





# Raising Concerns and Whistle-blowing

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# Who are they?



- Daniel Ellsberg
- Mark Felt
- Mordechai Vanunu
- Julia Davis
- Lucy Dawson
- Shannhilla Chowdhury
- Margaret Haywood

# Raising Concerns and Whistle-blowing



- Legal framework 1998:  
Public Interest Disclosure Act
- NHS Framework:  
Speak up for a healthy NHS
- Professional Framework:  
NMC Code of Conduct

# **Legal Framework**

## **1998 Public Interest Disclosure Act (PIDA)**



- Protects individuals who whistle-blow
- Risk to patients, financial malpractice, any wrong-doing
- Tiered disclosure regime
- In NHS disclosure to ministerial level
- Covers all workers
- Internal disclosures
- Regulatory disclosures
- Wider disclosures
- Confidentiality clauses

# NHS Framework

## Speak up for a healthy NHS



- Produced by Social Partnership Forum (England) and Public Concern at Work
- Why does whistle-blowing matter?
  - High profile cases
- All NHS organisations to have whistle-blowing policy
- A policy should:
  - Create the right culture and environment
  - Ensure staff are confident to report issues
  - Monitor and review its use

# Professional Framework



## **NMC - Code of Conduct**

- to maintain standards of care
- Duty and responsibility of registrants
- "Work with others to protect and promote the health and well-being of those in your care, their families and carers and the wider community"
- Manage risk
- Local whistle-blowing policies should be in place to support nurses and midwives

# Whistle-blowing issues



- Ten years after PIDA, ten-fold increase in numbers of employees claiming dismissal or mistreatment from whistle-blowing
- ET cases: 157 → 1,791
  - average award £113, 667
- Main reasons for whistle-blowing
  - health and safety
  - financial malpractice
  - patient safety
- Use of gagging clauses in NHS
- Whistle-blowing must:
  - be made in good faith
  - reasonably believe information being disclosed is substantially true
  - reasonably believe disclosure is to right person or body
  - not involve financial gain



# How to raise a concern



Seek advice: Union Rep

- Level 1: Raise with Line Manager
- Level 2: Raise with more Senior Manager
- Level 3: Raise at CEO level
- Level 4: Dept. of Health Counter-fraud line
- Level 5: Outside Body
  - CQC
  - Audit Commission
  - NMC
  - NPSA