

Public Concern at Work

3rd Floor, Bank Chambers
6-10 Borough High Street
London SE1 9QQ
Tel: 020 7404 6609 (helpline)
Tel: 020 3117 2520 (other enquiries)
Fax: 020 7403 8823
Email: whistle@pcaw.org.uk
www.pcaw.org.uk



25 October 2011 – for immediate release

Public Concern at Work, the whistleblowing charity, is calling for a government review of the legislation that protects whistleblowers as a result of a Court of Appeal ruling handed down today. The charity says that the judgment will mean that there is a gap in the legal protection for whistleblowers in the employment tribunals.

The case involved three nurses who claimed to have suffered because they blew the whistle at NHS Manchester (primary care trust). The nurses were concerned a colleague had falsely claimed to have certain qualifications. They raised this with senior management who admonished the colleague for having exaggerated, but took no further action. The nurses questioned this decision and claimed to have suffered reprisals as a result.

The Court of Appeal found against the nurses saying that even though the Trust could and should have done more to protect them, the decisions taken by the Trust were not because of the whistleblowing. Significantly the Court of Appeal found that **employers are not vicariously liable for retaliatory acts of other workers.**

The charity says this will inevitably mean that there is no longer adequate protection for whistleblowers under the Public Interest Disclosure Act, the law enacted in 1998 to protect those who report wrongdoing or malpractice in the workplace.

Cathy James Chief Executive of PCaW said: "We believe there is now a strong case for a thorough review of this legislation by the Government. This ruling means that an employer who does not do enough to protect staff from retaliation can hide behind their own inaction and escape liability. This is not good enough and may mean that workers (and particularly healthcare workers) stay silent when faced with the risks of blowing the whistle.

All this occurs at a time when the Public Inquiry into high death rates at Mid-Staffordshire NHS Foundation Trust is focussing on the vital role health professionals can play when they speak up to protect patients. The law should reflect the very sensible position that individuals should be protected if they are victimised by their colleagues, if we want to encourage workers to speak up. Unions, regulators and the business community need to ask the Government to revisit this vital issue and we would strongly urge the Government to close this loophole as a matter of urgency".

END

For comment, contact either Cathy James on 07899000472 or Andrew Parsons on 07920016317, alternatively call our office on 020 7404 6609.

Public Concern at Work is an independent, self-funding whistleblowing charity. It runs a free confidential advice line on 020 7404 6609 for people with whistleblowing concerns; promotes the public interest through its policy work; and advises public bodies, business, regulators and unions on how to create more open and accountable cultures.