




*Ethics Institute
of South Africa*

External Whistle-blowing Hotline Service Provider Standard EO1.1.1



BUILDING AN ETHICAL
SOUTH AFRICA

LANDMAN PUNT SANDER

A hand holding a mobile phone, with a blue overlay covering the entire image. The phone is a flip phone, and the hand is visible from the side, holding it. The background is dark and textured.

Ethics Institute of South Africa presents

External Whistle-blowing Hotline Service Provider Standard

EO1.1.1

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A Scope of application

External Whistle-blowing Hotline Service Provider Standard EO1.1.1 (hereafter “the Standard”) is a best-practice set of guidelines or norms for the professional and ethical conduct of external whistle-blowing hotline service providers (hereafter “service providers”), operating their own centres or facilities, enabling stakeholders of client organisations (hereafter “clients”) to report perceived misconduct or observed unethical conduct by making use of anonymous or confidential communication channels (commonly known as “whistle-blowing hotlines”) in terms of a client–service provider contractual agreement.

EXCLUSION

The Standard is not applicable to agents of external whistle-blowing hotline service providers. While an agent also provides whistle-blowing

hotline services to clients, an agent is merely an intermediary that neither operates its own whistle-blowing hotline facilities, nor employs its own contact centre staff.

B Background

1. *Best-practice guideline document*

In response to social or regulatory pressures, an increasing number of organisations make whistle-blowing hotline services available to their internal and external stakeholders, for example, employees and suppliers. Whistle-blowing hotline services are either internal (in-house) or external (outsourced).

To ensure that **external** whistle-blowing hotline service providers adhere to the highest professional service standards and principles, and to create conditions in which would-be whistle-blowers can report misconduct with comfort and confidence, the Ethics Institute of South Africa

(EthicSA) developed External Whistle-blowing Hotline Service Provider Standard EO1.1.1 as a best-practice guideline document. The “EO” abbreviation stands for Ethics Office, indicating the role a well-managed external whistle-blowing hotline should play in an organisation's ethics management system.

The Standard's numbering has the following designations:

EO	1.	1.	1
	Designates whistle-blowing hotlines	Designates external providers	Designates the version of the Standard

2. Standard business process

The following standard business process describes the manner in which service providers operate:

(1) If an organisation decides to make available an external whistle-blowing hotline to its stakeholders, it becomes a client by entering into a **contractual agreement** with a service provider.

(2) The service provider makes available a variety of **communication channels** (for example, telephone number, fax number, postal address, email address, or website) for whistle-blowers.

(3) A whistle-blower is a stakeholder, internal or external to the client, who **reports or blows the whistle** on perceived misconduct or observed unethical conduct (for example, theft, bribery, fraud, or

human resources abuses) using the external whistle-blowing hotline.

(4) The service provider **reports** to the client all calls, faxes, letters, emails, or website data received, removing any information that might enable the client to identify the whistle-blower.

(5) The client provides **feedback** to the service provider on progress with

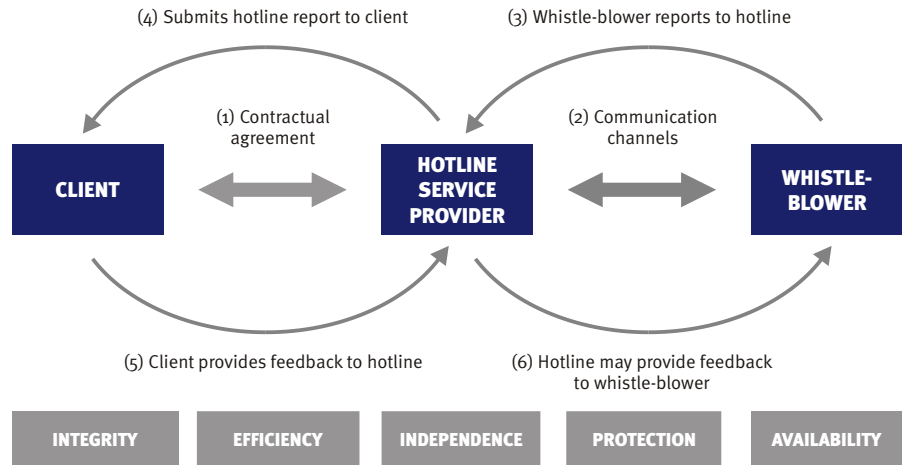


Figure 1: External whistle-blowing hotline service provider standard business process

investigations, and thus indirectly to the whistle-blower.

