



WHISTLEBLOWING: TIME FOR CHANGE

A 5 year review by
Public Concern at Work

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FROM THE CHAIR



Carol Sergeant CBE

Strong and clear values and an open and constructive culture are the essential underpinning of successful organisations and a fair and prosperous society. The ability to raise challenging, difficult, and contentious issues freely without fear of recrimination, and to have those issues listened to and addressed is a very necessary part of any effective culture. That is the role of whistleblowing and it is the mission of Public Concern at Work (PCaW) to help and support individuals, organisations, governments and regulators to make this happen.

The last few years have seen headlines in almost every sector – health, the care sector, manufacturing, oil and gas, government, financial services, the environment and more; where extremely serious human, financial, economic, and environmental damage has been done. In very many cases courageous individuals had attempted to speak out, but were either not listened to or deliberately suppressed, with often devastating

consequences both for the individuals who raised issues and the people and organisations they were seeking to protect. This has led to numerous public and private reviews of the causes of the problems and many are still on-going. No matter what the sector or the specific harm done, all of these reviews and enquiries have come to the same conclusion, that poor organisational culture and values and the suppression of challenging and dissenting voices is ultimately the root cause of the many different, but all very serious, problems that have been investigated. Effective whistleblowing arrangements and robust protection for whistleblowers has been a common recommendation in these reports.

PCaW set up the Whistleblowing Commission to review the effectiveness of whistleblowing in 2013. Many of the recommendations in the Commission's report have been taken up by more recent sector specific reviews. In particular the recommendation that regulators should make it a requirement that organisations have robust whistleblowing arrangements and should challenge and monitor their effectiveness, and the PCaW Code of Practice the Whistleblowing Commission endorsed. The recognition of whistleblowers as a powerful force for good in society has been greatly enhanced.

Unsurprisingly the last 5 years have been a very busy time for the charity. Our work often doesn't grab the headlines but is significant. The volume of calls to our legally supported, practical and free advice line for whistleblowers has increased

significantly; the number and variety of organisations who are using our unique expertise and insights to help and advise on their whistleblowing arrangements has increased substantially; and our work with government and regulators has had major impact. PCaW's contribution and especially that of our CEO was recognised by the award of an OBE to Cathy James in June 2015.

However, whilst there has been encouraging progress in recognising the importance of strong cultures and the role of whistleblowing to support them, very much remains to be done to ensure that the lessons of the last few very turbulent and damaging years are fully implemented. The tough work of effectively embedding the learnings (including effective and safe whistleblowing) into our legislation, organisations and the fabric of society has barely begun. Unsurprisingly, our research shows that effective whistleblowing gives the best outcomes for individuals, organisations and society at large, so the effort must continue and we at PCaW will continue to research, lobby, advise and support in every way that we can.

The staff of PCaW do a fantastic job. I am also very grateful to all those who support us. We need this support and more as the demand for our services continues to increase and significant effort is required now to really make whistleblowing work to the benefit of all.

FROM THE CHIEF EXECUTIVE



Cathy James OBE

I am pleased to present our latest review featuring some of the hard work and achievements of staff and trustees at PCaW from 2011-2015. It has been some time since our last review, and as you can see, we have been busy. At PCaW, our aim is to protect society by encouraging workplace whistleblowing. We do this in three ways:

- we operate a free, confidential advice line for workers with whistleblowing dilemmas;
- we support organisations in establishing effective arrangements for staff to speak up;
- we inform public policy, undertake research and campaign for legislative reform.

In this report we wanted whistleblowers' voices to be heard. Every year we hear from close to 2,000 whistleblowers on the advice line. We know that their cases are as complex as they are diverse and that there is no single whistleblowing

experience. Throughout this report whistleblowers tell their stories – in their own words.

We are very grateful to all those who agreed to be interviewed. We know that whistleblowing can be stressful and opening up old wounds sometimes painful. We hope that by sharing these experiences we offer an insight into whistleblowing that we take for granted; stories of ordinary people doing the extraordinary.

Overall the interviews reveal that for too many whistleblowers, the personal cost remains high and urgent legal and cultural change is needed in the UK. They also reveal that if whistleblowers do not feel protected when openly raising their concerns, they will either be deterred from speaking up in the future or they will remain anonymous. This route can be fraught with danger and will not combat the wider challenge of how to encourage and celebrate whistleblowers and the broader acceptance and protection of whistleblowing.

In addition to the in-depth look at how our advice line operates, we also highlight our major pieces of research over the past 5 years including 'The Whistleblowing Commission: Report on the effectiveness of existing arrangements for workplace whistleblowing in the UK', 'Whistleblowing: The inside story', and 'PIDA: Is the law protecting whistleblowers?' as well as our work with organisations including the promotion of our whistleblowing Code of Practice and our First 100 campaign.

Over the past 5 years we have also been busy lobbying for stronger legal

protection for whistleblowers. The prevailing view of those who bring claims under the Public Interest Disclosure Act 1998 (PIDA), is that the law is failing. This view is supported by our legal research into first instance decisions in the Employment Tribunal (ET) and the Whistleblowing Commission, who concluded that PIDA is 'not working.'

While a number of recent legal reforms such as the introduction of vicarious liability and the removal of good faith from liability to remedy can be hailed as a success, the introduction of a public interest test has caused much confusion inside and outside of the courtroom. Moreover, the legal landscape has changed dramatically over this time; with cuts to legal aid, the introduction of fees and a creeping culture of costs at ET.

Finally we look at our ongoing policy objectives, identifying some of the very real challenges faced by whistleblowers in the UK including the need to strengthen PIDA, to eradicate blacklisting, ensure greater protection to more categories of workers and some of the legal threats posed to whistleblowers.

I hope you enjoy the report and thank you for your continued support.

ADVICE LINE OVERVIEW

The advice line is at the heart of everything we do at PCaW. It is a free and confidential source of advice for workers who are unsure whether or how to raise a concern about risk, malpractice or wrongdoing.

The advice line team advises workers on how to raise their concern in a way which maximises the possibility of the issue being resolved, while minimising the risk of the caller suffering retaliation from their employer and co-workers.

Since our last review, we have seen a huge increase in demand for our services with a 25% increase in whistleblowing cases since 2011.¹ We continue to hear from workers across the UK from all levels and all sectors.

Workers often start by trying to raise their concerns openly, with 68% of callers stating this is how they raised their concern. 9% raised a matter confidentially (where their identity was disclosed to those looking into their concern but not known generally) and 2% remained anonymous. In the remaining cases we did not know how the concern was raised.

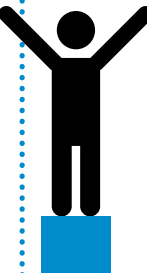
69% of our callers have already tried to raise their concern internally before they contact us. There has been a small increase in individuals having raised their concern with a regulator before they contact us; this was 5% in 2011, peaked to 9% in 2014 and as of 2015 stands at around 7%.

If our advice is sought before the concern is raised, there are better outcomes for both the way in which the concern is handled and the treatment of the whistleblower. The likelihood of a positive outcome for the concern (investigated, admitted, resolved) increases by 26% and the likelihood of a good personal outcome (no personal consequences, the individual was thanked or the workplace improved as a result of raising the concern) doubles. However we are seeing fewer individuals contacting us at this crucial early stage. We know from our feedback surveys that 9 out of 10 callers would recommend us, but we are also told that many wish they had found out about us earlier. So we have much to do to increase our profile, but have for some time been constrained by our limited resources.

Our top sectors remain health, care, education, local government and financial services. Cases from education peaked in 2013 and 2014, but were overtaken by health and care in 2015. In 2015 retail was one of our top six sectors for the first time, with cases from the sector doubling between 2014 and 2015.


¹ This figure includes calls from members of the public who have a public interest concern for 2015 – this was not a category in 2011.


+100%
When our advice was sought before a concern was raised, positive personal outcomes doubled


The likelihood of a positive outcome for a concern, if we advised before it was raised, increased by
+26%

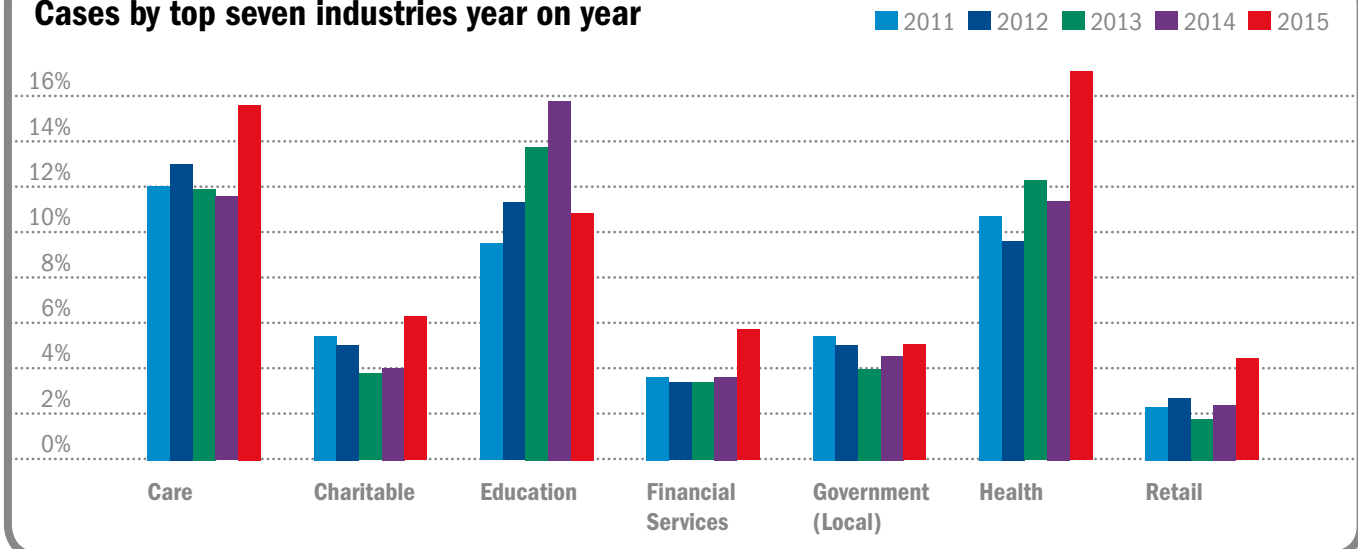

68%
of callers start by raising concerns openly


9%
raised a matter confidentially



2%
remained anonymous



69%
of callers had tried to raise a concern before they contacted PCaW

Cases by top seven industries year on year



Top headlines


+25%
increase in calls since 2011


+17%
increase in whistleblowing calls since 2011


Calls from health, retail and financial services have nearly doubled

■ There are disappointing final outcomes for whistleblowers – 4 out of 5 report a negative outcome (victimised (29%), dismissed (28%), resigned (24%) or bullied (2%)). A silver lining is that there was a decrease of 7% in negative outcomes from 2013 - 2014.

■ However when our advice was sought before the concern was raised, positive outcomes doubled (positive outcome includes: no personal consequences, the individual was thanked or the workplace improved as a result of raising the concern).

■ Where our advice was sought before a concern was raised, we also saw a 26% increase in positive outcomes for the handling of the concern (investigated, admitted or resolved).

Other info

■ The top three types of concern over the 5 years:

- Financial malpractice
- Ethical
- Patient safety.

■ In 2015 we began to gather more detailed information on the type of concern – here is the breakdown:

- Top financial malpractice concerns were about fraudulent transactions (falsifying invoices/expenses/theft) and incorrect reporting to third parties
- Top two ethical concerns were conduct of staff and breach of data protection/confidentiality
- Top two patient safety concerns were unsafe staffing levels and poor clinical practice.

4 out of 5 whistleblowers reported a negative final outcome:

29%  **Victimised** **28%**  **Dismissed** **24%**  **Resigned** **2%**  **Bullied**

Feedback

Feedback for our service remains overwhelmingly positive. We re-contact whistleblowers 6-12 months after they call. The collated data from 2011-2014 shows:

 **9**
out of 10 would recommend our service

 **9**
out of 10 said the advice was clear

 **8**
out of 10 said they found the advice helpful

 **8**
out of 10 said they followed the advice

SECTOR FOCUS: FINANCIAL SERVICES

Financial services has experienced a tumultuous few years which has led to significant developments in whistleblowing.

Increased scrutiny of the sector from the Parliamentary Commission on Banking Standards and financial regulators has culminated in new rules from the Financial Conduct Authority (FCA) and The Prudential Regulation Authority (PRA) that require a senior person to be appointed to take responsibility for effective mechanisms for employees to raise concerns internally.

The rules also cover policy and training, and require wording to be inserted into employment contracts and settlement agreements that emphasise that workers cannot be gagged from making a public interest disclosure. This places whistleblowing firmly on the agenda in the financial services sector and represents a more proactive approach by regulators in an industry that has seen a large number of damaging scandals in recent years.

