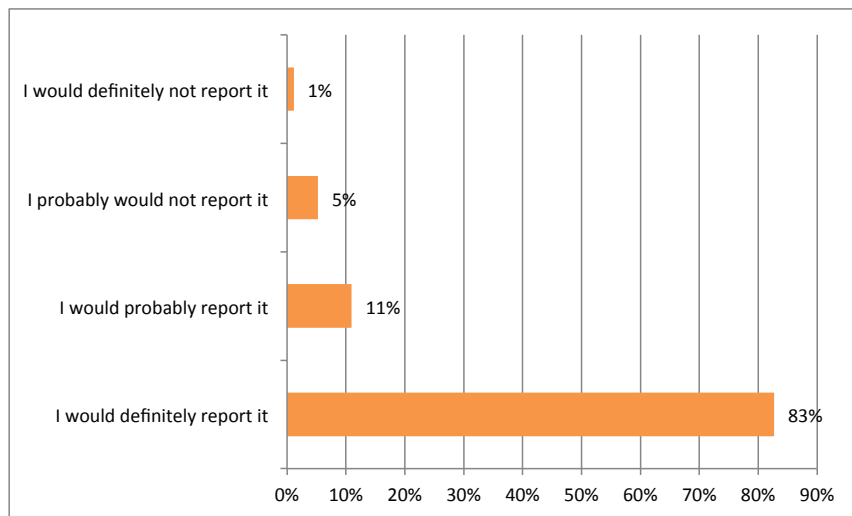
4.4 The role of ICAS

The last section of our questionnaire attempted to capture the respondents' awareness and familiarity with ICAS policies and documentation with regard to the reporting of ethical dilemmas, as well as the support that ICAS can offer in general. This sub-section reports the relevant findings.

First, participants were asked to state how frequently they have consulted the ICAS Code of Ethics since they qualified as a CA. A large proportion of the respondents stated that they have consulted it more than three times (18%) or once or twice (43%) while 37% stated that they have never consulted it*. Similarly, the respondents were asked to state how frequently they have consulted the ICAS *Power of One* documentation in the past 12 months. Although 3% stated that they have consulted it more than three times, and 27% have consulted it once or twice, it was somewhat surprising to note that 12% of the respondents are not aware of this documentation, given the publicity that it has received. Further, we find that older respondents were more likely to have consulted the Code of Ethics and, to a lesser but still significant extent, the *Power of One* documentation.

Subsequently, we asked participants how likely they would be to consult the ICAS Code of Ethics and the *Power of One* documentation if they were faced with an ethical dilemma in the future. In consistency with the answers to the previous question, as shown in Table 4.4.1, the respondents indicate that it is extremely likely or very likely that they would consult the ICAS Code of Ethics (30% and 28%, respectively). In particular, we find that this holds significantly for older respondents and those who feel more ethically equipped to deal with dilemmas. However, the respondents note that it is only moderately likely or unlikely that they would consult the *Power of One* (30% in each case), although again older respondents and those who feel more ethically equipped to deal with dilemmas are significantly more likely to consult these documents. These findings suggest that ICAS should focus more attention on equipping younger members to deal with ethical dilemmas.

Table 4.4.1. How likely would you be to consult the following documentation if you were faced with an ethical dilemma in the future? (N=426)

|	Extremely likely %	Very likely %	Moderately likely %	Unlikely %	Definitely not %
ICAS Code of Ethics	30	28	23	17	2
The *Power of One*	18	20	30	30	2

The remaining 2% stated that they were not aware of the Code of Ethics.

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Further, participants were asked to indicate where they would be likely to seek support if they found themselves in a situation where they were considering speaking up or whistleblowing[14]. The respondents indicated all the sources they would be extremely and/or very likely to approach:

a) Another chartered accountant on a personal basis (e.g. friend, colleague) (62%);
b) Friend or relative (48%);
c) ICAS (43%);
d) Support provided by employer (e.g. hotline, counselling service) (40%);
e) Lawyer (35%).

This represents an opportunity for ICAS to become more visible and approachable regarding ethical issues. The final question asked the participants to indicate the types of ethics support that ICAS should offer. As shown in graph 4.4.1, the most popular response was advice (92%), followed by training in how to deal with ethical dilemmas (72%), training on speaking up (46%) and listening (41%). Arguably, these needs reflect the lack of training around these issues from the respondents' organisation, as indicated from earlier responses.