(6) The service provider provides *feedback* to the whistle-blower regarding all material aspects of reports delivered to the client, including sanitisation, delivery and receipt of reports, as well as any additional information the client contractually authorised the service provider to provide to the whistle-blower.

The focus of this industry standard is to protect the whistle-blower, yet, it is evident from this standard business process that there is no contractual relationship between the service provider and the whistle-blower. Undoubtedly, though, onerous moral obligations arise from this relationship.

An “EthicSA Certified External Whistle-blowing Hotline Service Provider” gives a public, good-faith commitment to operate in a manner that meets its moral obligations to whistle-blowers above and beyond their contractual relationships with client organisations.

C Objectives of External Whistle- blowing Hotline Service Provider Standard EO1.1.1

- To strengthen both the national and global external whistle-blowing hotline industry by establishing a best-practice industry standard;
- To provide quality assurance to clients requiring external whistle-blowing hotline services;
- To create conditions in which would-be whistle-blowers can report misconduct with comfort and confidence;
- To differentiate legitimate from non-legitimate service providers;
- To discourage substandard service providers from entering the market or attracting business; and
- To certify service providers as an “EthicSA Certified External Whistle-blowing Hotline Service Provider”.

D Principles guiding External Whistle-blowing Hotline Service Provider Standard EO1.1.1

Based on empirical research conducted in 2005, EthicSA identified five guiding principles for service providers, balancing client needs and operational requirements.

The following five principles ground and inform the Standard:

Integrity

The requirement to adhere to the conduct or actions described in the Standard, be honest and transparent in all business transactions, and improve service delivery.

Efficiency

The requirement to deliver high-quality information in a timely manner, assist clients to maximise professional and effective use of the external whistle-blowing hotline, and continually strive to

improve the external whistle-blowing hotline service;

Independence

The requirement to avoid conflicts of interest with clients, clients' stakeholders, or other service providers;

Protection

The requirement to respect whistle-blowers' anonymity and confidentiality in order to prevent victimisation and encourage use of the external whistle-blowing hotline; and

Availability

The requirement to ensure easy and reliable access to the external whistle-blowing hotline through a choice of channels, twenty-four hours per day.

E Summary of External Whistle-blowing Hotline Service Provider Standard EO1.1.1

External Whistle-blowing Hotline Service Provider Standard EO1.1.1

• **Principle: Integrity**

- Rule: Be honest;
- Rule: Ensure that whistle-blowing hotline contact centre staff are of a high ethical and professional standing; and
- Rule: Ensure complete, accurate and truthful reporting.

• **Principle: Efficiency**

- Rule: Perform services in a timely manner;
- Rule: Ensure that whistle-blowing hotline contact centre staff are professionally trained to produce high-quality reports;

- Rule: Provide clients with customised service options;
- Rule: Record and securely store information received through all communication channels;
- Rule: Advise clients on awareness and communication initiatives; and
- Rule: Continually improve service.

- **Principle: Independence**

- Rule: Identify, declare and avoid conflicts of interests;
- Rule: Operate a self-contained, external whistle-blowing hotline contact centre; and

- **Principle: Protection**

- Rule: Ensure the secrecy of the whistle-blowing hotline contact centre facilities;
- Rule: Guarantee whistle-blowers' anonymity and confidentiality; and
- Rule: Assure the confidentiality of communications received and reports delivered.

- **Principle: Availability**

- Rule: Guarantee the sustainability of the service;
- Rule: Provide a choice of user-friendly communication channels; and
- Rule: Provide whistle-blowing hotline contact centre staff capable of professional delivery on all aspects of agreements with clients.

F External Whistle-blowing Hotline Service Provider Standard EO1.1.1

The five guiding principles for external whistle-blowing hotline service providers give rise to specific forms of conduct or action. If a particular situation is not explicitly or directly addressed in the Standard, clients and service providers should always refer to the principles to guide their deliberations, decisions, and actions.

The Standard is organised according to the following principles:

- Integrity;
- Efficiency;
- Independence;
- Protection; and
- Availability.