We were delighted that our Code of Practice formed part of the FCA's consultation around the new rules and supports the new requirements.

Advice line

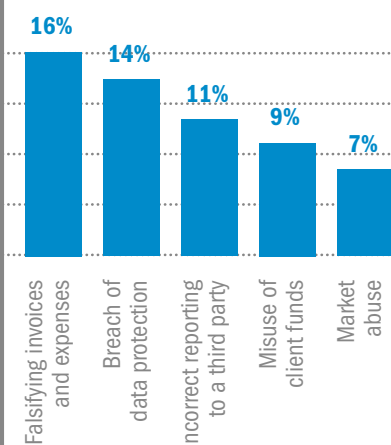
Cases from those working in financial services have increased from 4% each year between 2011 and 2014 to 6% in 2015 of our total cases. However due to overall growth in advice line cases, in real terms cases from this sector have doubled.

A wide range of individuals in this sector contact us for advice. Most commonly we hear from those in a management position (18% of all cases). 6% of our cases are from the executive, which is high in relation to the percentage of UK workers who are at executive level across all industries.

The most common concerns were: falsifying invoices and expenses, breach of data protection, incorrect reporting to a third party, misuse of client funds and market abuse.

Most common financial service concerns raised by callers to the advice line²

2015

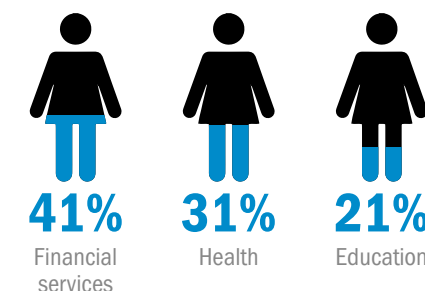


² This sub set of data was not gathered prior to 2015.

It is our practice to follow up with individuals 6-12 months after they first contact us to track their experience. In finance the proportion of individuals who said they had been bullied as a result of raising their concern was low (8% compared to 26% of all cases). There was a high number of individuals reporting that they had been suspended (33%) or dismissed (31%) for raising their

concern, compared with 27% and 23% across all cases. However while the treatment of the individual is poor, this sector performed better than others in how well the concern was handled with 41% of cases having a positive outcome (investigated, admitted or resolved). This compares to 31% of cases in health and 21% in education.³

Positive outcome for the concern



Silence in the City

In 2013 we published a special report on our cases from the financial services sector. Our findings revealed workers in financial services were far more likely to go to a regulator on the second attempt to raise a concern (42% compared with 11% across all sectors).

This highlights the urgent need for financial organisations to build trust in their internal systems if they want an opportunity to address concerns at an early stage.

This can only be done by changing the experience and thus the perception of whistleblowing. At present there remains a real risk that individuals will see others suffering in the workplace and choose to stay silent.

What next?

In light of the new rules we will work with the industry to improve internal whistleblowing arrangements and alter the experience of whistleblowers. We will do more to raise our profile with workers to ensure they access advice at an early stage, before damage is done. We will also raise awareness with individual organisations that more must be done to protect workers who speak up.

³ This data is from our latest feedback survey of 2014.



CASE STUDY

Martin Woods

“My name is Martin Woods and I am a whistleblower.”

Martin Woods, a former police officer, started working for Wachovia bank as an anti-money laundering officer in 2005. Not long after he was appointed, he discovered a number of suspicious transactions relating to Mexican casas de cambio (currency exchange office). There were deposits of traveller's cheques for large amounts of money which either entirely lacked identity information or included inadequate information, and to a trained eye, contained dubious signatures. Suspecting that the bank was laundering the proceeds of drug trafficking, Martin blew the whistle. After repeated attempts to alert management, the matter remained unresolved. Martin then approached the US Drug Enforcement Administration (DEA) in 2007. His evidence informed a DEA investigation that saw criminal charges brought against the bank, but not the individuals involved in the wrongdoing. Martin now works as Head of Financial Crime at Thompson Reuters and campaigns for better protection for whistleblowers. In 2013 Martin gave evidence to the Parliamentary Commission on Banking Standards:⁴

“When I blew the whistle, the Financial Services Authority (FSA) told me I would never work for the bank again and it took me a long time to recover my status as an approved person. In early 2012, the FSA sanctioned two individuals for their failure to comply with their reporting requirements. This action did very little to encourage whistleblowing, on the contrary, these two men were fortunate and in the long-term the outcome for them was far more positive than it ordinarily is for whistleblowers.”

“I believe that one of the difficulties of blowing the whistle in a bank is that in parallel, the individual doing so is also blowing the whistle against the FSA. It is important to understand the role of the FSA and the connection to regulated firms and banks. The FSA supervises banks and therefore, when there is a big failure within the bank, it commonly follows, there has been a failure in the supervisory process.

“In my case I later found out that a record about me was made by the FSA stating that because I was talking about my experiences as a whistleblower, this may be of relevance to my ‘fitness and properness’ should I ‘ever seek FSA approved status in future.’ The reason for this was stated to be because I may breach an agreement I had reached with my former employer. In effect, this meant that the regulator had blacklisted me from working in the industry. When I uncovered this through a Subject Access Request, the record was expunged and I received an apology, but the damage had already been done.

“The whistleblower is almost always outnumbered, out manoeuvred and invariably outlawed.” In the majority of instances, whistleblowers act alone, it is not that other people do not see what the whistleblower sees, rather they see it, but decide to do nothing about it. People like the status quo and whilst they witness wrongdoing, they become passive observers, often controlled and influenced by colleagues and managers and are therefore consciously and sub consciously persuaded to accept the said status quo.

“Absent a change of culture and attitudes, it is not easy to encourage whistleblowers: there are far too many unhappy endings in the stories of whistleblowers. The change of attitude could or should start with an improved welfare programme: whistleblowing is very stressful and if whistleblowers are to be encouraged and valued we need to recognise that value and help them with their stress. **As a society we need to value whistleblowers: they need to be seen for the force of good that they are.** If banks want to encourage whistleblowing, they need to openly promote and support it.”

⁴ This text is a combination of his evidence to the Commission and interviews with PCAW.

SECTOR FOCUS: HEALTH

This sector has also come under scrutiny and was subject to the detailed Freedom to Speak Up review, conducted by Sir Robert Francis QC. The review made a number of recommendations, not least the introduction of a National Guardian and a network of Freedom To Speak Up Guardians to be appointed in NHS Trusts in England to review the treatment of whistleblowers and the handling of concerns. These roles will be crucially important in providing the much-needed oversight and advice for all healthcare organisations at a time when the sector is tainted by the perception (and in many cases the reality) that whistleblowing is risky or futile.

The review called for a move away from defensive attitudes and a climate of fear within the NHS, towards a culture where raising and addressing concerns and challenging poor practice becomes the norm.

It is too soon to say whether all the recommendations will be effectively implemented and as such we remain concerned about whistleblowing in this sector.

However we were pleased that the law has now changed to protect NHS job applicants - a key problem in relation to the blacklisting of whistleblowers (see our spotlight section later in the review).

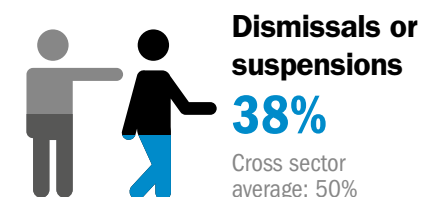
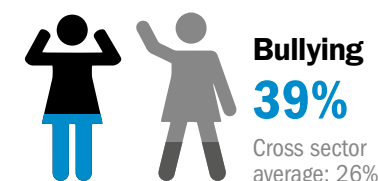
Advice Line statistics

Health consistently forms 11% of our cases each year. However in 2015, cases from the sector increased by a third and formed 17% of our overall cases. This is unsurprising given the attention whistleblowing has had both in the public domain and within the health profession generally. We hear from a wide range of individuals in this sector; most commonly from nurses (18%) and doctors (13%). 7% of our cases in this sector are from those in a management position and 1% from the executive.

The top concerns in this sector were unsafe staffing levels and poor clinical practice. Other common concerns were policy decisions that impact patient safety; the competence and conduct of staff; and falsifying invoices or personal expenses.

Whistleblowing trends in health have changed over the past few years. This could potentially be because of the impact of the Freedom to Speak Up report on health workers. Prior to the inquiry, line management was the preferred route (38%), followed by senior management (31%). In 2012, at the time that the inquiry was gathering evidence and was widely reported in the press, staff were more likely to raise their concerns in multiple places, demonstrating that perhaps individuals were struggling to understand, or did not trust, internal routes. However by the time of the report, this had normalised with 19% of staff taking their concerns to multiple sources and 37% reporting to line management and 37% to senior management.

In our follow up with individuals we found that, in relation to final outcomes for the individual, bullying was significantly higher in health than the cross sector average, (39% compared to 26%). However fewer individuals were dismissed or suspended than other sectors (38% compared to 50% across sector). One in three workers reported a positive outcome for the concern (investigated, admitted or resolved) which is in line with all cases.⁵

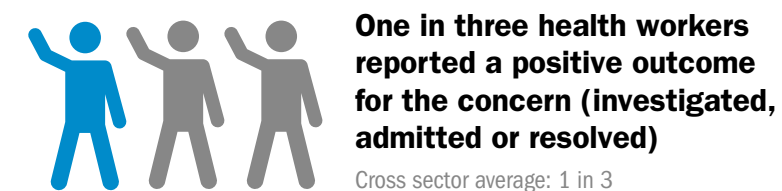


What next?

Our submission to the Freedom to Speak Up review suggested a raft of key changes, some of which have been included in Sir Robert's final recommendations; particularly in relation to a network of local guardians and the National Guardian. However we will continue to seek a more robust framework for individuals and further embedding of good practice in organisations via the following:

- The provision of independent legal advice to workers in the health sector who have witnessed malpractice and are unsure what to do
- The adoption of effective and robust internal arrangements throughout health organisations and review of the effectiveness of those arrangements
- Training of managers and guardians on how to encourage and handle whistleblowing concerns
- For health sector organisations to be required to provide feedback to individuals who have raised a concern or explain why they cannot
- For health sector organisations to introduce measures to monitor the on-going welfare of individuals who raise concerns. For this data to be reported to the Board and considered by the Care Quality Commission (CQC) and the new National Guardian
- For health sector organisations to include a question about how an individual might raise a concern as a positive feature in recruitment processes

- For health sector organisations in their annual reports and governance statements to report on:
 - the number and types of concerns raised;
 - the number of concerns substantiated;
 - any relevant litigation; and
 - staff awareness, trust and confidence in the arrangements
- Investigation of retaliation against whistleblowers by an appropriate external body
- For a specialist whistleblowing mediation network or service to be established nationally to assist with the early resolution of concerns and cases of whistleblower victimisation
- For the National Guardian, CQC and NHS Improvement to take the Whistleblowing Commission Code of Practice into account when assessing the effectiveness of health organisations' whistleblowing arrangements
- For the National Guardian, CQC and NHS Improvement to publish annually the number of whistleblowing concerns received, the number of investigations, how many were substantiated and what action has been taken to promote and enforce good practice.



⁵ This data is from our latest feedback survey of 2014.

WHISTLEBLOWER INTERVIEWS

What makes certain people blow the whistle? Why do some people speak up when they witness wrongdoing, while others walk on by? What are the challenges and consequences? What can be done to improve the situation for whistleblowers?

While we know that in some organisations staff are listened to and issues addressed, there are still far too many cases in which it takes courage and conviction to blow the whistle.

We decided to interview some of our clients to gain a unique insight into what it's like to be a whistleblower.

MANIPULATION OF CRIME STATISTICS



James Patrick

PC James Patrick blew the whistle on the manipulation of crime statistics in London and the under-reporting of sexual offences. James tried to highlight the wrongdoing through his chain of command within the Metropolitan Police (the Met) to no avail. In response, the Met prohibited him from discussing the case with the media or the public, effectively

an attempt to silence him. When this didn't work he was forced out of his job. Eventually, James gave evidence to the Public Administration Select Committee and was entirely vindicated as the Met commissioner, Sir Bernard Hogan-Howe, admitted the statistics were misrepresented and said the issue was a cause for concern. James Patrick approached PCaW for advice on his case and later gave an inspirational speech at one of PCaW's film night fundraisers. Here are some of the highlights:

“In my first written submission to the Public Administration Select Committee I wrote: ‘I hope that police officers in the future will not experience the same frustration and anxiety that I was subjected to at the hands of my superiors because of my attempt to report corruption. I was made to feel that I had burdened them. The problem is that the atmosphere does not yet exist in which an honest police officer can act without fear of ridicule or reprisal from fellow officers. Police corruption cannot exist unless it is at least tolerated at higher levels. Therefore, the most important result is a conviction by police officers that the department will change’.

“The true art to reprisal and ridicule is to keep it insidious - out of sight. I hope I've made that harder to do, by making sure that what happened to me was as public as possible – because sunlight remains the best disinfectant.

