



2yearsback  
3yearsforward  
10yearsold

This report reviews our work in 2001 and 2002, summarises our plans to 2006, and glances back at a decade of **public interest whistleblowing**



**Upright Motive No.2, Henry Moore**

1955-56 (LH 579)

With thanks to the  
Henry Moore Foundation

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Public Concern at Work - the whistleblowing charity - promotes individual responsibility and organisational accountability.

We strive to ensure that genuine concerns about wrongdoing at work will be raised constructively and dealt with effectively. This helps detect risks to consumers, stakeholders and the public before serious damage is done and, more importantly, deters wrongdoing in the first place.

We offer confidential advice to employees, provide professional services to organisations and promote public interest whistleblowing through our policy and community work.

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2 years back  
3 years forward  
10 years sold

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## **Insert**

Ten years at PCaW  
A swift glance over the shoulder  
Three years forward

# Preface

Michael Smyth Chairman

Welcome to Public Concern at Work's biennial Review. As its publication coincides with our tenth anniversary, we not only report on the past two years but include a glance back over the past decade. More importantly, we set out our plans for the tasks ahead if we are to make whistleblowing work in the public interest.

## Our vision

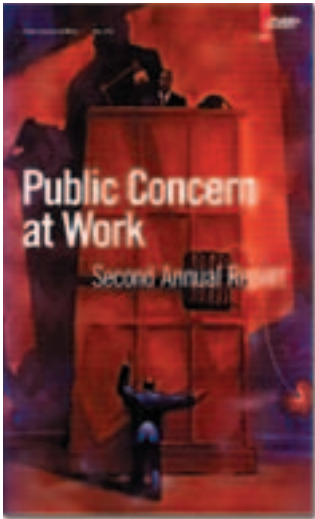
That whistleblowing is recognised as an honourable aspect of human behaviour and an effective means to promote and protect the public interest.

It is a tribute to the foresight of those who founded the charity that there has been such a marked change in attitudes to whistleblowing. Ten years ago, few could have imagined that the public debate would have shifted so far that disasters and scandals automatically prompt the question "why didn't anyone speak up?"; that Time magazine would name three whistleblowers as its "People of the Year"; and that whistleblowing legislation would be so widely supported at home and abroad.

This Review looks in turn at our five core activities. These are our whistleblowing helpline, our policy work here and overseas, the services we provide organisations, our initiatives across the community and our monitoring of the UK's Public Interest Disclosure Act. It would not have been possible for a staff of six to achieve what they have in these five areas without the involvement and support of many others. So, in addition to praising the extraordinary commitment of our Director, Guy Dehn, and his team I wish to thank the callers to our helpline, the organisations and policy makers we have worked with and those who have financially supported our work.

Whilst we have made remarkable progress, I hope you will recognise that the importance of this issue and the need for our work is increasing year on year. As Public Concern at Work continues to influence principle and practice on accountability, governance and individual responsibility, we hope we can count on your support.





**Public concern**  
at work

**Whistleblowing** - a. Bringing an activity to a sharp conclusion as if by the blast of a whistle (*OED*). b. Raising concerns about misconduct within an organisation or within an independent structure associated with it (*Nolan Committee*). c. Giving information (usually to the authorities) about illegal and underhand practices (*Glumbers*). d. Exposing to the press a malpractice or cover-up in a business or a government office (*US, brewers*). e. (origin) Police constable summoning public help to apprehend a criminal; referee stopping play after a foul in football.

A Review of the activities of Public Concern at Work 1997

**Our approach**

That if an employee is so concerned by wrongdoing as to tell friends and family, that concern should also be openly raised in the workplace or, where necessary, outside so that it can be properly addressed. Where such a culture exists, wrongdoing will not freely flourish.



Permission granted by Time Inc.

# Introduction

Guy Dehn Director

Do you expect others to blow the whistle if your food is contaminated, a care-worker hits your relative, your train is unsafe, your pension is being fleeced or your community polluted? Would you do the same if you learn about something in your job that could have equally serious consequences for others? If so, thank you. If not, please think again.

The reason that many people find whistleblowing such a dilemma is that the issue is often fraught with conflicts of interest. Through most of the 20th century the default option in this situation was silence. This Review shows why that default is no longer accepted as the right one as we start the third millennium. It also helps explain why societies and organisations at home and abroad are beginning to offer people a safe alternative to silence.