Graph 4.4.1: Types of ethics support that ICAS should offer
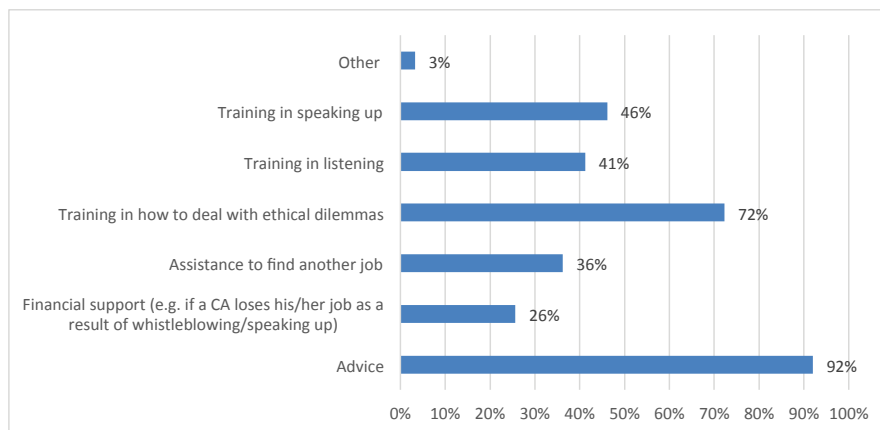
5. Conclusions and policy implications

5.1 Conclusions and recommendations

Organisational culture

Most respondents work in organisations that have ethics policies, codes of ethics, core values and *speak up* policies but the figures reported are below that found in two recent, more broadly-based, studies (IBE, CEA and Forética, 2015; Dondé, 2016). The IT, retail and higher education sectors were consistently found to have lower prevalence of these policies. The largest sectors for ICAS members are accounting practice and the banking/finance/insurance sectors, and these sectors appear from our survey to be among the best equipped with ethics policies, codes of ethics and sets of core values. Two-thirds of accountancy firms have a *speak up* policy but smaller firms are less likely to have such a policy or to investigate matters reported to them and should be encouraged to develop policies and procedures that are practical for their size of organisation.

Listening policies are starting to be developed but are still not commonplace despite the recognition that listening is an important and effective part of organisational culture. This survey has found that fewer than half of organisations across all sectors have a *listen up* policy.

Although a range of ethics policies exist, the details are not always known and training is not always provided. This creates an impression that there is a gap between rhetoric and reality that is exacerbated by the finding that the policies are not always regarded as being effective.

This survey has found that the ICAS members who feel most equipped to deal with ethical dilemmas are also most likely to be satisfied with the outcome if they raise issues. Training therefore can increase awareness which is associated with increased satisfaction.

Governance

The UK's current Corporate Governance Code places responsibility for *speak up*/whistleblowing arrangements with the board, whereas responsibility previously sat with the audit committee. Our research (see graph 4.1.1), conducted when the previous version of the Code was in place, shows that respondents reported that responsibility for whistleblowing and *speak up* arrangements rested in a variety of locations including the board, the executive team, human resources and compliance departments. The FRC's change in 2018, effective from 2019, to transfer responsibility to the board therefore provides consistency and clarity, and is a visible statement of intent at the highest level within the organisation, thereby more effectively setting the tone from the top.

Our findings suggest that although arrangements may exist in organisations to deal with investigation and follow-up of issues that are raised, they may not always be used, or may not be used effectively. Further, *listen up* policies are not widely used and a significant minority of our respondents had not received training in speaking up, how to deal with ethical matters reported to them or effective listening. If these deficiencies were addressed by boards then this could improve both governance and organisational culture.

Legal framework

The legal frameworks and literature reviewed for this project show that current UK legal protection for whistleblowers, while welcome, does not provide protection for all people who have concerns since the current focus is on protecting employees despite the fact that much work is now performed by outsourced or contract workers. Issues may also be identified by non-employees such as clients or suppliers who likewise are excluded from current legal protection. Whilst UK whistleblower protection law was once considered to be world-leading, recent changes enacted in the EU and Australia extend legal protection and appear to be worthy of consideration in the UK.