“I was trained to deal with and survive confrontation, but not every whistleblower is. The bite back on whistleblowers has evolved but not stopped. This is why Public Concern at Work must carry on its work with our support. Without them, many would just wander around fighting shadows or being chased by them, being devoured by them. Simply being alone and at risk. Because, you see, we are at risk, doing what we do, fighting things much bigger than ourselves – things which see us as a risk. And yet, we risk everything anyway.

“Why is that? What is it about us that makes us do it? I've thought about this a lot, even sometimes questioned myself, doubted myself, hated myself - but, in the end, it comes down to there being something in each of us that is a little bit like biting on tinfoil – something hard and uncomfortable. For me it came down to a simple choice: to play by the rules or not.

“Do I regret doing it? Even in the darkest hours, even in those moments where I cried in the street while walking home, or stared point-blank into the bottom of a pint glass, when I felt crushed and saw even the slightest bump as impossible to climb, no, I never regretted it. Not then and not now.

“What I did regret was the toll it took on others, because I didn't have enough left, all of my energy being focused on simply surviving, to adequately defend those I love. I nearly ruined my marriage, became distant at home; saw that my small children could see me upset, could see the stress etched onto my face. There was nothing I could do to protect them and that I do regret – but remember the fight against corruption is never easy.

“My immediate future was working in the local pub, which – as it turns out – was exactly what I needed. A complete separation from the past. A period of de-institutionalisation. It worked a charm. I'm not James the ex-copper, James the whistleblower. I'm just James. And, as soon as I let go of some of that, good things started happening.

“I may be scared to death about how we pay the rent, but the clouds are starting to glow with silver linings, small ones, but visible ones nonetheless.”

CUTS TO PRISON FUNDING



Kim Lennon

Kim Lennon worked as a prison officer for Lewes Prison. In 2014, Kim raised concerns about the impact of cuts to prison funding and how they were affecting the day to day life in prisons. Kim's concerns focused on inadequate staffing levels that meant staff did not feel safe at work, which led to a number of problems in relation to the internal functioning of the prison service.

Kim said cuts to funding created an increasingly tense working environment where prisoners were not able to partake in allocated activities and were often violent towards staff.

Furthermore, Kim revealed that the synthetic drugs ‘Spice’ and ‘Black Mamba’ were widely available in the prison. Kim alleged these issues could be linked to an increase in the number of assaults on staff and to inmate suicides. Kim reported her concerns to the Governor and the internal health and safety department. Dissatisfied with the lack of response, Kim approached her local paper, the Argus, and later spoke to the Guardian.

Kim was suspended and contacted PCaW for advice on her legal rights. Kim was eventually dismissed from her role and is pursuing a claim at ET. Following a report of HM Inspectorate of Prisons into conditions at Lewes Prison, Kim said she felt ‘vindicated’ after inspectors raised the same concerns. As part of this review, we contacted Kim to get her thoughts on what happened:

“I think whistleblowers just want to do the right thing. There are a lot of people who would like to blow the whistle but they are afraid. They’re scared to speak out and I can understand that. People can see what’s happening to me now and that’s going to make them even more worried about speaking out.

“I would probably do things differently looking back on my experience of blowing the whistle to the media, but I try not to think about that! There’s absolutely no point thinking like that. What’s done is done.

“I think it’s more likely that people working on the frontline blow the whistle in prison services. From what I see of managers; they climb the ladder by being ‘yes-men’ and not challenging people or being outspoken or forthright because that’s not what the prison service wants. They want people to just do as they are told. I wouldn’t get into the position of being a manager because I’m too outspoken.

“The challenge with speaking out about conditions in prisons is that we are behind a wall at the end of the day; an out of sight out of mind sort of thing. We’re not like the NHS. It doesn’t affect the general public like the NHS does. And we’re not a big pull for politicians, the public. Once a prisoner is behind those walls that’s it, they’re off the street and everything else is sort of forgotten.

“I went to the media because I was sick to death of speaking to managers and just with the whole prison system. The media reaches a lot of people. The government and the prison service knew about the concerns that I was raising but they were doing nothing about it. They’re still doing nothing about it.”⁶

“At the beginning, I felt that I had done the right thing. I felt sort of strong about it but I’ve gotten weaker and weaker as I’ve gone along because I’ve been ostracised. I’ve been to the doctor and I’ve suffered depression. The impact on me and my family has been considerable. But even bearing all of this in mind I would do it again.

“I think PCaW is really good but I don’t think there is enough protection for whistleblowers. I know there was a select committee that sat last year which said there should be more protection for whistleblowers. But these things are said but I don’t see it being done, obviously that’s going to make people still afraid to come forward. The words are good but it’s about actions and actually protecting people.”

⁶ This was before Queen’s Speech in May 2016 when prison reform was made a key issue.

EXAM FRAUD IN ACADEMIES



‘M’

M was an experienced secondary school teacher who was approached by staff members who were concerned that exam results were being falsified. After seeing some of the evidence, M raised the concern with the head teacher. As a result, M was subjected to a campaign of victimisation from management. M contacted PCaW for advice and support and given the strength of his claim and the seriousness of the concerns, we managed to secure pro bono legal support for him. M subsequently settled his claim. These were M’s thoughts on the experience when we spoke to him a few months after his claim had settled:

“I don’t know what motivates most people to speak up, I hope it’s a sense that something is wrong. Any other reason would give whistleblowers a bad name. Certainly in my case it was an incredible sense of injustice, an intense feeling of wrongness, that I had to tell someone about it.

“If I am really honest, I would have to question whether I would advise myself to do it again bearing in mind the consequences that have flowed from my decision to blow the whistle. I would like to think I would but I cannot guarantee it. What I wish I had done differently is to put everything in writing right from the word go. I also wish I had familiarised myself with the policies and procedures at work.

“I wish I had recorded key conversations either in contemporaneous notes or even on a dictation machine. This would have helped me, certainly with my legal claim. However, I don’t think it would have prevented the way my employer treated me. I would have still ended up in the same position.

“In education it’s so essential that people are honest. We’ve seen enough shocking cases; the Soham girls, Victoria Climbié, Rotherham. In all these different situations had people spoken up or been listened to, some of these things might not have happened. Yet we still don’t have the freedom to talk openly about these things, because most people know that the moment they do, their job and career is going to be threatened.

“I found the process of taking a claim at the Employment Tribunal initially really difficult. The best way I can explain it is like being told off by the head teacher when you’re a child. You feel that you’ve done something wrong. Although they claim to be more lenient towards litigants in person, I didn’t find that to be the case.

“So I began trying to understand how the mechanics of the Employment Tribunal worked, and I think if you’re patient, while you can’t create a level playing field, you can certainly even out some of the bumps and cracks you encounter on the way.

“I spent several days at the Employment Tribunal watching other peoples’ cases and your heart just bleeds because many of these people are in a low state, they are very vulnerable and they don’t have the benefit of the education I had. They do not have the knowledge to contact an organisation like Public Concern at Work. Often they have just been abandoned, often low paid. There were women and men there in the waiting room in bits and pieces and you question how on earth this system can possibly be fair.

“Advice for future whistleblowers? If you’re an employee, then make sure the moment you have any suspicion of anything you write it down. That way you’ve got a date aligned to those experiences.

“What needs to change? There needs to be a complete change in the attitude of employers and government. There needs to be training on an annual basis for all members of staff on what whistleblowing is and how you can protect yourself. That needs to be written in stone, because that way at least you give people the tools to defend themselves.”

CONDUCT OF CQC INSPECTIONS



Amanda Pollard

Amanda Pollard specialised in infection control at the health care regulator, the Care Quality Commission (CQC). She became concerned about changes to the way inspections were carried out. Amanda was asked to carry out inspections in areas where she had no previous experience or knowledge and this was happening across the CQC. For instance those with background experience of hospitals were inspecting care homes and vice versa. In addition, pressure to meet targets was affecting the quality of inspections.

After a number of attempts to raise her concerns internally at board level, she gave evidence to the Francis Inquiry into Mid Staffordshire NHS Trust (“the Inquiry”). It transpired that others had also tried to raise concerns about inspections but they were not heeded. After the Inquiry, Amanda felt victimised by management; her treatment was so bad that she eventually felt compelled to resign. Amanda brought a claim for constructive dismissal

in the Employment Tribunal which was unsuccessful. The Employment Tribunal found that management's approach to Amanda was negative and hostile but that as she had resigned 14 months after the most serious detriments, there was insufficient evidence for a finding of constructive dismissal.

“The CQC were not listening to anything. I was the only inspector to put their head above the parapet and blow the whistle. Although I can't think of very many inspectors at that time who were happy with what they were doing and felt comfortable. I felt this overwhelming sense that something had to be done, someone had to listen and understand that the CQC was making inspectors carry out inspections that were potentially dangerous. The board wasn't listening. I tried to use different routes to raise my concern, including the National Audit Office but it was only the Inquiry that appreciated the gravity of what I said and took it seriously. The Inquiry supported my concerns and of course now the CQC has changed so that inspectors work in line with their specialisms. I was completely vindicated, but the CQC and how they reacted to me was a disgrace.

“It's hard to say what impact whistleblowing has had on me and my family. On one level, life has gone on. I'm not employed at the moment but I'm running the farm that I have as a small business. I don't know if I'll return to the NHS but overall financially I've taken a hit.

“Twitter is full of whistleblowers who have been devastated by their experiences. I was determined that that was not going to happen to me, and it hasn't. Thankfully the CQC is a distant memory! By not moving on, they'd be taking even more of my life than they already have, and they've done enough damage. So on that level, I've managed to move forward and I think appreciating that life isn't fair is the crux of it.

“Regarding the future for whistleblowers, I think we've gone beyond debating cultural change; legal reform is needed to improve the situation for whistleblowers in this country. I thought I had a watertight case but I lost the ET. For me, the number and balance of witnesses impacted on the case. There were six managers as witnesses for the CQC and none for me. The CQC successfully managed to block my only witness from appearing. No one wants to act as a witness in a whistleblowing case because colleagues can see what's happened to you and quite reasonably, they don't want the same thing happening to them. It is a real disadvantage in the ET process. It scuppers people to the extent that I would say to people to think very carefully indeed before proceeding down the legal route.

“To anyone thinking of blowing the whistle I would also suggest they stay anonymous, and contact Public Concern at Work. Cathy James has been wonderful; she's been with me through the whole process. She got me a voice at the inquiry and thereby helped change regulation. Afterwards at the ET, she helped me as much as she possibly could. I can't begin to say how much Cathy and PCaW have done for me, so I would say to contact PCaW. But unfortunately, stay anonymous. Contacting the press may well be the best option if no one is taking your concerns seriously. Because that, sadly, is what makes things change.

“If I knew what was going to happen to me back then, I think I would have done things very differently, and probably not have elected to lose my anonymity. But the inquiry said that it really was going to be important for me to do that and I couldn't really have blown the whistle without having done that, so I did it, but it came at a cost.

“Put yourself first, however laudable your ambitions are towards improving things for people. When an injustice has been done and you are the victim of it; that whilst trying to help, it's hard to remain upbeat. So I'm more cynical about whistleblowing. If you feel you have to, keep your head down and contact PCaW.”

Amanda received *The annual Middlesex University UK Whistleblowing Award* in 2013.

INTERVIEW WITH AN ADVISER

Whitnii Levon joined PCaW in September 2013. She holds an LLB (Hons) in Law and has extensive experience working in the charitable and private sectors. Whitnii works on the advice line and delivers training and consultancy to organisations on how to encourage and address concerns. Here she describes a typical day at PCaW:

“I started by volunteering at Public Concern at Work as a legal researcher. I was drawn to the charity because of the niche work we do. Training as an adviser takes months, even with previous experience of the charity's work; I spent four weeks listening to other advisers, reading judgments and learning the law before taking a single call.

“The charity is very small so it's all hands on deck with any ongoing projects, campaigns, support work, business support or general admin. There's rarely a quiet moment.

“I start a shift by checking the news for any stories about whistleblowing or investigations, legal updates or regulatory changes. When there are stories in a particular sector, or if the charity has been in the news, calls increase dramatically. Those days are the hardest because we get so many calls where our advice might have been helpful at the early stages but later down the line it is difficult for us to unravel everything.

“There is no average advice line call. Every case is unique. We respond to almost any kind of wrongdoing imaginable, from the more minor to the extremely serious, and advise workers across all sectors across

the UK. Regardless of the severity, my job is to help the caller determine what the wrongdoing is and whether they face any barriers to raising it. Much of the advice depends on what those barriers and concerns are. We can sign-post when there are issues which are not appropriately dealt with as whistleblowing, discuss options for raising their concerns and offer support as appropriate. Each case requires a tailored response.

“After a call is when much of the advice work that our clients don't see takes place. Where the matter is complex or serious a case may require months of follow up calls and involves senior lawyers at the charity, referrals for pro bono support, union representatives, employers, regulators and sometimes the media. Callers will sometimes need significant amounts of assistance and we may be contacting their employers on their behalf or drafting letters to regulators, Members of Parliament, etc.

