About Public Concern at Work

Public Concern at Work (PCaW), the whistleblowing charity, aims to protect society by encouraging workplace whistleblowing. We do this in three ways:

- We advise individuals with whistleblowing dilemmas at work
- We support organisations with their whistleblowing arrangements
- We inform public policy and seek legislative change

We carried out a detailed review of 1,000 of our advice line cases in 2013, and published our report *The Inside Story*. This demonstrated that much needed to be done to improve outcomes for whistleblowers as 74% said nothing is done about the wrongdoing and 15% said they were ultimately dismissed for raising a concern.

Following an unprecedented rise in demand for advice on how to blow the whistle, this new annual report has been prepared to highlight the key sectors, industries, concerns and outcomes for workers who have sought advice from PCaW. The report relates to data gathered on all cases received in 2013 where the individual was seeking advice on how to raise a concern about wrongdoing, risk or malpractice.

Headlines from the report are:

- A 61% annual increase in whistleblowing cases from the health sector
- Within this sector, patient safety concerns have soared by 97% annually
- Whistleblowing cases in the education sector have increased 57% year on year
- Concerns about public safety have doubled, of which 43% were from the education sector
- Overall the UK saw a 17% increase in the number of whistleblowing issues raised – but 63% of the concerns raised1 were denied or ignored

1 Where this information is known
The UK Whistleblowing Report
2013

Total numbers:
- 1,910 individuals contacted us for advice on whistleblowing in 2013. This is a 17% increase on the 1,632 requests for advice in 2012.

This huge rise in calls can partly be credited to media activity (5% quoted the media as a source for finding out about us as opposed to 1% in 2012), though most individuals find out about us via the internet or through their employer’s whistleblowing policy. It is good news that employers are highlighting the independent support available. However this should not detract from the need for good whistleblowing arrangements, particularly in light of the poor response statistics our review has uncovered.

Cases by industry:

- 61% increase in health cases (338 in 2013 up from 210 in 2012).²
- 57% increase in education cases (382 in 2013 up from 243 in 2012).
- 17% rise in care cases (329 in 2013 up from 282 in 2012).

A large proportion of the increase in our cases comes from the health and education sectors. Factors such as the Public Inquiry into Mid-Staffordshire NHS Trust and the focus on this issue go some way in explaining the spike in health cases. More worrying is the rise in cases from the education sector which cannot be put down to the same increased attention.

² We launched a pilot project with the Scottish Government in April 2013 and our services were promoted to all staff in NHSScotland. We received 83 health cases identified as NHSScotland in 2013.
The surge in health cases from February was likely due to the release of the final report of the Mid Staffordshire NHS Foundation Trust Public Inquiry. Cases from the education sector frequently spike in July as the school year comes to an end.

Types of malpractice:

Financial malpractice was the top concern of UK workers, with a 24% increase in cases (291 new cases in 2013, up from 235 in 2012).
Examples of financial malpractice range from complex tax fraud to false expenses claims to misuse of charitable funds. Please see our case studies below for more detail.

- Financial malpractice was the most common concern in the following industries in 2013:
  - Financial services (63% of cases)
  - Housing (47%)
  - Manufacturing (38%)
  - Charitable industry (36%)
  - Retail (33%)
  - Central government (23%)
  - Local government (21%)

- Concerns about public safety more than doubled in 2013 (252 new cases in 2013 from 124 in 2012). 36% of the public safety cases were from the education industry and the significant rise in education calls goes someway to account for the jump in public safety calls. Cases about safeguarding of children, which are common in the education sector, will be classed as public safety.

- Patient safety cases increased by 97% (229 new cases in 2013, up from 116 in 2012). There were 42 patient safety calls from NHS Scotland in 2013. This contributes to the rise in public safety cases but does not fully explain the large overall spike.

- Work safety is the most common concern in the utilities (27%) and construction (31%) industries.
Calls by sector:

There was a 41% rise in the percentage of calls from the public sector (from 511 in 2012 to 718 in 2013). There were 83 public sector NHS Scotland calls in 2013, explaining some of this large upsurge in public sector calls. The rise in education calls also accounts for some of the increase.

Public sector calls made up 39% (718) of calls in 2013 compared with private sector calls which constituted 42% (or 783) of calls.

Work safety and consumer concerns were more common in the private sector.