1. Principle: Integrity

A commitment to Integrity requires that the service provider adheres to the conduct or actions described in the Standard, remain honest and transparent in all business transactions, and continually strive to improve the external whistle-blowing hotline service.

Integrity includes rules that the service provider must:

- 1.1 Be honest;
- 1.2 Ensure that whistle-blowing hotline contact centre staff are of a high ethical and professional standing; and
- 1.3 Ensure complete, accurate and truthful reporting.

1.1 Rule: Be honest

Service providers must:

- Honour the letter and spirit of their contractual agreements;
- Be transparent about the services they are able to provide to clients;
- Make no misrepresentations;
- Pro-actively inform clients of problems relating to the delivery of and changes in the service;
- Accept new clients only if they have sufficient capacity to provide new clients with agreed-upon services; and
- Possess the capacity to provide all services they advertised.

1.2 Rule: Ensure that whistle-blowing hotline contact centre staff are of a high ethical and professional standing

Service providers must:

- Perform background checks on prospective employees which include, as a minimum, qualifications and

certificates, criminal and incarceration records, past employer references, and character references to ensure that the applicant's claims are honest or truthful; and

- Conduct continual *ad hoc* or random reviews of whistle-blowing hotline contact centre staff, focusing on the quality of the information extracted by staff from whistle-blowers, and whether staff remain of a high ethical and professional standing.

1.3 Rule: Ensure complete, accurate and truthful reporting

Service providers must:

- Ensure that all information provided by a whistle-blower is included in the report delivered to the authorised client representative;
- Ensure that reporting is objective and unbiased, without the intent to solicit any other services;
- Ensure that reporting is accurate and truthful; and
- Ensure that all reports are delivered only to the authorised client representative.

2. Principle: Efficiency

A commitment to Efficiency requires that the external whistle-blowing hotline delivers high-quality information in a timely manner and assists clients to maximise the professional and effective use of the external whistle-blowing hotline.

Efficiency includes rules that the service provider must:

- 2.1 Perform services in a timely manner;
- 2.2 Ensure that whistle-blowing hotline contact centre staff are professionally trained to produce high-quality reports;
- 2.3 Provide clients with customised service options;
- 2.4 Record and securely store information received through all communication channels;
- 2.5 Advise clients on awareness and communications initiatives; and
- 2.6 Continually improve service.

2.1 Rule: Perform services in a timely manner

Service providers must:

- Transmit whistle-blowers' reports within agreed-upon timeframes; and
- Perform other services within agreed-upon timeframes.

2.2 Rule: Ensure that whistle-blowing hotline contact centre staff are professionally trained to produce high-quality reports

Service providers must:

- Ensure that whistle-blowing hotline contact centre staff are professionally trained to provide information regarding the functioning of the external whistle-blowing hotline, distinguish between good-faith and bad-faith reports, and extract pertinent information from whistle-blowers, including detailed information about the reported incident as well as information requested by the client;
- Refer to recorded calls, faxes, letters,

emails and website data where necessary; and

- Continually monitor and assess external whistle-blowing hotline contact centre staff and make ongoing learning opportunities available.

2.3 Rule: Provide clients with customised service options

Service providers must:

- Obtain an understanding of the client's business and customise external whistle-blowing hotline services to conform to agreed-upon requirements.

2.4 Rule: Record and securely store information received through all communication channels

Service providers must:

- Invest in and maintain infrastructure to ensure that all calls, faxes, letters, emails, or website data are recorded; and

- Ensure that calls, faxes, letters, emails, or website data are stored securely.

2.5 Rule: Advise clients on awareness and communications initiatives

Service providers must:

- Advise clients on the importance of awareness and communication initiatives and methods to maximise the efficiency and effectiveness of their external whistle-blowing hotline.

2.6 Rule: Continually improve service

Service providers must:

- Advise and encourage clients to provide feedback about the quality of the external whistle-blowing hotline service;
- Provide opportunities to clients to submit feedback about the quality of the external whistle-blowing hotline service; and
- Incorporate client feedback and change procedures to serve the needs of clients better.

3. Principle: Independence

A commitment to Independence requires that the service provider remains free from conflicts of interest with their clients, clients' stakeholders and other service providers.