“The downside to this role is that we deal almost exclusively with the worst case scenario. It is important to remind both ourselves and our callers to acknowledge when things are going well too, even if they're not always perfect. The team are great about supporting each other when things get difficult and senior management are always available.

“After almost three years at PCaW I still feel like I'm learning and encountering new things every day. As advisors, our primary goal is to help people to raise their concerns about public interest wrongdoing as safely as possible.

“Closing a file where a whistleblower feels their concerns have been addressed and they haven't been victimised is heartening. Knowing that you've helped someone that might otherwise never have had the confidence to raise a concern or might have suffered for doing so can be very rewarding. As an organisation we wish more cases ended that way and ultimately we don't want to need to exist, but we still have a way to go to make healthy whistleblowing the cultural norm.”

Whitnii left PCaW in May 2016. We are grateful for all her hard work at the charity and wish her all the very best in the future.

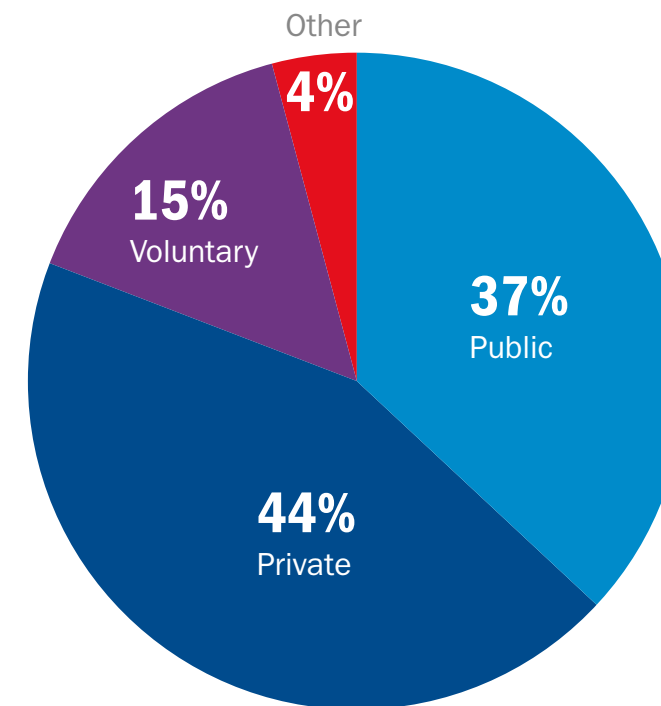
OUR WORK WITH ORGANISATIONS

Critical to changing the landscape for whistleblowers is making sure that organisations are open to whistleblowers raising concerns and have safe and effective systems in place.

Not only will this maximise the chance of malpractice being addressed at the earliest opportunity but it will also ensure that individuals are treated fairly from the outset. Through our work with organisations, we promote best practice whistleblowing arrangements in order to ensure that whistleblowing is at the heart of governance and risk management.

Over twenty years of whistleblowing experience puts us in a unique position to offer support to organisations in managing their whistleblowing arrangements. To help organisations get whistleblowing right, we supply training for managers and advice on drafting and effectively communicating policies. Additionally, we provide a range of consultancy services including staff surveys, board reporting and auditing/ reviewing whistleblowing policies and processes.

Our expertise has inspired recent work from a variety of UK regulators, independent bodies and legislators. The approach of the Whistleblowing Commission's Code of Practice was reflected in recommendations from the Freedom to Speak Up review for the NHS, the Financial Conduct Authority's regulatory scheme and IMPRESS (the new independent press monitoring body).



Working with PCaW

We work with organisations of every size, across all industries and sectors in the UK, Ireland and globally. Our clients include: British Red Cross, Care UK, Home Retail Group, John Lewis, Lloyd's Banking Group, NHS Scotland, Scope and the Scout Association. We also work with professional bodies like the CIPD, the Institute and Faculty of Actuaries, the General Medical Council and the Nursing and Midwifery Council.

Whistleblowing forums and events

We offer whistleblowing masterclasses for employers and those involved in shaping whistleblowing arrangements. These classes are an opportunity for organisations to test their knowledge and arrangements against best practice and latest legislative frameworks. They give space for collaborative and comparative exercises between different organisations and industries. We update our training programmes as regulation and best practice develops, as well as offering industry specific training. In addition, we are very pleased to have recently launched our new e-learning programme in conjunction with CIPFA and Mazars, targeted at employees in local authorities and charities.

We also engage with industry forums, conferences and trade events, helping delegates and organisations to rethink whistleblowing practices. For instance we attended the Cifas Annual Conference 2015 on fraud prevention, the ICSA Essential Charity Governance course and a Department for Business, Innovation and Skills ministerial event on corporate culture to name but a few.

WORKING WITH PUBLIC CONCERN AT WORK

A review of Aviva's global whistleblowing arrangements

“ Although Aviva had a whistleblowing policy in place for years, it had never been subject to an independent external review. We were aware of the influence Public Concern at Work had following the creation of the Whistleblowing Commission and approached them to understand whether they could provide a benchmarking service. PCaW were helpful and attentive and by understanding our requirements, designed a bespoke solution to meet our needs. The review conducted was professional and non-intrusive and highlighted areas where enhancements could be made. The unexpected benefit was that by implementing the recommendations, we were in a good place when our regulators' issued their whistleblowing rules and guidance. ”

Audit Director,
Group Investigations and Forensic Audit, AVIVA

The Code of Practice

In 2013, PCaW established the Whistleblowing Commission to examine the effectiveness of whistleblowing in the UK and to make recommendations for change (see our highlights section on page 22 for more detail on the Whistleblowing Commission). One of the key recommendations from its report was the introduction of a Code of Practice to assist employers and workers in addressing whistleblowing concerns. PCaW has thrown its full support behind the Commission's Whistleblowing Code of Practice which serves as an essential document for any organisation introducing, reviewing or assessing their whistleblowing arrangements. We hope it will also be useful for regulators tasked with monitoring the effectiveness of whistleblowing arrangements. The Financial Conduct Authority has already considered the Code in their new whistleblowing rules.

The Code of Practice recommends that organisations should have written procedures covering the raising and handling of concerns that are clear, readily available, well-publicised and easy to understand. Beyond this, organisations should ensure that there is sufficient oversight of the arrangements. Once an organisation has put whistleblowing arrangements in place and established effective oversight, it is vital to review these arrangements periodically.

In 2016-2017 we will be developing the Code of Practice into a benchmarking tool that will enable a uniform measurement of success in whistleblowing arrangements.

The First 100 campaign

In spring 2014, PCaW launched its First 100 campaign, appealing to organisations from all sectors to commit to the principles of the Code of Practice and work towards compliance with it over time.

At the time of writing the campaign has over 40 confirmed signatories including RBS, ITV, Network Rail and a wide range of charities and public sector organisations, as well as the Civil Aviation Authority and the Nursing and Midwifery Council. Signatories have found many benefits to membership of the campaign, including: the confidence to detect and address wrongdoing at an early stage, having a framework against which to review and benchmark their arrangements and reassuring employees that their organisation values whistleblowing. Interest in membership continues to grow and as we get closer to our goal of 100 signatories PCaW will be in a stronger position to lobby Government to produce a statutory Code of Practice.

In June 2015, all First 100 signatories were invited to participate in a survey looking back at their experience of implementing the Code. Participants were asked about the promotion of their whistleblowing arrangements, any corresponding trends in their use, the commitment shown by senior staff, any review work undertaken, difficulties with implementing the Code effectively and aspirations for the campaign going forward. Positive achievements reported were:

- Increase in staff awareness of the issue since joining the campaign
- Small increases in the number of cases
- Fewer anonymous reports.

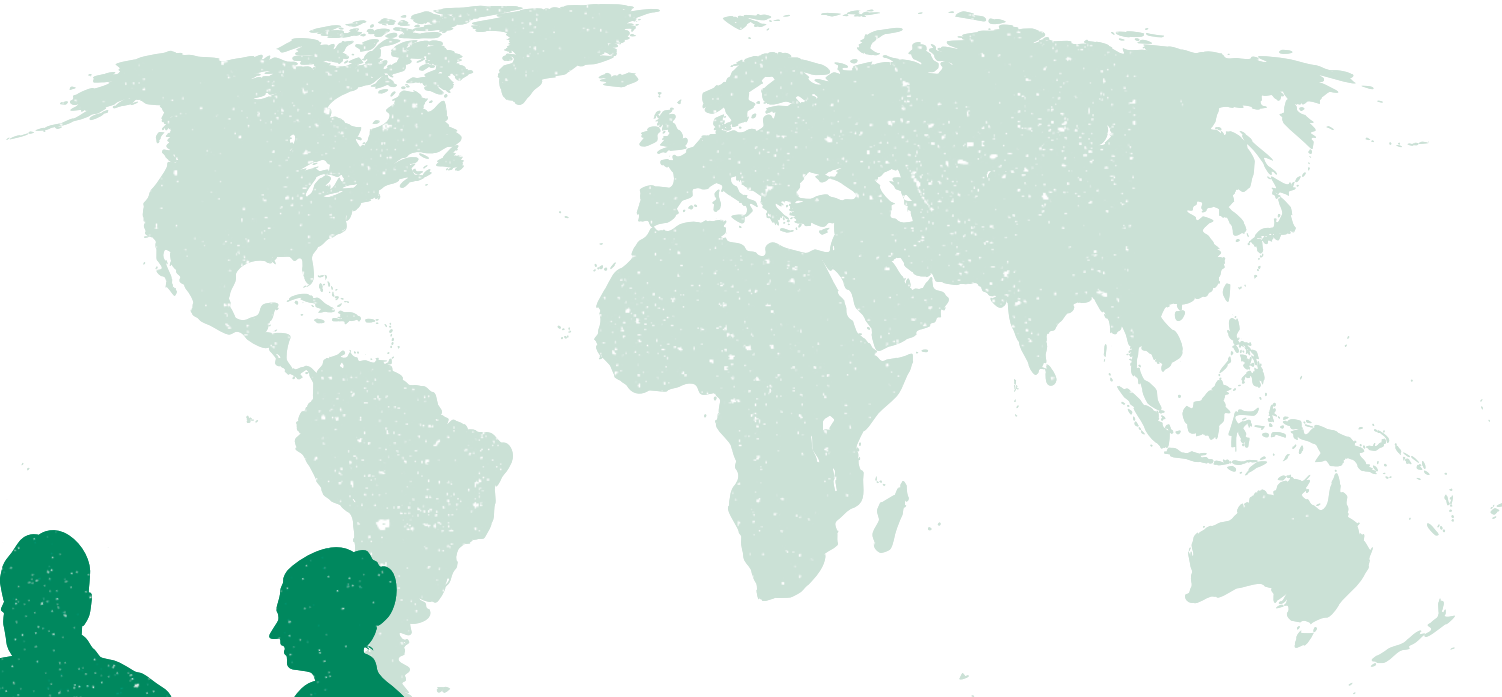
International work

We continue to work with not-for-profits, international organisations and governments abroad. With whistleblowing high on the international agenda and a coalition of whistleblowing NGOs, we created an international platform to share expertise, knowledge, ideas and challenges to defend and support whistleblowers. The Whistleblowing International Network (WIN) brings together civil society organisations from across the globe. WIN members provide counsel, tools, and expertise needed by those working to address corruption, waste, fraud, abuse, illegality and threats to the public good.

Some highlights include:

- Drafting of the Tshwane Principles on the protection of national security whistleblowers;⁷
- Working with the Parliamentary Assembly of the Council of Europe to adopt the Resolution on the Protection of Whistleblowers; and
- Anna Myers of WIN (and formerly PCaW) shared a platform at the Council of Europe with Edward Snowden.

Our staff regularly participate in conferences and workshops around the world. Examples include; the International Whistleblowing Research Network in Sarajevo, Korea-UK Anti-Corruption Partnership Initiative, the International Anti-Corruption Conference in Brasilia, work with the OECD and the UN on the protection of reporting persons, teaching at the International Anti-Corruption Academy and campaigning around the European Trade Secrets Directive. Looking ahead, we hope to persuade the European Union to do more to protect whistleblowers and to introduce an EU Directive specifically setting out whistleblower rights.



⁷ For more on how we are using the Tshwane principles in our campaigns, see our spotlight section.

HIGHLIGHTS

THE WHISTLEBLOWING COMMISSION

In February 2013 an independent panel of experts was convened by PCaW to examine the effectiveness of workplace whistleblowing in the UK. It published a thorough public consultation focusing on attitudes towards whistleblowing in the workplace, the current law, the role of regulators and the Employment Tribunal. The Commission published their report in November 2013.