When individuals first contact us:

Those working in the education (73%) and financial services (73%) are more likely to approach us before they have raised their concern than those who work in central (95%) and local government (86%).

Those who are not union members are more likely to have raised their concern before they approach us (88%) than those who are union members (79%).
A quarter of our calls were from Londoners although they only account for 13% of the UK’s population. This demonstrates a worrying lack of awareness around support and advice for the rest of England. The high number of cases from Scotland was new in 2013 and can be wholly attributed to our pilot project with NHS Scotland.

Final outcomes:
We call back clients 6-12 months after we first spoke to them to find out the final outcome for both them and their concern. Due to this time lag the data below relates to cases in 2012. It must be remembered that individuals are seeking advice from us because they are experiencing problems or sense that the concern they are seeking to raise may be unwelcome. As such these figures are not representative of all workers who raise concerns in the workplace.

While there are clearly some good responses from employers, the results demonstrate the urgent need to change the experience of whistleblowers.

Outcome for the concern:

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>The employer denied that there was a concern</td>
<td>37%</td>
</tr>
<tr>
<td>The employer ignored the concern</td>
<td>26%</td>
</tr>
<tr>
<td>The employer resolved the concern</td>
<td>10%</td>
</tr>
<tr>
<td>The worker did not know the resolution</td>
<td>9%</td>
</tr>
<tr>
<td>The employer admitted that the concern was valid</td>
<td>8%</td>
</tr>
<tr>
<td>The employer continues to investigate the concern</td>
<td>8%</td>
</tr>
<tr>
<td>Prefer not to say</td>
<td>3%</td>
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</tbody>
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In 63% of cases the employer denied or ignored the concern. In 26% of cases the employer had a positive reaction whereby the concern was admitted, investigated or resolved. In 1 out of 10 cases the employer did not inform the whistleblower of the outcome.

This demonstrates that in only a quarter of cases do employers take positive action in relation to the concern.

**Outcome for the individual:**

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>Dismissed after raising the concern</td>
<td>33%</td>
</tr>
<tr>
<td>Victimised and/or disciplined by my employer</td>
<td>22%</td>
</tr>
<tr>
<td>I resigned after raising the concern</td>
<td>21%</td>
</tr>
<tr>
<td>There were no consequences</td>
<td>12%</td>
</tr>
<tr>
<td>My workplace improved</td>
<td>6%</td>
</tr>
<tr>
<td>Thanked and/or rewarded for raising the concern</td>
<td>3%</td>
</tr>
<tr>
<td>Would prefer not to say</td>
<td>2%</td>
</tr>
<tr>
<td>Bullied by co-workers</td>
<td>1%</td>
</tr>
</tbody>
</table>

Over half of the whistleblowers that responded were either dismissed or resigned after raising their concern. Only 1 in 10 experienced a positive outcome where they were thanked or their workplace improved. A further 1 in 10 received no negative or positive response at all.

This demonstrates that raising a concern, even in difficult circumstances, has neutral to positive outcomes for both the whistleblower and the concern in a quarter of cases — meaning whistleblowing can and does work for employers and whistleblowers alike. These outcomes must become the norm. It is still far too common for whistleblowing to fail and for the whistleblower to be victimised. The lessons on good practice urgently need to be disseminated across all workplaces in order to change the experience and perception of whistleblowing.

The failure to provide feedback to a whistleblower on the outcome is a clear problem. When we advise individuals to seek feedback they often find that the concern has been handled, but there was no process in place to ensure they were informed. This indicates a real failure on the part of employers — they need to be more proactive and ensure positive communication with staff that speak up. The risk of not communicating is that staff may take their concern elsewhere for fear that nothing was done, or be deterred from raising a matter in the future.
Feedback on our service:
We receive very positive feedback on our service, with 9 out of 10 whistleblowers saying they would recommend us. Criticisms include our low profile (many find out about us very late in the process), inability to conduct face-to-face meetings (we do not have the facilities or resources for this service), and a wish for us to increase our campaigning efforts. We will of course be addressing all of these factors, resources allowing.

Some of the positive comments about our service include:
• “professional, helpful and understanding of a difficult situation”
• “the service was excellent, I can’t fault it”
• “felt reassured and supported”
• “Huge thank you to PCaW...your advice gave me the courage to come forward"

Case studies:
The great majority of individuals that we advise, do not wish to publicise their case. However, please see below a selection of cases where individuals have very kindly allowed us to use an anonymised version of their experience.