Speak up

Speak up policies exist in around two-thirds of the organisations where our respondents work, so are not as commonplace as more general ethics policies. Given the widespread agreement that effective *speak up* arrangements enable issues to be dealt with at the earliest opportunity and before they escalate (CISI, 2014; Johnson, 2015), the fact that around one-third of organisations appear not to have a *speak up* policy represents a lost opportunity.

The results show a strong correlation between the size of an organisation and likelihood of having a *speak up* policy. Hence, respondents working for small and medium-sized entities are frequently working in organisations without a *speak up* policy. Whilst it may be impractical for the smallest organisations to have detailed procedures, they should still be encouraged to set out their ethical values and there is scope for medium-sized entities to adopt a greater range of ethics policies and procedures.

The *speak up* policies in existence in respondents' organisations typically contain the elements found in the academic literature such as assurances about confidentiality and, to a lesser extent, anonymity, protection from retaliation, the provision of advice as well as facilities to make actual reports, and a variety of access mechanisms such as via phone, email and the internet. However, their prevalence is generally less than the prevalence reported in the available literature suggesting that best practice is not always incorporated.

Our research shows that our respondents had spoken up not only about accounting irregularities but also about a wide range of other matters including auditing and tax issues, fraud, theft, bribery, corruption, bullying, discrimination and harassment. Our respondents reported that two-thirds of their organisations permitted people to raise enquiries as well as allegations, which we regard as welcome.

Our literature review had indicated the benefits of permitting anonymity though there can be downsides, particularly as feedback cannot be provided to the person raising the concern. Our research findings show that while around a quarter of respondents were in organisations that permitted concerns to be raised only confidentially, a clear majority permitted concerns to be raised both confidentially and anonymously.

Listen up

Around three-quarters of respondents believe that they work in organisations that listen, although only just over half believe that their organisations have what they consider to be a listening culture. Most are happy with the way their line managers listen to them. In turn, many respondents are themselves line managers and believe that they are good listeners. Only around one-third of respondents work in organisations that have a specific *listen up* policy and only around four in ten have received training in listening. This is an emerging area in both academic research and the business world, and listening has not

yet received the attention that has been devoted to speaking up. Stressing the importance of listening is as much about cultural change as it is about specific policies and our results show that there is considerable scope to improve policies in this regard.

Ethical dilemmas encountered by survey respondents

Two-thirds of the respondents to our question on ethical dilemmas indicated that they had encountered an ethical dilemma, especially so if in more senior positions or ages. Dilemmas occur in all sizes and types of organisations and the issues are serious, not solely relating to accounting and tax matters but also covering areas such as fraud, bullying and bribery. The ethical issues frequently cover situations both at the organisation where the respondents work and at third party organisations such as at clients and suppliers, thus addressing a gap in the current literature identified by Gao and Brink (2017).

When respondents encountered an ethical dilemma, most spoke up internally rather than externally which accords with the view that issues are best tackled close to the source and at the earliest opportunity. However, respondents did not always know how to raise ethical concerns and their experiences were not always regarded positively. In instances where respondents had reported an ethical concern, a majority of respondents indicated that their concerns were investigated but, in a quarter of instances they believed that the situation had not been resolved and, in 35% of cases, they were not at all satisfied with the outcome. In some cases, the respondents indicated that they did not know whether the matter had been investigated or how it had been resolved. This shows the challenges around research into speaking up. It may sometimes be the case that organisations are not able to provide details of the outcome of their investigations and that matters have been dealt with although those who speak up may be unaware of this. Our findings point to the need for organisations to give careful consideration to the extent to which they can communicate outcomes, even if sometimes this only amounts to an assurance that an investigation has taken place but because of specific circumstances the organisation cannot divulge the full details of the outcome. Thus, careful communication could go some way to assuring people who speak up that their concerns have been taken seriously. Despite outcomes not always being viewed positively by respondents, it is very encouraging that the vast majority of respondents who had reported an ethical concern would do so again.

Our findings suggest that male respondents and older members are more likely to *speak up*, pointing to a need to investigate ways of encouraging female and younger respondents to do so. This should include a focus on the training needs of these categories of members. Overall, we found that 30% of respondents do not feel very equipped to deal with ethical dilemmas. Given that respondents who feel better equipped are also more likely to be satisfied with the eventual outcome, there needs to be a greater emphasis on equipping accountants to deal with ethical dilemmas.