The Commission concluded that PIDA is “not working” and suggested a number of amendments to the law including: protection from blacklisting; further categories of public interest whistleblowing such as gross waste or mismanagement of funds and serious misuse or abuse of authority; simplification of the definition of worker (s.43K); and simplification of the gagging clause provision (s.43J) to ensure that everyone understands that gagging clauses are illegal.

However the key recommendation of the Commission was that the whistleblowing Code of Practice be given a statutory footing and apply to all UK organisations. The Code calls for greater oversight by non-executives, zero tolerance of victimisation, providing feedback to whistleblowers (where possible) and training. It provides key points to consider when the board or those responsible for arrangements are considering effectiveness. The Commission also recommended that the Code be included in the inspection regimes of regulators.

During the Commission’s consultation period the government launched its own Whistleblowing Framework Call for Evidence hosted by the Department of Business Innovation and Skills (BIS).

In its response BIS made several proposals including guidance for employers on whistleblowing and a non-statutory Code of Practice. The Guidance covers many of the points included in the Commission’s Code, such as:

Requiring a written whistleblowing policy; training; and ensuring clarity around the use of gagging clauses in contracts and settlement agreements.

The fourth and fifth recommendations of the Whistleblowing Commission were that regulators should have clear procedures for dealing with whistleblowing situations and that whistleblowing be included in their annual reports on accountability

to Parliament. We were delighted therefore that the Small Business, Enterprise and Employment Act enacted in March 2015 introduced a duty on prescribed persons to report annually on whistleblowing concerns, and the Prescribed Persons Whistleblowing Guidance was issued in the same month.

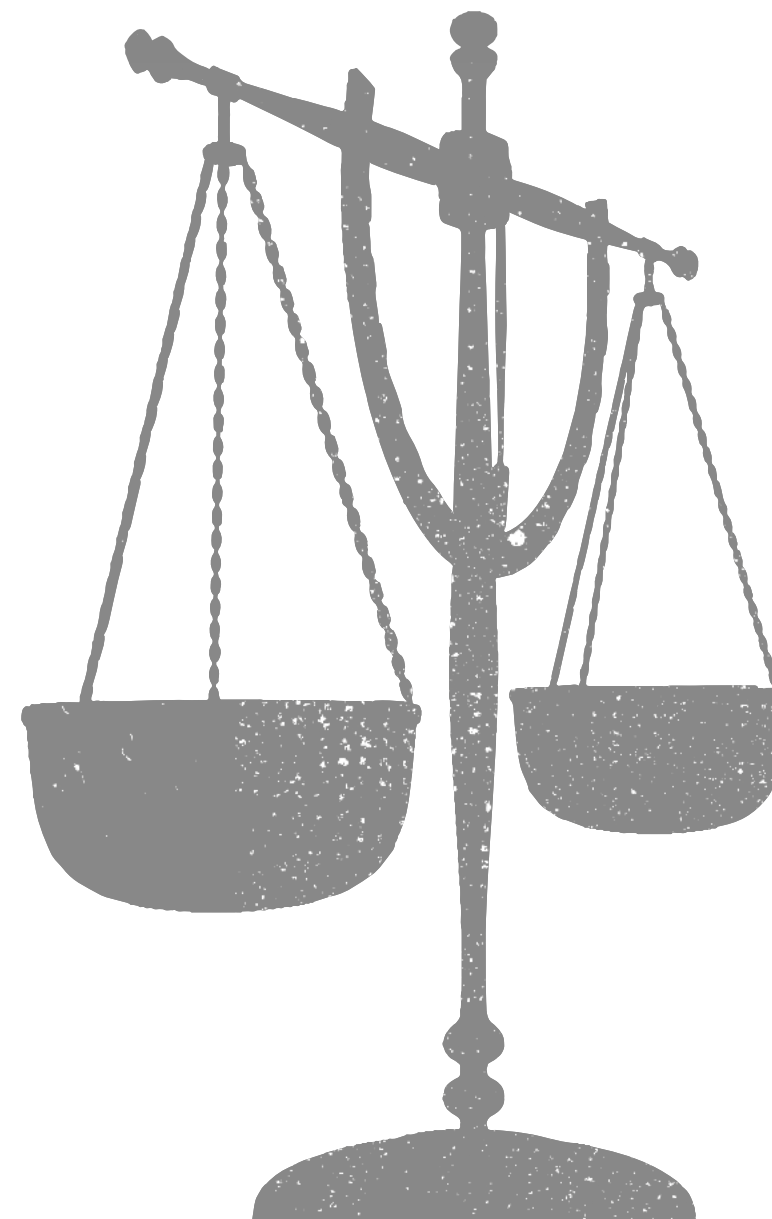
Recommendations from the Commission which are yet to gain real traction in policy debates include: a full review of PIDA; broadening both the categories of wrongdoing within the Act and the categories of workers who can benefit from its protection; a review of the interim relief mechanism for whistleblowing claims; mandatory regulatory referral at the point of lodging a tribunal claim; and serious consideration of the benefits and role of a whistleblowing ombudsman. We will continue to seek reform of PIDA in all of these key areas.

“Reports into public scandals and tragedies reveal that those who would wish to blow the whistle are prevented or discouraged from so doing and that those who have blown the whistle are not listened to or are punished. This Report makes practical but far reaching recommendations for change.”

The Right Honourable Sir Anthony Hooper, Chair of the Commission

KEY PUBLIC INTEREST DISCLOSURE ACT (PIDA) CASES

Below is a selection of recent PIDA cases in the Employment Tribunal, Employment Appeal Tribunal, Court of Appeal and Supreme Court. They illustrate the range of situations that arise in PIDA cases and highlight some of the most significant legal developments over the last five years.



Bhebhe v Birmingham Community Healthcare NHS Trust [2015]
Case No s 1304678.11 & 131111736.12

Disclosure to an employment consultant qualifies as a disclosure to a legal adviser.

Bhebhe was a senior nurse working for Birmingham Community Healthcare NHS Trust and was part of a multi-agency team looking after a service user with learning disabilities. The service user complained that another patient had sexually assaulted him during a residential weekend.

Bhebhe became concerned that the risk assessment for the weekend had not been implemented. She was also concerned that the service user was going to be attending the same youth club at the same time as the patient whom he had accused of sexual assault. She sent an email expressing her concerns to members of the multi-agency team.

Bhebhe was suspended and redeployed for sending the email because it breached confidentiality. There were also complaints from others in the multi-agency team about her professionalism. Bhebhe retained the service user’s notes to defend her position.

Bhebhe sought advice from a legal consultant who wrote a letter raising a grievance that she had suffered a detriment for having made protected disclosures. The letter from the legal consultant was sent by post and contained sensitive patient information.

Bhebhe claimed for detriment. The ET held that the email sent by Bhebhe to the multi-agency team was related to an exceptionally serious concern and was protected under section 43H of PIDA. The issue of patient confidentiality was inextricably bound with the protected disclosure. The ET noted that although cases under section 43H are rare, the reasonableness of making the disclosure would be judged objectively, having regard to the identity of the person to whom the disclosure was made. When considering the gravity of the disclosure, the ET commented that they would be influenced by the number of people affected and also the nature of the harm.

The ET held that disclosures to a legal adviser under section 43D should have a broad interpretation and covered disclosures made to an employment consultant.

Bhebhe was awarded £6,098 compensation for detriment.



**Blackbay Ventures Ltd T/A
Chemistree v Gahir**
[2014] UKEAT 0449_12_2703

**A deliberate failure to act is a detriment
whereas “simple inaction” is not.**

Immediately after starting work for a collection of pharmacies as a Responsible Pharmacist, Gahir became concerned with what she identified as several failures to comply with legal obligations across the business. In an email sent to senior staff 9 days after starting work, Gahir noted several problems including security arrangements around certain drugs as well as the monitoring of refrigerator temperatures and stock levels. While some of Gahir’s concerns were addressed, she became distressed that they were not all immediately dealt with. These views were aired in subsequent emails and meetings in which Gahir’s relationship with her employers deteriorated to such an extent that after a mere 18 days in employment she was dismissed on grounds of “mutual unsuitability”. Gahir brought a claim under PIDA for unfair dismissal and detriment on the basis of the stress caused due to her employer’s deliberate failure to act. According to Gahir, she suffered the stress of having to work in the role of the Responsible Pharmacist despite having serious concerns about numerous areas of the Respondent’s practice.

While initially successful on both points at ET, the Employment Appeal Tribunal (EAT) was highly critical of the decision and overturned the judgment in relation to the detriment claim. The EAT found that mere inaction could not amount to detriment; without a “conscious decision to take no action”, no detriment had taken place. Additionally, as the relevant time period in the present case was only a few days, the court found that in any event Gahir could not reasonably have suffered stress while her concerns were being addressed.



**Chesterton Global Ltd t/a
Chestertons, Verman v Nurmohamed**
[2015] UKEAT 0335_14_0804

**A disclosure that affected the Claimant’s bonus
and the bonus of 100 other senior managers,
is in the public interest. This case was the first
case on the new ‘public interest’ test in PIDA.**

Nurmohamed was Director of the Mayfair office of Chestertons Estate Agency. Nurmohamed made three protected disclosures about his employer deliberately misstating £2-3 million of costs and liabilities in its management accounts which affected the earnings of over 100 senior managers, himself included. He was later dismissed and brought claims of automatic unfair dismissal and detriment for having made protected disclosures.

The question before the Employment Tribunal was whether Nurmohamed’s disclosure satisfied the newly introduced public interest test. The public interest test was introduced into the legislation to close what was seen as a loophole which allowed claimants to bring a whistleblowing claim where the concern they had raised was about their private employment rights.⁸ Such claims were seen to be at odds with the spirit of the legislation which sought to encourage public interest whistleblowing.⁹

The Tribunal concluded that for a matter to be in the public interest, it does not have to be in the interest of the public as a whole. After all, a disclosure about hospital negligence would only affect a section of the public. The Tribunal reasoned that where a part of the public would be affected, rather than simply the individual concerned, this must be sufficient for a matter to be in the public interest. Therefore, a disclosure about the interests of 100 senior managers was a public interest concern, notwithstanding the fact that Nurmohamed was primarily concerned about his position when raising the concern.

Chesterton and Verman appealed. They claimed the Tribunal erred by concluding the interests of 100 senior managers amounted to a public interest concern; and that the Tribunal also failed to determine objectively whether the disclosures were of real public interest. The EAT took the view that the “sole” reason the public interest test was introduced was to close the loophole created by the judgment in *Parkins v Sodexho Ltd*.

In other words, to prevent a worker from relying on the whistleblower protection law where he has raised a concern about a breach of his contract of employment and where the breach is of a personal nature with no wider public interest implications.

The EAT also stressed that the question is not whether the disclosure is objectively in the public interest but whether the worker making the disclosure reasonably believed it was in the public interest. In this case, Nurmohamed did have “other office managers in mind” when making his disclosures.

The EAT was clear that the particular number of those affected was not crucial. It is also immaterial whether the employer is a public sector organisation or whether it is a publicly listed corporation. The appeal was dismissed.

Chesterton has been granted leave to appeal to the Court of Appeal and at the time of publication, the case was due to be heard in October 2016.

⁸ This loophole arose following the decision in *Parkins v Sodexho Ltd*. The Employment Appeal Tribunal held in that case that workers were able to rely on PIDA if they suffer detriment or dismissal for raising a concern about a breach of their own contract of employment.

⁹ PCaW lobbied against the inclusion of the public interest test. We argued that the proposed test was unlikely to close the loophole identified by the government, and we argued it would create an additional legal barrier for whistleblowers to meet.



**Clyde & Co LLP and another
(Respondents) v Bates van Winkelhof (Appellant)**
[2014] UKSC 32

**Limited Liability Partners (LLP) are workers for
the purposes of whistleblower protection.**

Bates van Winkelhof was a partner at the English law firm Clyde & Co LLP and, as part of a joint venture between the two firms, she was also employed by a Tanzanian law firm. In November 2010, Bates van Winkelhof became aware that the Tanzanian firm had admitted to using bribery to gain clients and to influence the outcome of cases. After reporting the bribery to Clyde & Co’s money laundering reporting officers, she was suspended on the basis of misconduct allegations and expelled from the LLP in January 2011. Bates van Winkelhof took a PIDA claim against Clyde and Co, but until then, courts had not examined whether LLP partners were ‘workers’ for the purposes of PIDA.

The case was eventually heard on appeal in the Supreme Court. PCaW intervened to argue that LLP’s should be considered workers under PIDA. The Supreme Court saw that the policy underlying the definition of worker set out in PIDA required the definition to include LLP members. These members are subject to a contract with the LLP, which the court interpreted to mean that they are employed by the LLP or a worker for the LLP; therefore, they fall within PIDA’s scope. The court rejected the argument that being a ‘worker’ and being a ‘member’ were mutually exclusive. Following the successful appeal on the preliminary worker point the claim was referred back to the Employment Tribunal.