Independence includes rules that the service provider must:

- 3.1 Identify, declare and avoid conflicts of interests; and
- 3.2 Operate a self-contained, external whistle-blowing hotline contact centre.

3.1 Rule: Identify, declare and avoid conflicts of interest

Service providers must:

- Identify, declare and avoid any contracts, agreements, arrangements or situations that could negatively affect the service provided to clients and whistle-blowers.
NOTE: Protecting the interest of the whistle-blower is of prime importance and supersedes the interest of the client.

Thus, the interest of the whistle-blower is the ultimate consideration determining whether a situation presents an unacceptable conflict of interest.

3.2 Rule: Operate a self-contained, external whistle-blowing hotline contact centre

Service providers must:

- Occupy facilities at a dedicated site or premises or in a dedicated area;
- Staff the contact centre with staff in their employ; and
- Be uncompromised in its management, that is, free from undue influence.

4. Principle: Protection

A commitment to Protection requires that the service provider respects whistle-blowers' anonymity and confidentiality, as applicable and appropriate, to prevent victimisation and encourage use of the external whistle-blowing hotline.

Protection includes rules that the service provider must:

- 4.1 Ensure the secrecy of whistle-blowing hotline contact centre facilities;
- 4.2 Guarantee whistle-blowers' anonymity and confidentiality; and
- 4.3 Assure the confidentiality of communications received and reports delivered.

4.1 Rule: Ensure the secrecy of whistle-blowing hotline contact centre facilities

Service providers must:

- Ensure that the whistle-blowing hotline contact centre is located at an unpublicised address;
- Ensure that the whistle-blowing hotline contact centre is not identifiable with signage; and
- Ensure that visitors requiring access to the whistle-blowing hotline contact centre sign a declaration of secrecy.

4.2 Rule: Guarantee whistle-blowers' anonymity and confidentiality

Service providers must:

- Ensure that reports to clients respect whistle-blowers' anonymity by voiding them of any identification data;
- Ensure whistle-blowers' confidentiality in respect of third parties should they expressly request that their identity be revealed to the client, thus waiving their anonymity; and
- Provide whistle-blowers with a reference, case or identification number should they wish to seek feedback from the service provider regarding possible information supplied to the service provider by the client in response to their original reporting.

4.3 Rule: Assure the confidentiality of communications received and reports delivered

Service providers must:

- Ensure that appropriate logical and physical access controls protect

infrastructure, networks, hardware and software;

- Ensure that appropriate logical and physical access controls protect recorded calls, faxes, mail, email and website information received from whistle-blowers as well as reports to clients; and
- Deliver reports only to the client's authorised representative and verify all changes to the designation of the authorised representative(s).

5. Principle: Availability

A commitment to Availability requires that the service provider ensures easy and reliable access to the external whistle-blowing hotline through a variety of channels, twenty-four hours per day.

Availability includes rules that the service provider must:

- 5.1 Guarantee the sustainability of the service;
- 5.2 Provide a choice of user-friendly communication channels; and

- 5.3 Provide whistle-blowing hotline contact centre staff capable of professional delivery on all aspects of agreements with clients.

5.1 Rule: Guarantee the sustainability of the service

Service providers must:

- Set up and maintain continuity plans that are regularly tested; and
- Have appropriate and comprehensive insurance.

5.2 Rule: Provide a choice of user-friendly communication channels

Service providers must:

- Provide clients with a telephone number, fax number, postal address, email address, or website for whistle-blowers to report perceived misconduct or observed unethical conduct; and
- Ensure that all these communication channels are easily accessible and free of charge, if possible.

5.3 Rule: Provide whistle-blowing hotline contact centre staff capable of professional delivery on all aspects of agreements with clients

Service providers must:

- Staff the external whistle-blowing hotline contact centre appropriately to ensure operator and other staff availability, as agreed with clients;
- Staff the external whistle-blowing hotline contact centre with staff conversant with agreed-upon languages; and
- Staff the external whistle-blowing hotline contact centre appropriately to ensure that whistle-blowers who report by telephone have their calls answered promptly and are not placed on hold for an unreasonable period that would tend to make whistle-blowers abort calls.

G Certification

1. Application

Step 1:

EthicSA will provide the Standard to any service provider who wishes to apply for certification.