Dominic
Dominic worked as a support worker for a youth charity. Dominic was concerned one of his colleagues was taking money and travel passes that are allocated to service users. He raised his concern confidentially with his employer which resulted in action being taken against the colleague he was accusing. After being frustrated with the speed of the investigation Dominic raised his concern directly with the Chief Executive.

It transpired that Dominic’s identity was disclosed to the wrongdoer during the investigation. This caused him stress and his relationship with his colleague suffered. Dominic was very upset at his employer’s recommendation he be moved elsewhere in the organisation to deal with the problem.

We reassured Dominic he did the right thing by raising the concern and that the delay in dealing with the concern was very disappointing. We cautiously welcomed the promising response from the Chief Executive. We advised Dominic he could give the organisation another chance to look at his concern and that there are other options if he wanted to go outside of the organisation with the concern.

We said the organisation had failed to uphold their promise of confidentiality to Dominic. We informed him that this, along with the organisation’s decision to move him, could give rise to a claim for detriment under the legislation protecting whistleblowers. We explained that if moving is more palatable than working with the accused then Dominic might want to give the recommendation serious consideration.
Alex worked for a government agency. Alex was concerned a senior official had decided to appoint a clerical assistant at a minimum salary which was significantly higher than what those in comparable positions were paid. Disproportionate pay rises within the organisation had in the past led to pay claims from members of staff in comparable positions. The risk to the tax payer of that happening in this situation was a six figure increase in the cost of secretarial services to senior officials. Alex approached the media with his concern. His employer responded by launching an internal and criminal investigation into his actions.

We expressed our concern at the heavy handed response from the employer and advised Alex on how he might want to respond to the investigations. We advised Alex to explain that he was trying to initiate a debate about a public interest issue, and that by pursuing him the organisation risked creating a dangerous culture of silence. He could draw his employer’s attention to his exemplary record at work and the organisation’s poor whistleblowing arrangements. He could also state he had been in touch with PCaW and that we were concerned about the situation. If this did not work we would put the client in touch with a leading criminal lawyer and write to the organisation about our concerns. The employer dropped both investigations. Alex credited the advice he received as the reason for this result.

Andy and Pat

Andy and Pat worked for a non-profit organisation which provided services for vulnerable people.

Andy became aware that two colleagues had fraudulently claimed money from a trust fund used by the organisation to provide clients with clothes and other living essentials. After coming across receipts, Andy discovered his colleagues were using fictitious names and misrepresenting them as vulnerable clients in order to purchase and keep the goods for themselves. Andy asked his assistant, Pat, to perform an audit which confirmed the wrongdoing. In addition to the fraudulent claims, Andy also raised safeguarding concerns about abuse of vulnerable clients. They both raised concerns with the safeguarding team within the local authority. The two colleagues were suspended during an investigation and issued with written warnings but Andy and Pat became worried after being told they were due to return to work. During their suspension Andy’s landlord was contacted by one of the accused colleagues with false allegations in an attempt to get him evicted from his home and Andy had to move as a result. Pat also received threatening text messages in an effort to get him to retract his evidence. The local authority began an investigation into the concerns and Andy received notification from the authority that he could be subject to disciplinary action for breach of confidentiality. Despite initial assurances provided by management on their positions, Andy and Pat felt they had no other choice but to resign after these assurances were not upheld.

We advised Andy and Pat they had done the right thing and helped them to draft a letter to the local authority to ensure all of the concerns were expressed clearly and accountability was effectively established. We also wrote to the housing association on Andy’s behalf to stress the importance of upholding assurances and a zero tolerance approach to the victimisation of whistleblowers. We also wrote a letter of support on Andy’s behalf seeking
clarification on the disciplinary allegations against him and stressing his rights under PIDA which led the association to drop the allegations. After the local authority investigation, the service was closed down and Andy left the organisation with an ACAS agreement.

Pat resigned after his grievances about bullying and intimidation were not properly investigated by management. He filed a PIDA claim at Employment Tribunal and Andy agreed to help him, but they both found the whole process very overwhelming.

We helped to draft communications to the association’s solicitor on Pat’s behalf and successfully found him free legal representation for his hearing. The case was eventually settled and both Andy and Pat moved on to new jobs.