While legal rules on whistleblowing are essential to underpin such a shift in culture, in our view it will remain vital that individuals in this situation have ready access to independent advice – before, not after, any damage is done. Equally, if this cultural shift is to have a lasting positive effect, it is critical that people across the community – and not just in workplaces – learn to question suspect conduct in a constructive way and to accept such questioning by others.

Without such moves there is a real risk that people in this situation will continue to find it hard to separate their private interest from the public interest. If so, the result will often be no more than to reinforce their existing prejudices and to leave them feeling isolated, confused and victimised. As the “Form Guide” opposite shows, we will all end up paying the price for such a culture. I hope you find time to read this Review as it outlines a way forward that we believe will promote and protect the public interest.

Before I leave you to read on, my thanks are due to my brilliant colleagues, Board and Council. I want to pay particular tribute to two trustees who are resigning later this year after a decade of support: Rosalie Langley-Judd and Marlene Winfield. We couldn't have done what we've done without them.



# UNIVERSAL FORM GUIDE

## for THE THREE TYPES OF ORGANISATIONAL LEADERSHIP known to man, woman and animal since the beginning!

With practical tips from Public Concern at Work's experts for  
auditors, consumers, employees, investors, managers and regulators

### Grade C organisations

stifle  
**CONCERNS**  
and hear only  
**COMPLAINTS**  
sowing  
**CONFUSION**  
which  
**COMPROMISES**  
everyone's  
**CHARACTER**  
and so fosters  
**CHAOS**

### Grade B organisations

tick the  
**BOX**  
but it's all a bit of a  
**BORE**  
as they draw down the  
**BLINDS**  
so they can  
**BLAME-STORM**  
and defend their  
**BRANDS**  
against their serious  
**BLUNDERS**

### Grade A organisations

promote  
**AWARENESS**  
and value  
**ALERTNESS**  
to discourage  
**ABUSE**  
and are always  
**ACCOUNTING**  
for their  
**ACTION**  
- that's how they stay  
**AHEAD**



## PCaW practical tips

(By organisational type)

#### For auditors

**C** Check insurance **B** Raise your fee **A** Win the work

#### For consumers

**C** Switch if you can **B** OK, if convenient **A** Worth a detour

#### For employees

**C** Move on **B** It's a job... **A** Great work

#### For investors

**C** Sell **B** Badger **A** Buy

#### For managers

**C** Managers? **B** Still there? **A** Repay that loyalty

#### For regulators

**C** Time for another visit **B** Be on call **A** Let it be

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# The Helpline

## **We don't**

- ✗ Do litigation
- ✗ Do investigations
- ✗ Encourage the victim culture
- ✗ Get involved in private disputes

## **We do**

- ✓ Assert the public interest
- ✓ Advise how to blow the whistle
- ✓ Offer an impartial, objective view
- ✓ Help separate message from messenger

We provide free, confidential advice to people concerned about wrongdoing (such as fraud, abuse in care, public dangers and risks to consumers) who are not sure whether or how to raise the concern. Our aim is to help our clients identify how best to raise their concern, while minimising risks to them and maximising the opportunity for any such wrongdoing to be properly addressed.



# Allegations raised on our helpline included

A bank manager instructing staff to open two accounts each time a customer joined, so that his team met performance targets.

Payment of a bribe to secure a large overseas contract.

A charity CEO attending a one-day working conference in the USA, who turned it into a two-week break with his fiancée apparently at the charity's expense.

An insurance company using funds in client accounts to finance its acquisitions.

A dangerously incompetent surgeon.

A firm that is falsifying food safety records.

A building contractor excavating a protected archaeological site without clearance.

A local authority housing manager who got staff to requisition building materials for use on his home.

Female care home staff buying clothes for themselves with the money of a man with learning difficulties.

The cover-up of serious misconduct by court bailiffs.

A utility company which took action where billing errors favoured the customer, but kept quiet where the same errors favoured the company.

The overcharging of overseas financial transactions.

A QUANGO where grants were made to bodies linked with Board members.

A care home nurse hitting and shouting at residents with dementia.

Night-club managers encouraging table dancers to break the rule to keep at least 3 feet away from customers.

An actuary flouting regulatory safeguards for a pension fund.

A factory that has no safety guards on electrical saws.

An international consultancy providing price sensitive information to a client.

These posters help an organisation to promote its whistleblowing policy. They detail the right internal contacts and also tell staff if they remain unsure they can get advice from our helpline. Their bold design will have a deterrent effect. The posters are available to helpline subscribers.





This is one of our posters for the NHS.