Finally, we note that, despite an abundance of literature on whistleblowing and speaking up, only some of which is reported here but which was reviewed by the authors as the preliminary stage of this project, there remain gaps in knowledge relating to the determinants of speaking up and whistleblowing and the factors that facilitate or impede speaking up and whistleblowing. Much of the extant research is also rather dated. The results reported here provide some insights into the experiences of ICAS members across a wide range of business contexts but there is a need for further research since the business landscape is continuously evolving, especially as a result of recent high profile scandals and business failures.

5.2 Policy implications

For organisations

Although *speak up* and whistleblowing policies are widespread in large organisations, there is a need to continually stress the benefits to the organisation of the reporting of ethical concerns at the earliest opportunity.

Small and medium-sized organisations are less likely to have ethics policies, codes of ethics, statements of core values and *speak up* policies and they should be encouraged to develop policies to the extent that is practical. While the level of detail is likely to vary with size of organisation, setting out an organisation's values in relation to ethical behaviour should be possible for even small organisations.

There is still a tendency for speaking up and whistleblowing to have negative connotations. Organisations should review the vocabulary used both in written documentation and in oral communications so that the benefits to the organisation of speaking up and whistleblowing are clear and that the message is given that such behaviours are valued.

Firms may be concerned that encouraging speaking up and whistleblowing could result in erroneous or malicious reports. Whilst these cannot be eradicated, organisations need to review their policies to focus on the benefits rather than drawbacks.

Whilst *speak up* policies are becoming embedded, *listen up* policies are still not widespread. Given the importance of listening when people *speak up*, organisations should consider how they can promote more effective listening, including specific provision of *listen up* policies as this would represent a cultural shift towards a more supportive organisational environment.

The details of ethical, including *speak up* and *listen up*, policies need to be more visible and better communicated so that people in organisations know how to access the policies.

It is also important to provide training in the content and usage of ethical, including *speak up* and *listen up*, policies as training practice is currently variable and needs to be more widespread.

There is considerable variability in *speak up* policies and organisations should review their policies to ensure that they incorporate best practice, including assurances about confidentiality and anonymity, protection from retaliation and the provision of multiple means of access (such as phone, email and the internet) in order to make it as easy as possible for people to make reports whilst also being mindful of legal requirements to report and situations where reports might constitute tipping off.

For the FRC in relation to the UK's Corporate Governance Code

The latest version of the FRC's Corporate Governance Code (FRC, 2018a) contains a number of improvements that fit with the findings of our survey. These include the shift in responsibility for speak up/whistleblowing arrangements to the board rather than the audit committee, the reference to the workforce rather than staff of the company and the inclusion of anonymity. Given our finding that procedures are not always effective in practice, we suggest that a useful addition to the current guidance would be for the board to report on the outcome of their periodic review of the effectiveness of arrangements to the extent possible without breaching any confidential information.

The FRC's 2018 changes also refer to 'concerns' rather than the wording in the previous code of 'concerns about possible improprieties in matters of financial reporting or other matters'. Given that we found evidence of a wide variety of ethical concerns, both financial and non-financial, the use of a more encompassing reference to 'concerns' is welcome. However, whilst generally supportive of the current wording, we have some reservations about the term 'concern' as this might be interpreted as meaning actual concerns whereas the workforce may have issues that they are uncomfortable with but may not be in a position to know whether these represent actual concerns. Moreover, a concern indicates something relatively serious, whereas it is in the interests of the organisation not to impose a limit on the severity or nature of issues raised as something seemingly insignificant could turn out to be of greater importance than initially thought. We therefore suggest that consideration should be given in future Code revisions to replacing the term 'concerns' with a reference to 'issues of actual or potential concern'.

For ICAS

Knowledge of relevant ICAS publications such as the Code of Ethics and *Power of One* appears to increase with age and experience, pointing to a need to increase visibility among younger members.

Given the finding that younger members and female members are less likely to raise ethics concerns than older, male ICAS members, consideration needs to be given to understanding why this is the case and strategies that could address this.

Since a majority of respondents indicate that they would be likely to approach another CA for advice on a personal basis if they had an ethical dilemma, ICAS could consider introducing an ethics mentoring system along the lines of its current career mentoring. Respondents would like more advice from ICAS and training in ethical dilemma resolution, but there is little desire for financial support or assistance in finding another job if a member feels the need to resign from their occupational role.