Step 2:

On submission of a completed application form, which will include a self-assessment against the Standard, a non-refundable application fee will be payable.

Step 3:

EthicSA will conduct a preliminary evaluation of the information provided in the application form, and will telephonically request additional information, if necessary.

Step 4:

Upon a successful preliminary evaluation, EthicSA will arrange for a reviewer to visit the service provider's contact centre or facility (and any other relevant site(s)). During this site visit, the reviewer will interview staff, observe operations, review and inspect documentation to determine

whether the service provider complies with the Standard (*refer to Review Process, Section H, below*).

2. Evaluation and initial certification

Step 5:

EthicSA's certification decision will be based on the information provided in the application form and self-assessment, as well as the reviewer's site visit(s) reports.

In the event that the reviewer is unable to verify whether a process requirement is in fact in place, a written assurance from the service provider, to the effect that the designated requirement(s) has/have indeed been met, may be accepted by EthicSA on the basis of an honour system.

If the service provider fails to comply with the Standard, it can re-apply for certification (**Step 2**).

If the external whistle-blowing hotline complies with the Standard, the balance of the certification fee will be payable.

Upon receipt of payment, EthicSA will issue a certificate, valid for 12 months, to the

service provider, indicating its status as an "EthicSA Certified External Whistle-blowing Hotline Service Provider", and EthicSA will communicate the certification decision appropriately.

Step 6:

EthicSA will maintain records of certified service providers and provide them with support, including information on relevant trends and legislation.

3. Continued certification

Step 7:

EthicSA will perform an annual review (*refer to Review Process, Section H, below*) of the service provider before the expiration of the service provider's certification. To this end, EthicSA will undertake site visits, and the reviewer will interview staff, observe operations and inspect documentation. If EthicSA deems it necessary, it will perform more frequent reviews.

Step 8:

EthicSA's decision to renew the service provider's certification will be based on the reviewer's site visit report(s), which will be reported to the service provider.

If the service provider fails to comply with the Standard, it will be considered to have defaulted (step 9).

If the service provider continues to comply with the Standard, the annual certification fee will be payable.

Upon receipt of payment, a new certificate (effective for the next 12 months) will be issued to the service provider.

4. Default

Step 9:

A service provider will be considered to have defaulted if an EthicSA review identifies non-compliance with the Standard. The service provider will have one calendar month to rectify non-compliance. During this period, EthicSA will be available for guidance and constructive debate. If the whistle-blowing hotline service provider fails to address non-compliance adequately during this period, EthicSA will withdraw the service provider's certification and communicate this decision appropriately.

H Review Process

For initial and subsequent annual certification, EthicSA will conduct a service provider review. To ensure an effective review and maintain confidentiality, an EthicSA reviewer will arrange a visit to the external whistle-blowing hotline contact centre (and related facilities, if necessary) together with the service provider's nominated contact person. The review will include (but not necessarily be limited to) the following procedures:

1. Integrity

To determine if the service provider complies with the Standard's provisions on Integrity, the EthicSA reviewer will:

- 1.1 Determine whether background checks of all external whistle-blowing hotline contact centre staff were carried out;
- 1.2 Check performance data of external whistle-blowing hotline contact centre staff;
- 1.3 Inspect the completeness of information in reports to clients;

- 1.4 Determine the procedures for actual delivery of reports to authorised client representatives; and
- 1.5 Verify procedures for a smooth and complete handover of business upon termination of the contractual relationship between the client and the service provider.

2. Efficiency

To determine if the service provider complies with the Standard's provisions on Efficiency, the EthicSA reviewer will:

- 2.1 Determine whether reports to clients are delivered within contractually-agreed time-frames;
- 2.2 Evaluate the appropriateness of training provided to external whistle-blowing hotline contact centre staff;
- 2.3 Determine, based on clients' requirements, how the service provider customises services according to clients' requirements or needs;
- 2.4 Inspect the adequacy of the infrastructure for recording and storing information obtained from all available channels;

- 2.5 Determine the frequency and content of the service provider's advice to clients regarding their whistle-blowing hotline awareness and communications initiatives;
- 2.6 Assess procedures for continual internal evaluation of the adequacy of capacity to service existing and new clients; and
- 2.7 Determine the existence and adequacy of channels for clients to provide feedback on service quality, including the service provider's responses to feedback.