**Concern about**

- 30% Financial malpractice
- 29% Safety
- 27% Misc. (trading, consumer, environment, discrimination)
- 14% Abuse in care

**Referral from**

- 34% Workplace (employer, union, colleague)
- 15% PCaW (recommendation, poster, website)
- 11% Public authority (regulator, MP)
- 9% Media (press or radio coverage)
- 6% Others

**Client satisfaction**

We sought to approach all those who had left telephone contact details up to three times seeking feedback on our service. We successfully contacted 290 and they all agreed to give feedback. The results were that:

- 97% said the advice we gave was clear.
- 90% said they would recommend us.
- 77% said the advice was helpful.
- 71% said they followed the advice

**Two years of PCaW's helpline in two minutes**

Through 2001 and 2002, our helpline dealt with some 1100 cases involving public concerns or whistleblowing issues. Some 60% of these public concerns related to organisations with less than 250 employees. Below, we give a breakdown of these public concerns. Examples of some of the issues that clients have been concerned about are shown on page 8.

**Sectors**

- 45% Private sector
- 42% Public sector
- 13% Voluntary sector

**Stage and style**

16% of clients contacted us before they had raised the concern. Where the whistle had already been blown, 85% had done so openly (identified themselves to all involved), 13% had done so confidentially (identified themselves but asked that their identity was not disclosed to others without their prior consent) and 2% had done so anonymously.

**To 2006** We need to encourage people to contact us for advice as early as possible. Promoting the helpline in workplaces will be the key way in which we do this and our new subscription service for employers (see page 14) will facilitate this. We will work with unions, advice agencies and regulators to send out this message.

2006

# The Policy **at home and abroad**

## **We don't**

- ✗ Chase media headlines
- ✗ Take a party political line
- ✗ Assume regulation is always the answer
- ✗ Forget that it's people who make systems work

## **We do**

- ✓ Focus on accountability
- ✓ Consider human and cultural factors
- ✓ Insist laws should add practical value
- ✓ Give the same message at home & abroad

We campaign for public policy to recognise the effective role that whistleblowing plays in clarifying lines of accountability and in making laws work in practice.



Whistleblowing was the symbol of the 10th International Anti-Corruption Conference



## Two years of PCaW's policy in two minutes

On the legislative front, we successfully lobbied Government to give police officers the whistleblowing protection of PIDA – a step which will do much to counter the perception of a canteen culture. We also successfully lobbied Parliament to ensure that the new procedures in the Employment Act 2002 do not undermine the Public Interest Disclosure Act by confusing whistleblowing and grievances.

We challenged errors in Learning from Bristol, the report of the Inquiry into the very high death rates at the baby unit at Bristol Royal Infirmary, which had been exposed at great personal cost by whistleblowing consultant, Dr Steve Bolsin. The Inquiry did not fully recognise Dr Bolsin's key role and appeared to misunderstand how the law and practice in the NHS had changed. We were reassured when the Department of Health endorsed our view, as the report will have far-reaching implications for the NHS.

By contrast, the points we made to the Higgs Inquiry on Non-Executive Directors were not heeded, though we were delighted when the Smith Report on Audit Committees and then the Combined Code on Corporate Governance adopted the approach to whistleblowing that we advocate. These developments were much influenced by the collapse of Enron and WorldCom and the decision of the US Congress to provide a framework for corporate whistleblowing there.

On the international front, with whistleblowing moving rapidly up the good governance agenda, there has been keen interest in the UK's approach. Because Whitehall treats whistleblowing primarily as an employment right, most of this overseas interest in the Public Interest Disclosure Act comes to us.

With our American cousins at Government Accountability Project, we have successfully lobbied for whistleblower protection to be part of the new UN Anti-Bribery Convention. Building on our work for the OECD, we were commissioned to be special advisers on transparency and accountability to Global Forum II and ran a workshop on whistleblowing in Prague for the

International Anti-Corruption Conference. We addressed a Council of Europe Governance conference in Slovenia. Drawing on our wider experience of governance, we addressed an international seminar at Wilton Park, a number of workshops on public service and chaired a DTI Conference Combating Bribery for the private sector. We also spoke at a conference in Russia on Human Rights and the Environment and addressed an EU Science and Ethics seminar.

Turning to individual nations, we continued to strengthen links with our sibling organisation in South Africa - the Open Democracy Advice Centre – and wish to record our gratitude to the British Council for its support for these exchanges. We visited Nigeria and worked with legal and civil society groups on practical ways to promote and develop whistleblowing. We provided an in-depth course on whistleblowing for officials and journalists from Lithuania. We also advised legal, consumer and business interests in Germany and Japan on the law and practice of whistleblowing.