**Keppel Seghers UK Ltd
v Hinds [2014]
UKEAT 0019_14_2006**

**Whistleblowing protection extends to
workers who provide their services through
their company and who are supplied by an
intermediary to another organisation.**

Hinds was a health and safety consultant working in the construction and civil engineering industry. He provided his services through his company which was standard practice in the industry. A recruitment agency supplied Hinds to Keppel Seghers UK Ltd (Keppel) who were seeking a contractor to work on a construction project.

Although Hinds was supplied to Keppel via his company and the recruitment agency, the Employment Tribunal found that Keppel substantially determined Hinds’ engagement. For example, Keppel determined Hinds’ working hours. In reaching this view, the Tribunal considered not only the intermediary contracts in place but also the reality of the

working relationship. Therefore, it held that Hinds was a worker employed by Keppel for the purposes of section 43K. Keppel appealed.

The EAT stressed that section 43K was explicitly introduced to protect those who have raised public interest concerns. Therefore, it is necessary to adopt a purposive interpretation which – while remaining faithful to the wording of the provision – provides protection rather than denying it. The EAT agreed with the Tribunal. Hinds was essentially supplied to Keppel as an individual rather than as a company, and Keppel substantially set the terms of his engagement.

The appeal was dismissed.



**NHS Manchester v
Fecitt & Ors**
[2011] EWCA Civ 1190

**Employer was not responsible for staff
victimising workers who had raised concerns.**

Fecitt, Woodcock and Hughes were nurses working at a medical centre in Manchester. They became concerned about another colleague (Swift) who was making exaggerated claims to staff about his professional experience and qualifications. They raised the matter with their line manager who in turn put the issue to Swift. Swift admitted he had made the exaggerated claims to colleagues (though not to his employer), apologised and said it would not happen again. Swift’s line manager was satisfied with this response and decided to take no further action.

Fecitt and her colleagues were dissatisfied with the response and escalated the issue. This caused division among staff, some of whom were sympathetic to Swift. As a result, Fecitt and her colleagues were isolated and subjected to personal insults in the workplace. Fecitt also received anonymous calls threatening to burn down her house if she did not withdraw her whistleblowing complaint against Swift.

Fecitt and her colleagues raised grievances about the way they had been treated. An investigation found that they had been victimised and that management should have been more robust in its approach. Fecitt and Woodcock were moved against their wishes to another site in a bid to deal with what had become a broken working environment.

Fecitt and two colleagues lodged a claim with the Employment Tribunal (ET), arguing that they had been subjected to a detriment on the grounds that they had blown the whistle. In support of their case, the claimants referred to the acts and omissions of their employer, and the actions of their co-workers for which they argued the employer was vicariously liable. The ET found that the steps the employer took were not taken because of the protected disclosures. For instance, the decision to move Fecitt and her colleague was motivated by a desire to resolve the dysfunctional work environment.

Fecitt and her colleagues appealed the decision. The Employment Appeals Tribunal (EAT) ruled that the ET had not applied the correct test in determining whether an act or a failure to act was on the grounds of a protected disclosure. It found that it should have applied the ‘in no sense whatsoever’ test, which is applied in discrimination cases as required by EU law. The court ruled that this more inclusive test should also be used in whistleblowing cases in order to stay faithful to the public policy objectives of the legislation.

The CA held the correct test was whether an act (or an omission) was materially influenced (in the sense of being more than a trivial influence) by a protected disclosure. Nonetheless, it found that the employer had discharged its duty to demonstrate that its conduct was not materially influenced by the protected disclosures.

The CA acknowledged that endorsing the materially influenced test for detriment claims under section 47B means that there are different causation tests in the whistleblowing law depending on whether a person is pursuing a detriment or unfair dismissal claim. However, it held that this was an inevitable result of the statutory language. The CA also held that there was no vicarious liability provision in the whistleblowing legislation.

PCaW intervened as a third party in this case. Fecitt was a key case in demonstrating a gap in the law and led to the amendment in the Enterprise and Regulatory Reform Act 2013 relating to vicarious liability. Employers are now responsible for the actions of their workers unless they are able to demonstrate that they have taken all reasonable steps to ensure whistleblowers are not victimised.



Onyango v Adrian Berkeley t/a Berkeley Solicitors
[2013] UKEAT 0407_12_2501

A post-termination disclosure qualifies as a protected disclosure.

Onyango worked for Berkeley Solicitors between March 2009 and June 2010. He made a disclosure in a letter to his employer on 13 August 2010 and in a report to the Legal Complaints Service on 17 September 2010. His employer accused him of forgery and dishonesty and the Solicitors Regulation Authority investigated him. Onyango claimed he had been subjected to a detriment for making a protected disclosure contrary to section 47B.

The Employment Tribunal found that it did not have jurisdiction to consider these disclosures because they were made after Onyango’s departure from the organisation. Onyango appealed.

The novel question for the EAT was whether a disclosure made post-termination would qualify as a protected disclosure. The Employment Appeal Tribunal (EAT) referred to *Woodward v Abbey National* [2006] which held a worker who has been subjected to detriment could make a section 47B complaint. The EAT held that there is no limitation

in the wording of the whistleblowing law, which meant that post-termination disclosures did not fall outside of the legislation. They also argued that protecting post-termination disclosures is in keeping with the legislative purpose of protection for whistleblowers. The EAT allowed the appeal.



Panayiotou v Chief Constable Kernaghan; the Police and Crime Commissioner for Hampshire
[2014] UKEAT 0436_13_1604

It’s not just the content of a concern at work that is relevant, but also the way in which it is raised.

Panayiotou joined the Hampshire Police Constabulary as a detective sergeant in 2000 and was based primarily in the Isle of Wight. From the beginning of his tenure, Panayiotou identified several failings within the Force and duly conveyed these in letters to his seniors. Among the observations were instances of racially derogatory language used by colleagues, inappropriate behaviour during rape investigations and inadequate investigation of racially motivated attacks. While the Force were initially receptive to his concerns, Panayiotou felt they were not being dealt with appropriately and became increasingly fixated on pursuing his concerns – behaviour which ended up consuming inordinate amounts of the management’s time. This signalled a decline in relations between the parties which culminated in what the court described as unfair treatment designed specifically to remove Panayiotou from his employment.

Panyiotou was eventually dismissed from his role. As a member of the Police Force, he was unable to bring an ordinary claim for unfair dismissal and so instead based part of his claim on PIDA, asserting that he had suffered a detriment as a result of making a protected disclosure. While the ET found that there had indeed been protected disclosures and Panayiotou had certainly suffered detriment, it determined that the two were independent of one another. It was held that, rather than the detriment being in response to the content of Panayiotou’s complaints, it was instead motivated by the way in which he raised the concerns. Panayiotou’s insistence on turning every concern into a personal campaign made him difficult to manage.



Public Interest Disclosure Act

STATISTICS

We review all judgments handed down by employment tribunals in whistleblowing claims to monitor how well the whistleblowing law is working. We published our findings for judgments handed down 2009-2010 in our review *Beyond the Law*¹⁰ and for those handed down in 2011-2013 in our more recent publication *Is the Law Protecting Whistleblowers? A Review of PIDA Claims*.¹¹ In this report, we compare these two sets of findings to illustrate trends and patterns in whistleblowing claims over a five year period.

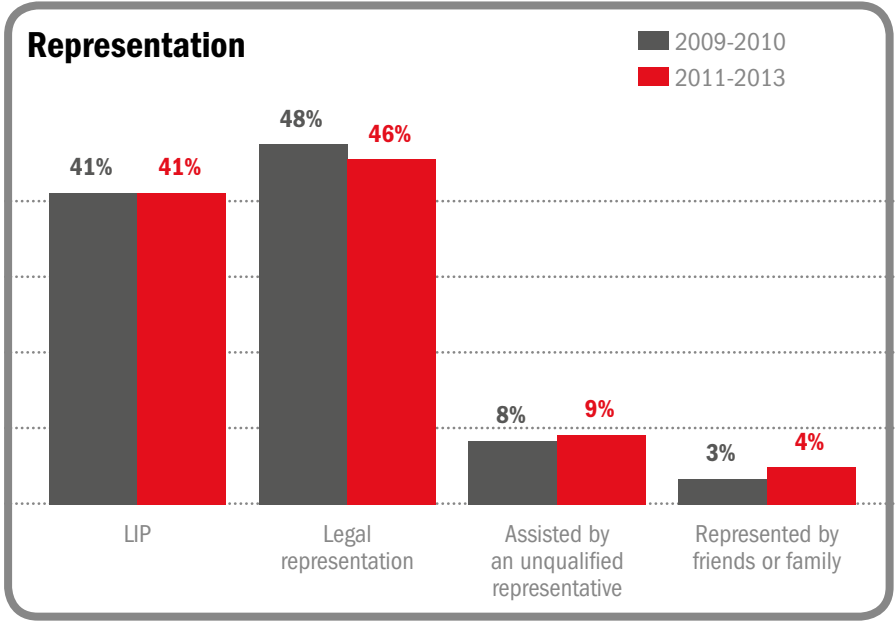
Representation

These figures refer to those cases where we were able to identify whether the claimant had representation.

The percentage of claims where the claimants were represented by a legally qualified individual (such as a solicitor or a barrister), were broadly consistent (48% in 2009-2010 and 46% in 2011-2013).

On average, 41% of claimants were litigants-in-person (LIP) – i.e. had no representation at all – and 9% were represented by an unqualified representative (e.g. a FRU or CAB representative).

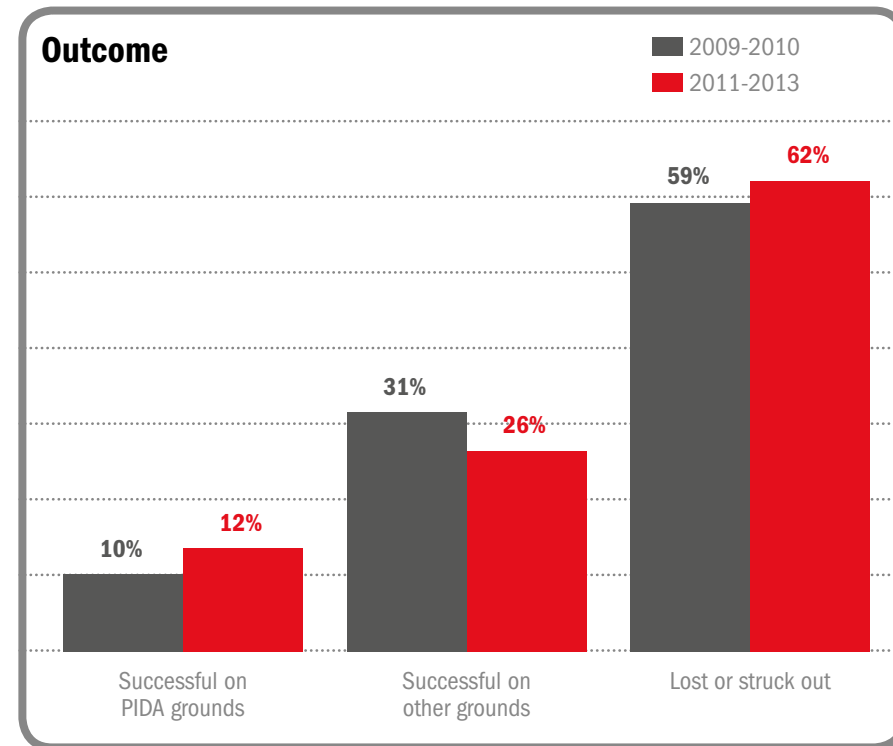
The employment tribunal was set up to be a litigant friendly forum. However, we have found that claimants were more likely to win their claim if they had legally qualified representation. This is a cause for concern since the majority of whistleblowing claimants were not represented by a legally qualified person.



10 Public Concern at Work, ‘Whistleblowing: Beyond The Law’ (2011) http://www.pcaw.org.uk/files/PCAW_Review_beyondthelaw.pdf.
11 Public Concern at Work, ‘Is The Law Protecting Whistleblowers? A Review Of PIDA Claims’ (2016) <http://www.pcaw.org.uk/files/PIDA%20REPORT%20FINAL.pdf>.