It is clear from the survey findings that many ICAS members voice concerns and seek to influence the behaviour in their organisations. Insofar as practical given confidentiality considerations, it would be informative for the membership to learn of such instances where members can act as role models for others.

Given that the UK's legal framework for speaking up and whistleblowing is falling behind developments elsewhere, ICAS could encourage and lead debate about potential improvements such as the extension of legal protections beyond the current limited categories, in line with recent EU and Australian developments, requiring organisations above a specified size to have policies in place for speaking up and whistleblowing, and requiring them to report on the usage and effect of these policies.

5.3 Limitations and directions for future research

This report is based on the responses of 651 chartered accountants, representing 3.5% of the entire ICAS membership and 5.7% of members who received the survey. Any results must therefore be treated with an element of caution, although the response rate is not untypical for web-based surveys and is just above the average for all ICAS' member communications. Furthermore, the respondents are representative of the wider member-ship of ICAS as regards gender, country location and work sector, and a good fit for the general population regarding religious adherence. In absolute terms, the views of 651 members provide valuable insights into their ethical dilemmas and how they respond when faced with such dilemmas. Whilst we cannot be sure that our results would hold for members of other bodies of professional accountants, we have no reason to believe that they would not be of wider application.

Any research can be affected by the use of terminology. In this study we have used the terms *speak up*, *listen up* and whistleblowing. These are not always used in the same way in practice, but we do not consider this to be problematic since we asked respondents to report policies that either used these labels or that were similar or equivalent.

Although respondents cover a wide spread of ages, the response under-represents ICAS members under the age of 35 and is skewed towards middle-aged respondents. However, Bebbington and Helliar (2004) show that ICAS members in younger age groups tend to have support mechanisms whereby they can report concerns to their line managers, but that those in mid and later career increasingly are the people who have to deal with the challenges of ethical dilemmas. They found that the oldest ICAS members have considerable work experience upon which to draw, but mid-career members are caught in situations where they have to deal with complex dilemmas but have yet to gain significant experience. Hence, our skewness towards mid-career members results in insights into the group of members most likely to have to deal with difficulties and so is not considered to be a major limitation. However, further research could be undertaken focusing specifically on the ethical dilemmas of recently qualified members.

A questionnaire survey can provide an overview of the settings within which ICAS members work and the dilemmas they encounter but cannot provide deep understanding of the challenges and tensions faced by them as they wrestle with ethical dilemmas or of the thought processes behind, and reasons for, their actions. In order to provide deeper insights into actual cases, the research reported here is being followed up by interview-based research to complement the broad-based questionnaire approach. Specific issues that warrant further attention are identification of the types of situations that cause accountants concern, the factors that facilitate or hinder satisfactory resolution, the interaction of the fundamental ethical principles that accountants must follow such as acting with integrity and maintaining confidentiality, the tensions surrounding the legal obligations to report certain matters whilst also not tipping off, and the question of whether financial rewards are desirable. Interviews can also probe in more detail the cultural changes and support mechanisms that interviewees would like to see.

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APPENDIX 1: Key sources for the literature review references

Databases used:

Business Source Premier – for ethics, accounting and business literature

Emerald – for ethics, accounting and business literature

Heinonline – for law literature

JStor – for law literature

NEXIS – for newspapers

ScienceDirect – for ethics, accounting and business literature

Specific journals reviewed:

Academy of Management Review

Accounting and Business Research

Accounting Auditing and Accountability Journal

Accounting Forum

African Journal of Business Ethics

British Accounting Review

British Journal of Management

Business and Professional Ethics Journal

Business and Society

Business and Society Review

Business Ethics Quarterly

Business Ethics: A European Review

Critical Perspectives on Accounting

International Journal of Value-Based Management

Journal of Business Ethics

Journal of Business Systems, Governance and Ethics

Journal of Human Values

Organization

Organization Studies

Social Responsibility: Business, Journalism, Law, Medicine

Society and Economy

The Accounting Review

Keywords used for database and journal searches:

Whistleblowing, whistle-blowing

Whistleblower, whistle-blower

Speak-up, speak up, speaking up

Listen up, listening

Courage, moral courage

Disclosure in the public interest

Public Interest Disclosure Act 1998

Other sources:

BBC website

Legal cases under the Public Interest Disclosure Act 1998

Websites of relevant professional bodies and institutes

Websites of accountancy firms and FTSE companies