**To 2006** We will help policy makers better use whistleblowing as a risk management tool and a means to clarify lines of accountability. At home and abroad, we will promote our approach to public interest whistleblowing - which favours open rather than anonymous disclosures, provides a safe alternative to silence, delivers meaningful protection and recognises the legitimate roles of employers, regulators, NGOs and the media.

# 2006

# Our Services

## We don't

- ✗ Breach confidences
- ✗ Ignore the public interest
- ✗ Make it up as we go along
- ✗ Advise employers on individual cases

## We do

- ✓ Provide practical help
- ✓ Tell you what you need to know
  - ✓ Provide highly regarded services
  - ✓ Help make your organisation succeed

We provide consultancy services, training and support to employers and organisations on corporate governance, risk management and making whistleblowing work.

Extract from the new Combined Code on Corporate Governance, effective November 2003.

July 2003

**The audit committee should review arrangements by which staff of the company may, in confidence, raise concerns about possible improprieties in matters of financial reporting or other matters. The audit committee's objective should be to ensure that arrangements are in place for the proportionate and independent investigation of such matters and for appropriate follow-up action.**

Audit Committee and Auditors



## Two years of PCaW's services in two minutes

On the consultancy side, our work over 2001/2 included: • advising BP on the implementation and running of global employee concern schemes • helping the Co-operative Group revise its Business Conduct Code and audit its whistleblowing policy • drawing up regulatory guidance for the Criminal Cases Review Commission • briefing the NHS on whistleblowing and gagging clauses • working with Argos on whistleblowing and corporate social responsibility, and • providing policy support to Nirex, the nuclear waste company, on its Transparency Policy.

On the training side, our corporate clients included Abbey National, the Institute for Chartered Accountants and Severn Trent plc. In the public sector, we provided training for the Ministry of Defence on its whistleblowing policy and provided a variety of sessions for NHS Trusts across the country. In collaboration with the Northern Ireland branch of the Chartered Institute of Public Finance, we ran four training sessions in and around Belfast.



The updated Whistleblowing Policy Pack, available on CD-Rom.

Almost all of this work came from word of mouth recommendations while our early marketing efforts produced little return. As to the Policy Pack, which we updated for 2003, we decided to seek partners in various sectors to handle marketing and distribution. We quickly found allies in the NHS and, for local government, with the Better Governance Forum.

Responding to requests from organisations, we developed a subscription service to help them

provide an important safety valve for an internal whistleblowing system. It gives staff tangible assurances that the organisation's commitment is for real, reasserts the management line and promotes the policy across the workplace, while avoiding the expense of outsourcing to a commercial hotline. The scope of the helpline subscription for employers is negotiable but, with an entry level at £50 a quarter, it attracted strong interest in advance of its launch.

The feedback – both solicited and unsolicited – from all our services work has been very positive, with clients emphasising the practical value of the support we provide.

During these two years, we increased the fees for the professional services we provide organisations so that they reflect standard commercial legal rates. The income this brings helps fund our community work and the free advice on the helpline.

**To 2006** In our work with employers, unions and regulators we will (a) make whistleblowing work as a key element of corporate governance and risk management; (b) widely distribute the high-value, low-cost support that is our Policy Pack 2003; (c) help organisations get middle management to buy in to whistleblowing; and (d) learn of and from any obstacles and impediments to this practical approach to accountability.

In all this work we will build on our position as an objective authority on whistleblowing and develop our role as a public interest consultancy.

# 2006



We want to work across the community to instil a culture where people recognise their own responsibility to others and learn how to question bad or suspect conduct in a constructive and effective way.

# Involving the Community

Our bi-annual newsletter.



## Two years of PCaW's community initiatives in two minutes

We started our bi-annual newsletter, The Whistleblower, and distributed a range of postcards to promote the issue. We produced a circular of global whistleblowing news, introduced an annual lecture and updated our website each month. While most of our media work was reactive, we issued a number of press releases.

Apart from our work in Scotland (described opposite), the other substantive initiative in this area was our project with NCVCCO, funded by the Nuffield Foundation, to help the voluntary childcare sector. Our application for lottery funds to run a programme taking the public interest and whistleblowing to community groups and schools was – for the fifth time - unsuccessful.

Two of our postcards.