Outcome

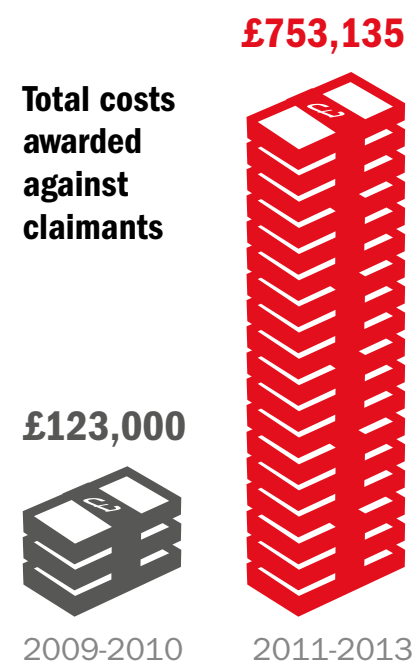
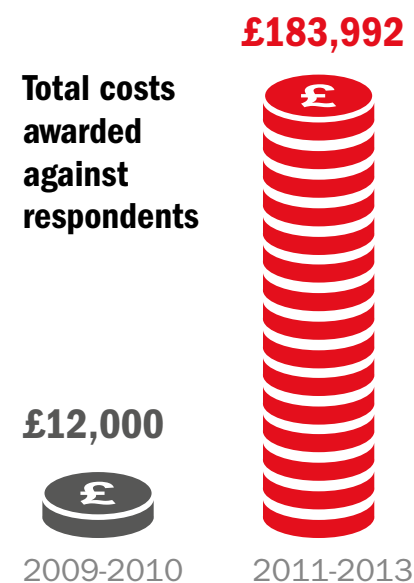
While the number of successful claims has increased, it is still incredibly low (up from 10% to 12%) and reflects the need to reform PIDA and the employment tribunal process to ensure that it is fit for purpose. The percentage of claims which were unsuccessful or struck out increased from 59% to 62%. There was a marked decrease in cases which were successful on other grounds, this refers to cases where whistleblowing was one of a number of heads of claim, and the claimant lost their whistleblowing claim but won under one of those other heads of claim.



Costs

There was a significant rise in the number of costs orders handed down against respondents and claimants. In 2009-2010, the total amount of costs ordered against respondents and claimants was £12,000 and £123,000 respectively. In comparison, the total amount of costs ordered between 2011-2013 against respondents and claimants was £183,992 and £753,135, respectively.

The increase in the amount of costs awarded in PIDA claims also has the potential to undermine the objectives of the whistleblowing law. The law seeks to encourage workers to raise public interest concerns in the knowledge that they are protected if they face retaliation from their employer for doing so. The law also seeks to encourage a change of culture in organisations by making it more likely that they listen to whistleblowers. These aims will be threatened if workers feel discouraged from pursuing whistleblowing claims by employers threatening to pursue costs and the perception that the employment tribunal is more willing to award them.

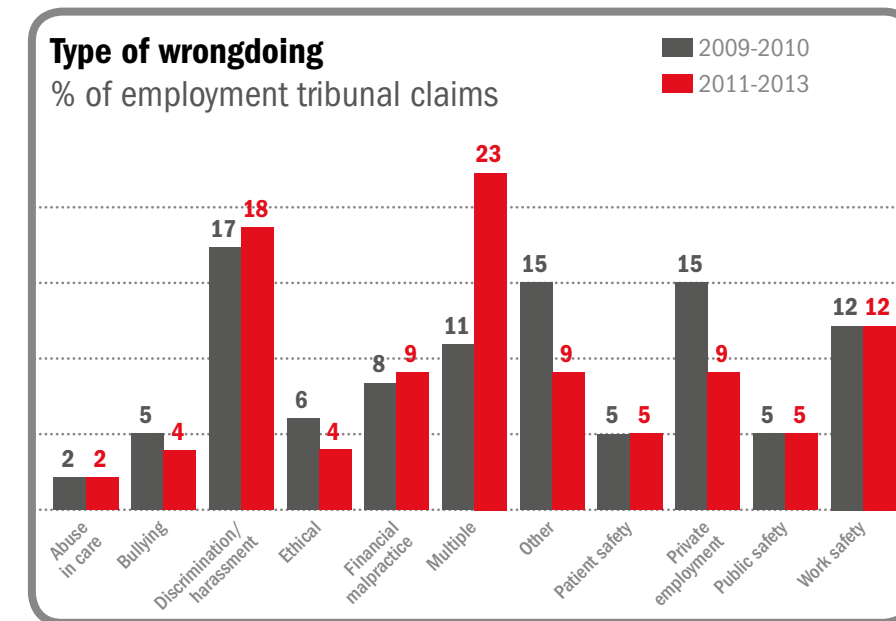


Type of wrongdoing

The top concern in the cases we reviewed was discrimination and harassment both in 2009-2010 (17%) and 2011-2013 (18%), work safety and financial malpractice came next. This is a marked contrast to the type of concern we most commonly hear on the advice line (financial malpractice).

The percentage of claims where there were multiple underlying concerns rose from 11% in 2009-2010 to 23% in 2011-2013 indicating that PIDA cases often include a multiplicity of issues and types of wrongdoing or malpractice.

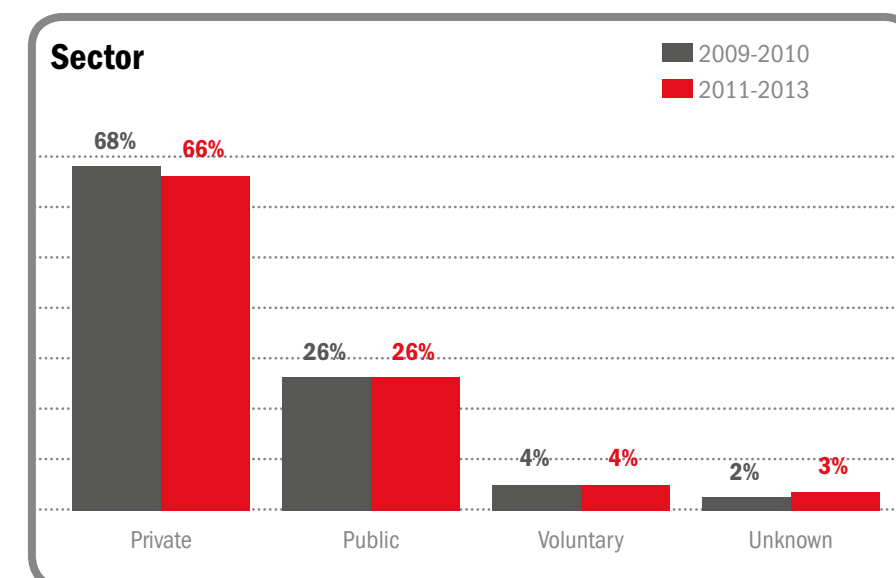
The percentage of employment tribunal cases where the underlying concern was regarding abuse in care has stood still at 2%. This figure is very low compared to figures from our advice line where the number of calls concerning abuse in care stood at 8% in 2011-2013.



The top standalone concern in both 2009-2010 (17%) and 2011-2013 (18%) was **discrimination/harassment**.

Sector

There was a slight drop in the percentage of cases from the private sector, accounting for 66% of cases in 2011-2013, down from 68% in 2009-2010.

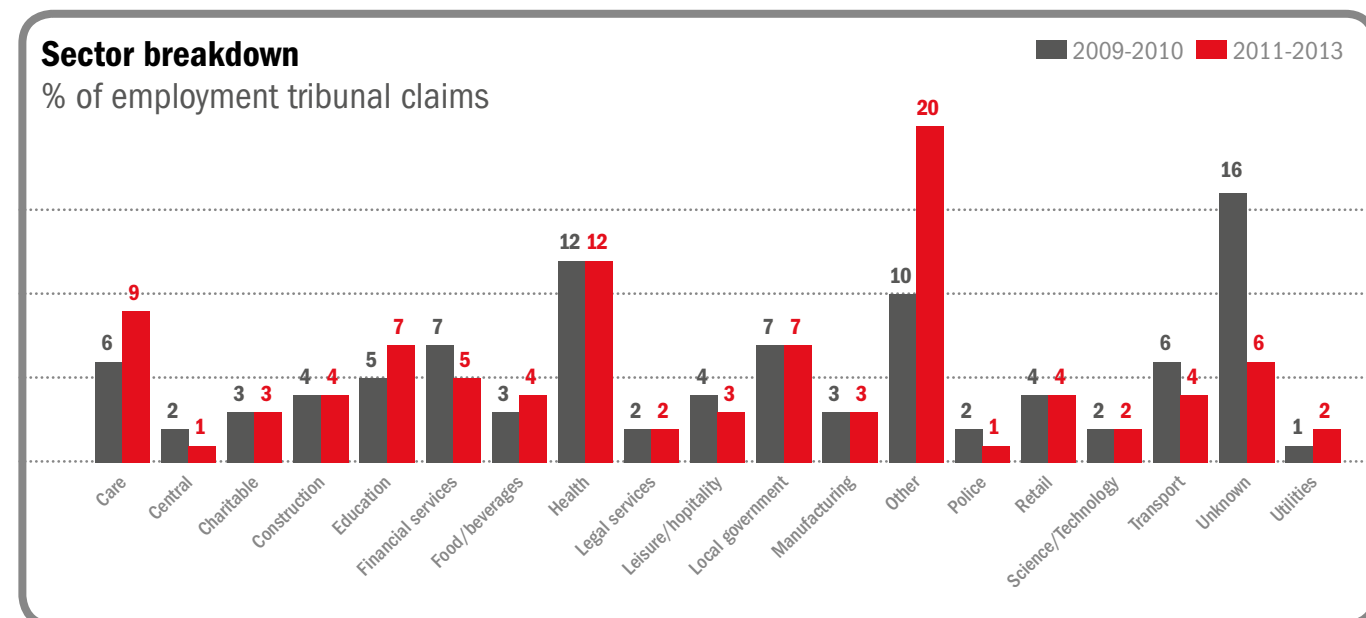


Sector breakdown

There was a rise in the percentage of cases from the care sector, up from 6% in 2009-2010 to 9% in 2011-2013. In spite of this rise, the percentage of cases originating from the care sector in 2011-2013 was lower than the percentage of calls to our advice line in the same period (9% compared to 12%). This may partly be because workers in the care sector are able to move more easily between jobs, and care claims are likely to be of a lower value, both of which may make workers less inclined to pursue a claim at employment tribunal, particularly in light of the introduction of fees.

There was also a small increase in the percentage of cases from the education sector, rising by 2% to 7% in 2011-2013. This does not come as a surprise bearing in mind the huge rise in calls to our advice line from the education sector over the past five years. We expect to see further increases in the number of education-related whistleblowing cases as the trends we witness in real time on the advice line unfold later on in the employment tribunal.

Interestingly, there was a drop in the percentage of cases from the financial services industry, down from 7% in 2009-2010 to 5% in 2011-2013. This decline comes in a period when the industry has been rocked by an array of scandals. This may be due to employers wishing to settle claims before they reach tribunal, to avoid damaging information being disclosed during a public hearing.



ATTITUDES SURVEY

Since 2007 we have commissioned YouGov to carry out a biennial survey examining public attitudes to whistleblowing. We set out below the headline results for 2011, 2013 and 2015.

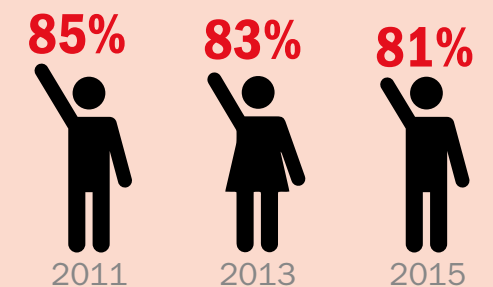
Raising concerns

There was a small continuous decrease in the number of respondents willing to raise a concern about possible corruption, danger or serious malpractice at work.

1 in 10 UK workers witnessed possible corruption, danger or serious malpractice at work in the last two years.

Of those who had witnessed malpractice, there has been a reduction in the number who raised their concern – in 2013, 66% said that they actually raised their concern while in 2015 only 59% raised their concern.¹²

Respondents willing to raise concerns



Respondents who actually raise concerns

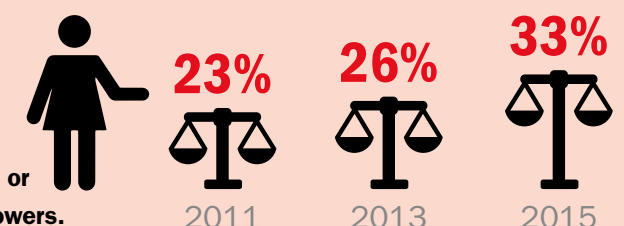


Awareness of PIDA

There has been a steady increase in awareness of whistleblowing issues. However, there is much work to do to promote the law (in 2011 23% were aware of PIDA, rising to 26% in 2013 and 33% in 2015).

In 2015 67% of respondents were either unaware or believed that there was no protection for whistleblowers.

Awareness of the law

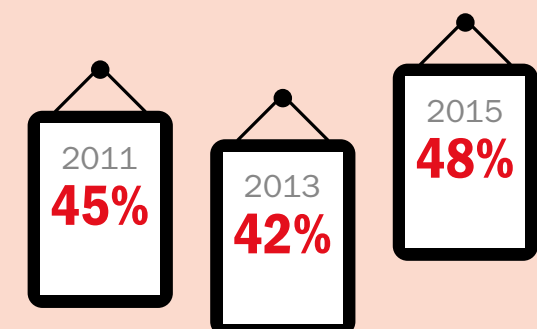


Awareness of employer's policies

There has been an increase in awareness of employers' policies but generally this awareness is still low: in 2013 45% of people said their employer had a policy, this fell to 42% in 2011 and rose to 48% in 2015.