3. *Independence*

To determine if the service provider complies with the Standard's provisions on Independence, the EthicSA reviewer will:

- 3.1 Review procedures to identify and avoid conflicts of interest;
- 3.2 Verify whether the provider dedicates exclusive facilities to providing whistle-blowing hotline services;
- 3.4. Determine whether contact centre staff are in the employ of the provider; and
- 3.5 Verify advice or assistance to clients to publicise the service provider's

independence of clients, in the client's training as well as awareness and communication initiatives.

4. *Protection*

To determine if the service provider complies with the Standard's provisions on Protection, the EthicSA reviewer will:

- 4.1 Enquire whether the contact centre is located at a secret address;
- 4.2 Observe whether the contact centre site is void of identifiable signage;
- 4.3 Review the procedures for visitors to obtain access to the contact centre;
- 4.4 Inspect reports and determine whether they are void of identifiable data if the whistle-blower chose to remain anonymous;
- 4.5 Verify whether clients are properly informed about whistle-blowers' choice of anonymity or confidentiality;
- 4.6 Review procedures ensuring the exclusive delivery of reports to authorised client representatives;
- 4.7 Review procedures ensuring the verification of changes to authorised client representatives;
- 4.8 Review the allocation of reference,

case or identification numbers, and the adequacy of the functioning of the feedback process; and

- 4.9 Inspect the logical and physical access controls protecting infrastructure, networks, hardware, software and information in electronic and hard copy formats.

5. *Availability*

To determine if the service provider complies with the Standard's provisions on Availability, the EthicSA reviewer will:

- 5.1 Obtain details of all available communication channels;
- 5.2 Determine possible monetary costs to whistle-blowers for the use of each available reporting channel as well as the ease of access to each channel;
- 5.3 Inspect staff schedules and compare them with client requirements;
- 5.4 Ascertain procedures ensuring that whistle-blowers who report by telephone are not placed on hold for longer than three minutes;
- 5.5 Determine the existence of comprehensive and regularly tested business continuity plans; and

- 5.6 Determine the existence of appropriate and comprehensive insurance cover of the external whistle-blowing hotline call centre, infrastructure, networks, hardware, software and information in electronic and hard copy formats.

I Glossary

Agent

An agent provides whistle-blowing services to clients, but does not operate its own whistle-blowing hotline facilities or employ its own contact centre staff.

Anonymity

Providing such a guarantee protects the identity of the whistle-blower, so that *no-one* knows who the reporter is.

Client

An organisation that makes available an external whistle-blowing hotline to its stakeholders by entering into a contractual agreement with an external whistle-blowing hotline service provider.

Confidentiality

Providing such a guarantee prevents unauthorised access to recorded calls, faxes, mail, e-mail, or website information received from whistle-blowers and reports to clients, thus restricting the identity of the reporter to authorised individuals at the external whistle-blowing service provider as well as the client.

Conflict of interest

Any contract, agreement, arrangement or situation that could negatively affect the service provided to whistle-blowers. Protecting the interest of the whistle-blower is of prime importance and supersedes the interest of the client. Thus, the interest of the whistle-blower is the ultimate consideration determining whether a situation presents an unacceptable conflict of interest.

External whistle-blowing hotline service provider (“service provider”)

An independent organisation or facility providing anonymous and confidential channels for client stakeholders to report perceived misconduct or observed unethical conduct at a contact centre or

facility located in a dedicated site or premises, employing the staff who work there, and is managed in a manner uncompromised by undue influence.

Service provider

See external whistle-blowing hotline service provider.

Whistle-blowing hotline

A communication channel enabling stakeholders of a client organisation to report (“blow the whistle on”) perceived misconduct or observed unethical conduct,

in an anonymous or confidential manner, by being given the choice to make use of any of several communication options, such as telephone lines, fax lines, a postal address, an e-mail address, or a website.

Whistle-blower

A whistle-blower is a stakeholder, internal or external to the client, who reports or blows the whistle on perceived misconduct or observed unethical conduct (for example, theft, bribery, fraud, or human-resources abuses), using the external whistle-blowing hotline.

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for conducting the initial research leading
to the formulation of the Standard.*



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