**To 2006** We will work with interests across the community to explain how individual action can and does influence the public interest. Linked to this, we will lobby Government, the media and others to promote whistleblowing not as a private right, but as a public good which strengthens individual responsibility and consideration for others. As part of this, we will research and chart attitudes toward whistleblowing among the public.

# 2006

In January 2001 we started a pilot project in Scotland. Our aims are to promote public interest whistleblowing north of the border and to better understand the difficulties that may be encountered in smaller countries and in more closely knit communities.

# Scotland

We were delighted to start the pilot in Scotland and to enlist such wide support so quickly for the initiative. Having established the need for PCaW to have a more lasting presence, we secured a two year grant from the Community Fund Scotland to meet the salary costs of our part-time Scottish director. In January 2002 our Glasgow office was formally opened by government minister George Foulkes MP. Lynne MacMillan who had so successfully started the project passed the reins to Harry Templeton in the autumn. Harry - having had the misfortune of being dismissed for blowing the whistle on Robert Maxwell's abuse of the Mirror Group pension fund - had been a key player in getting the Scottish office off the ground.

With welcome support from Audit Scotland, we ran a pilot helpline offering advice on whistleblowing issues to Scottish callers. While this proved every bit as successful as the UK line, evidence showed there was no great demand among callers for a separate Scottish number.

We provided consultancy and/or training services to the Bank of Scotland, Caledonian MacBrayne, East Lothian District Council, Employers in Voluntary Housing, National Australia Group, Royal Bank of Scotland and UNISON. We also liaised with Scottish regulators covering care, the environment, miscarriages of justice and public bodies.

In promoting our work in Scotland we had support from across the Scottish Parliament and the media. We also distributed leaflets to advice bureaux and held a fringe meeting at the Scottish Trades Union Congress conference.



**To 2006** We will work with Audit Scotland, the Executive and the Scottish Parliament to promote whistleblowing - both to individuals and organisations. Through community initiatives and the media we will instigate and inform debates about loyalty, confidence and the public interest. We will fund our work in Scotland from grants, donations and earnings.

# 2006

# Public Interest Disclosure Act

The Public Interest Disclosure Act (PIDA) impacts on all of our activities. While a key benefit has been its declaration that whistleblowing is no longer a bad thing, it is vital that PIDA works effectively in practice and protects genuine whistleblowers.

We monitored how PIDA was working as a legal tool by researching all the claims and decisions under the Act. We discovered that some 1200 PIDA claims had been registered in its first three years (to 2 July 2002) by visiting an office in Bury St Edmunds. From this information, it appears the Act is being applied effectively in tribunals and the appeal courts. On the facing page, we summarise some of the notable decisions which show how PIDA works as a last resort – providing redress for whistleblowers who have been victimised.

The purpose of PIDA - and the ability to monitor how it works in practice - was frustrated by a decision of the Department of Trade and Industry (DTI) to change tribunal rules so that the gist of every PIDA claim is now kept secret until there is a tribunal decision. This means that any information about the concern, the disclosure and the reprisal is kept off the public record if the claim is settled. As over two-thirds of PIDA claims are settled, these new rules enable the public interest to be traded for private gain. We have been told of several cases where employees and their lawyers have used the threat of a PIDA claim or disclosure to secure substantial compensation on the basis that the employee will then have no need to take the public interest issue forward. While Parliament put checks in PIDA against such abuse, these are of reduced effect as a result of the new rules. The Parliamentary Ombudsman has agreed to investigate our complaints about the manner in which the DTI approached this whole issue and considered a High Court ruling we won on the public interest in open justice.

Notwithstanding this serious dispute, we have worked successfully with the DTI on a number of issues. We support its proposals to deter frivolous tribunal claims, as PIDA – like sex and race discrimination laws - is seen by some lawyers as one easy additional means of attack rather than as the considered basis of a claim. We were grateful to have DTI support to safeguard PIDA from being undermined by new statutory rules on grievances and we found common ground over concerns that PIDA's exemption for information subject to legal professional privilege went wider than necessary. We were also pleased to work with the Home Office on extending PIDA protection to police officers.

We wrote several articles on PIDA, addressed legal seminars and briefed journalists. We also began to revise our authorised guide to the Act.

**To 2006** We will publish an updated guide to PIDA. We will continue to monitor and review its operation and will consult with relevant interests on their experience of, and suggestions for improving, the Act. We will lobby Parliament to reverse the new rules on secret justice as they thwart the primary legislation and frustrate the public interest.