The majority of respondents in 2015 (52%) said their employer either had no whistleblowing policy, or were unaware as to whether or not their employer had a policy.

Awareness of employer's policies



¹² Note the YouGov survey in 2011 did not contain these statistics.

WHY WHISTLEBLOWERS MUST BE PROTECTED FROM BLACKLISTING

3,200+ names

In 2009 an illegal blacklist of over 3,200 names was discovered. It was drawn up by a secretive organisation called the Consulting Association. Many of those on the list claim they were denied work in the construction industry. Many were involved with union activities, promoting health and safety in the workplace or were whistleblowers.

“I was elected as a safety rep for the building union UCATT. From that day on, major construction companies started taking a keen interest in my activities – unfortunately for all the wrong reasons. In the next three years I was repeatedly refused work or dismissed from building sites and found myself virtually unemployable, even though this was the middle of the building boom and the industry was crying out for skilled workers.”

Dave Smith, blacklisted (New Internationalist Publications, 2014)

Blacklisting: ‘A list of persons or organisations under suspicion, or considered untrustworthy, disloyal, etc. especially one compiled by a government or an organisation.’
(Collins Dictionary)

BUT BLACKLISTING IS MUCH MORE THAN THE EXISTENCE OF A FORMAL LIST. IT AFFECTS:

APPLICATIONS : INTERVIEWS : REFERENCES



Landmark class actions



2008 Manchester employment tribunal finds that blacklisting exists within the construction industry.

2009 Discovery of the Consulting Association, a secretive organisation that held an illegal blacklist of individuals considered to pose a risk to employers within the construction industry. The Information Commissioner's Office discovers the Consulting Association and issues enforcement notices against 14 companies.

2012 A solicitor complains on behalf of the Blacklist Support Group of collusion between the Consulting Association and the Police.

2016 First tranches of compensation paid out (£5.6 million).

The need for legal reform



In other areas of law like discrimination, job applicants are considered workers and are **protected by the law**.



The Whistleblowing Commission identified the problem exists across all sectors and recommended **PIDA should be amended**.



In 2014 following Freedom to Speak Up review into whistleblowing in the NHS, the coalition government **introduced protection for job applicants in the NHS**, the UK's largest employer.



PCaW says: Whistleblowing protection should not be fragmented. Protection from blacklisting should be available across all industries and sectors.

What to do if you suspect you have been blacklisted?

- ✓ **Contact the ICO**
- ✓ **Submit a subject access request**
- ✓ **Call PCaW for help and advice**

“I would like to extend my heartfelt thanks to Public Concern at Work for the advice and support they have provided – never in my wildest dreams did I believe that the regulator would blacklist me. It was my perception that the regulated were the cheats and I didn't imagine that I would end up in this situation. For the FCA subsequently to say that logging information that poses a risk of adverse publicity in relation to any of the FSA/FCA's functions seems both sensible and appropriate is beyond comprehension and I am determined to help PCaW to secure pre-employment protection for whistleblowers so that no-one else has to fight in the way that I have.”

Martin Woods, Wachovia Bank whistleblower

Strengthening PIDA:

WHY DO SOME WORKERS HAVE MORE RIGHTS THAN OTHERS?

The law:



Section 43K of PIDA grants protection to employees, as well as certain workers, contractors, trainees and agency staff who raise concerns about wrongdoing, risk or malpractice which it is in the public interest to disclose. But there are gaps in the law meaning that some workers do not qualify for whistleblower protection.

Who is not protected?

- ✗ Job applicants
- ✗ Volunteers
- ✗ Interns
- ✗ Non-executive directors
- ✗ Public appointments
- ✗ Priests and ministers of religion
- ✗ Foster carers
- ✗ Members of the armed forces and security services
- ✗ Self-employed workers

“When PIDA was first introduced, parliament intended to provide as many workers as possible with whistleblower protection, but successive governments have failed to address the widening gap. Piecemeal reform only adds to the perception that whistleblowers are not protected.”

Cathy James OBE, Chief Executive of PCaW

Landmark cases



The Whistleblowing Commission recommends there should be a broader, more flexible definition of a worker within PIDA to deal with the many different types of worker and working arrangements in the modern workplace.



Clyde & Co LLP v Bates van Winkelhof [2014] UKSC 32 (PCaW intervening)

The Supreme Court rules that limited liability partners should be protected by PIDA.



The Small Business, Enterprise and Employment Act receives Royal Assent and enacts recommendations made by Sir Robert Francis in the Freedom to Speak Up review, extending whistleblower protection to include student nurses and midwives and job applicants in the NHS.



Dr Day v Lewisham and Greenwich NHS Trust and Health Education England UKEAT/0250/15/RN(2016)

The employment appeal tribunal finds that a junior doctor who suffered detriment at the hands of his training provider rather than his employer, was not protected by PIDA.

PCaW recommends



- The Secretary of State should expand PIDA to include the above listed categories of workers.
- PIDA must be brought in line with the Equality Act 2010 to protect workers mistreated by their employer because they are thought to be a whistleblower.

LEGAL THREATS TO WHISTLEBLOWERS



Misuse of legal powers

PCaW has noted a worrying tendency for certain laws to be misused to target whistleblowers, often in the case of those who make disclosures to the media.

From criminal and civil lawsuits, to abuse of power and threats of litigation, these actions – often taken by states or organisations with deep pockets – undermine public policy and negatively impact whistleblowing. This undermines the public policy objective of whistleblowing protection as a form of promoting wider accountability and specifically for workers who raise concerns with the media.

MISCONDUCT IN PUBLIC OFFICE

MIPO is a criminal offence that applies to public officials who wilfully neglect to perform their duty or wilfully misconduct themselves. The offence carries a maximum sentence of life imprisonment. Recently the number of prosecutions has risen exponentially, from two in 2005 to 135 in 2014. Unfortunately, we have also seen the offence being used against public officials to penalise unauthorised disclosures of what could be considered public interest information.

Case Study

Following the closure of the News of the World, News Corp set up a Management and Standards Committee which revealed identities of a number of confidential sources to the police. This saw the launch of Operation Elveden. During the course of the investigation over 90 arrests were made resulting in 34 convictions, the majority of whom were public officers found to have taken money from journalists in exchange for information.

Ranging from government misspending to salacious gossip, the public interest in each disclosure varied considerably. While morally questionable, receiving money in return for information in many of these cases may have been secondary to the officer's primary intention to act as a whistleblower. As a result of the investigation, over 30 journalists were also arrested on suspicion of conspiracy to commit misconduct in public office for their role in providing payment for this information.

Whether morally bankrupt or ultimately serving the public interest, the selling of information to the press was widespread prior to the Leveson Inquiry. The Elveden cases show just how ambiguous the offence is, with many individuals unaware of their status as a public official and journalists as their proxy in committing the offence.



What PCaW is doing:

- PCaW is campaigning for a public interest defence for whistleblowers to be included in relevant legislation that prohibits disclosures. In 2015, the Law Commission undertook a review of the MIPO offence. We have contributed to this process and are awaiting their final report.



COUNTER-TERRORISM MEASURES

The use of the counter-terrorism legislation and the Regulation of Investigatory Powers Act 2000 (RIPA) by police to intercept journalists' and whistleblowers' phone records was exposed following the Plebgate and Chris Huhne scandals.

Case Study

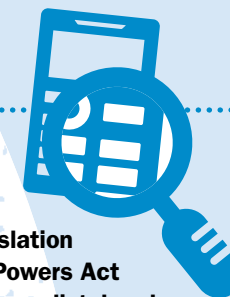
Osita Mba blew the whistle on a £10 million sweetheart deal between Goldman Sachs and his former employer HM Revenue and Customs, exempting the bank from paying its taxes. Osita informed the auditor general of the National Audit Office and two parliamentary committees of the wrongdoing. In the meantime, his identity was revealed to HMRC who banned Osita from entering the workplace, initiated an investigation and disciplinary proceedings against him, and threatened him with the possibility of prosecution. More than a year later, it came to light that HMRC had used the powers under RIPA to search Osita's belongings, emails, and both his and his wife's phone records.

MPs severely criticised HMRC for using these powers against Osita, and praised him for bringing his concerns to light. Osita left HMRC and filed a PIDA claim.



What PCaW is doing:

- PCaW has been lobbying for better whistleblower protection in the Investigatory Powers Bill for intelligence services staff (who are currently excluded from PIDA protection) and those working for communications service providers. PCaW supports the Press Gazette 'Save Our Sources' campaign to end public authorities accessing journalists' phone records. The campaign has resulted in the Acquisition and Disclosure of Communications Data Code of Practice (which is now underpinned by law). This gives explicit protection to journalists and their sources for the first time in RIPA.



TRADE SECRETS

In April 2016 the European Parliament passed the Trade Secrets Directive by a large majority. The new Directive seeks to harmonise trade secrets laws across the EU Member States. Under the law, individuals who reveal a trade secret may be subject to civil penalties.

Case Study

In 2014 the LuxLeaks papers revealed how Luxembourg has been sanctioning corporate tax avoidance by some of the world's biggest companies. It soon emerged that two former employees of PricewaterhouseCoopers had leaked the information. Antoine Deltour and Raphaël Halet face charges of theft, violating Luxembourg's professional secrecy laws, violation of trade secrets, and illegally accessing a database. If found guilty they face up to ten years in jail and a fine of up to €1,250,000 (US\$ 1.4 million). At the trial, the prosecutor cited the new Trade Secrets Directive as a legal basis for pursuing such matters in future – raising suspicions that the new Directive may well be used as a tactic to intimidate whistleblowers.¹³



What PCaW is doing:

- PCaW advocated for better protection for whistleblowers and there is now an exception in the Trade Secrets Directive to this effect. However, the burden of proof still remains on the individual to show that they did not reveal a trade secret. PCaW is supporting an initiative to introduce a European Directive on whistleblower protection to promote minimum standards across the Member States and mitigate some of the problems foreseen with the new Trade Secrets Directive.

¹³ Since publication Deltour and Halet were convicted and sentenced to 12 and 9 months suspended sentences respectively.

ABOUT US

Money

When we were initially set up we depended almost exclusively on the support of charitable foundations. Currently we are in the fortunate but sometimes precarious position of being funded mainly by delivering expert training, presentations at conferences and seminars, as well as the subscriptions taken by employers, professional bodies and regulators. Our fundraising income is a small but important part of our income stream.

Over the years 2011 and 2015 the income we raised was £2,482,390, however for the same period our expenditure was £2,951,040 leaving us reliant on the reserves we prudently accumulated in previous years.

Fundraising

“The fight for justice against corruption is never easy. It never has been and never will be. It exacts a toll on our self, our families, our friends, and especially our children. In the end, I believe, as in my case, the price we pay is well worth holding on to our dignity”

Frank Serpico



- To all who came along to our film nights (Serpico, We Steal Secrets: The Story of Wikileaks and Citizenfour)
- To all who walked with us on the 10km London Legal Walk over the years, and
- To all who have donated and support our work...

...THANK YOU!

Your continued support means everything to us here at the charity and we are extremely grateful to all who have helped us out over the years.



Our People

Staff

Chief Executive: Cathy James OBE

Deputy Chief Executive: Francesca West

Development Director: Jon Cunningham

Head of Legal Services: Lorraine Turnell

Policy Officer: Andrew Parsons

Legal Research Officer: Sam Bereket

Communications and Policy Officer: Ciara Bottomley

Trainee Solicitors:

Alexandra Smith

Catherine Tustin

Advisers:

Tom Casey

Liam Docherty

Bob Matheson

Office Manager: Martina Lewis-Stasakova

European Consultant: Paul Stephenson

Special Adviser on Public Relations: Mandy Pursey

And many thanks to all our volunteers and interns:

Roxana Bota, Sarah Baddeley, Joe Cary, Alexander Cavell, Zuleyka Cherry, Monika Das, Iskra Doukova, Olivia Duffield, Raam Dutia, Giles Ekblom, Janine Fess, Maxi Freeman, Emma Hart, Katie Hewson, Emily Hislop, Paul Hogarth, Hafsa Jabbar, Alexandra Kinraid, Zuzana Kralova, Tiffany Kwok, Evan MacDonald, Juhi Mirchandani, Kerissa Naidoo, Laura Schofield, Kirsty Simons, Aidan Wills and Kerry Weir.

Special thanks go to former staff Katie Greer, Eleanor Hinton, Whitnii Levon, Olabisi Porteous and Shonali Routray **and former trustees** Peter O'Connor, Ian O'Donnell and Mandy Pursey.

Also to Lord Low, Lord Shinkwin, Lord Touhig and Lord Wills and Catherine McKinnell MP for their tireless work in Parliament for the whistleblowing cause.

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Dr Marie Stewart

Stephen Whittle OBE

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