

Practical Questions for Members

Some practical questions which Members might ask themselves both (a) before any situation of concern arises and (b) if and when one does.

Before any problem arises

1. Do I know and understand my professional obligations and rights and responsibilities under the law?
2. Do I know whether my firm/employer has a written policy on speaking up or whistleblowing?
3. If it does, am I familiar with the policy or policies?
4. If I am a manager, do my staff know about the policy?
5. If I found myself in a situation where I might have to speak up, am I clear about my obligations and about any protections available under the law?
6. Do I know where I can go for further advice?
7. Do I understand that the Code is not simply a set of rules and that Members are expected to observe the spirit as well as the letter of the Code in their professional conduct?
8. Do I understand what constitutes Misconduct which may lead to reporting, and what constitutes a material breach of relevant requirements, under amplification 5.2 of the Code?
9. Do I understand what constitutes behaviour that is unethical or unlawful, under amplification 5.3 of the Code?
10. Do I understand that, while some situations will very clearly require me to speak up, others may be less clear cut, and that nevertheless, it would be prudent to keep a note of all such concerns as a series of actions, each in itself below the reporting threshold, which may in aggregate become serious enough to require external reporting?
11. Have I developed a clear picture of the distinction which can be made between actions which are minor, part of work-in-progress, and can potentially be remedied, and actions which are so advanced that remedies are no longer possible, when deciding at what point to progress from raising a concern within my employer and raising it externally?

If a problem does arise

1. Do I understand my obligations as a Member and the obligations and protections available to me under the law?
2. Have I re-read my firm's speaking up or whistleblowing policy?

3. Do I have reasonable grounds for believing my concerns tend to show wrongdoing or malpractice and disclosure of the information is in the public interest?
4. Have I raised my concerns at the appropriate level within my organisation?
5. If I decide to raise the concern externally, am I clear how, and to whom, I should make the report?
6. Am I clear who ought to be informed that I have made the report?
7. Do I have reasonable grounds to believe that any disclosure outside the firm to an appropriate third party is substantially true?
8. Do I need to/want to look for further sources of advice?
9. Have I properly assessed the risks of not reporting this issue?

If, having identified an issue, you decide that it is not necessary to raise the concern, you may find it helpful to note down contemporaneously your reasons for your decision. You may find it helpful to note down:

- the nature of your concern;
- your reason(s) for believing that there is an issue;
- the full name(s) of those involved, including any with whom you have already raised the issue;
- times and dates when your concerns were first aroused;
- details of the location(s) concerned;
- details of any evidence;
- details of any witnesses; and
- whether any action has already been taken by anyone else.

When considering whether to raise a concern outside an employing organisation, Members are advised to first consider, where appropriate, whether they ought to first follow the internal procedures laid down by their employer.