2006

# 10M FOR

## WALSLEY

### PIDA in action — legal decisions in 2001/2

**(Re)warding the elderly.** A ward manager for the elderly at Wansbeck Hospital became so frustrated by the failure to deal with the shortage of beds that he wrote an open letter to the Prime Minister in his local paper pointing out that the elderly were being put into gynaecological wards. When the hospital issued a final written warning about the letter it was ruled unlawful under PIDA by an employment tribunal.

**Charitable conduct.** A project officer who had recently joined the Welsh Refugee Council raised concerns about expenses being double claimed. While this was being investigated, the Council decided to re-advertise the whistleblower's post and gave her one week's notice. This was ruled in breach of PIDA – award not known.

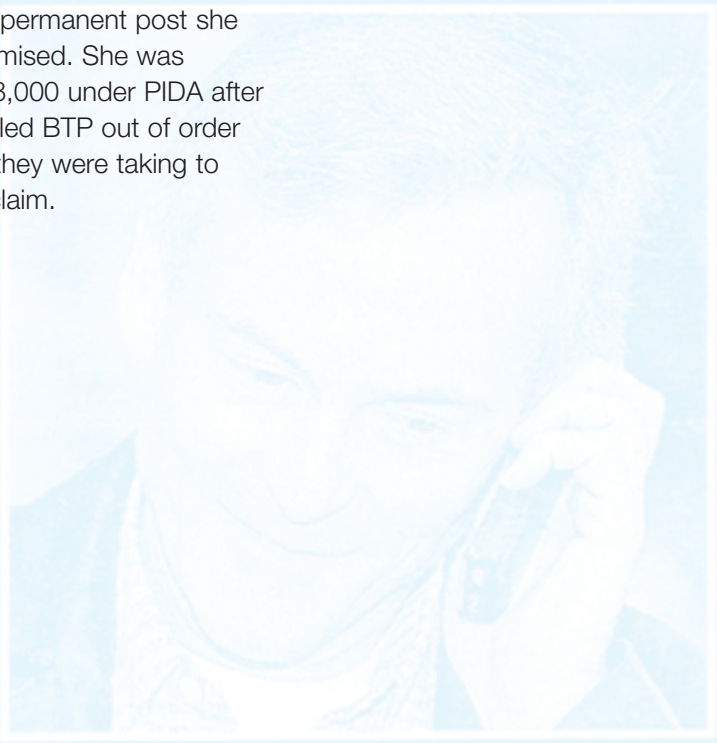
**Targeting Westminster.** A traffic warden warned Westminster Council that pressure to meet targets meant that bogus penalty notices were being issued. When the Council told the contractor, Apcoa Parking, it suspended the whistleblower and insisted that he identify the people involved. When the whistleblower refused, he was sacked. This was ruled in breach of PIDA – award not known.

**Flawed response.** When a branch manager was told by two staff that a director had sexually assaulted them, he raised the matter with the Chief Executive. As the investigation began, the whistleblower was warned off mentioning the incident to anyone. The director then resigned to take a senior job in the police. When the whistleblower was then disciplined on bogus grounds, he resigned. The tribunal said that, rather than compliment the whistleblower, his employer - which it declined to identify - had forced him out in breach of PIDA. He was awarded £140,000. The tribunal case prompted the police to reopen their investigation and the senior director was prosecuted, convicted and jailed for 18 months for his "outrageous sex assaults".

**Upholding the law.** When a senior lawyer at British Transport Police (BTP) discovered an inspector destroying prosecution files, she reported it to the authorities. Despite assurances of confidentiality, she was cold-shouldered by colleagues and rejected for a permanent post she had been promised. She was awarded £218,000 under PIDA after the tribunal ruled BTP out of order for the steps they were taking to frustrate her claim.

**Driven to distraction.** Concerned about the safety risks posed by longer shifts, a train driver was refused sight of his employer's statutory risk assessment. Exasperated, he told the Health & Safety Executive that he feared more trains would pass signals at red. His employer, Connex, then embarked on a campaign to silence and force him out. When the driver resigned, he won £55,000 under PIDA.

**Market rules.** The new vice-president at Sterlite Industries responsible for mergers and acquisitions raised concerns with his chairman and Sterlite's investment bank that a prospectus for listing on the New York Stock Exchange would mislead investors. Although this concern was heeded, when the vice-president later queried the legality of a transaction in Australia, the chairman threw a digital diary at him and threatened to destroy his career. This forced the vice-president to resign. He then sued under PIDA and was awarded over £800,000 in compensation.



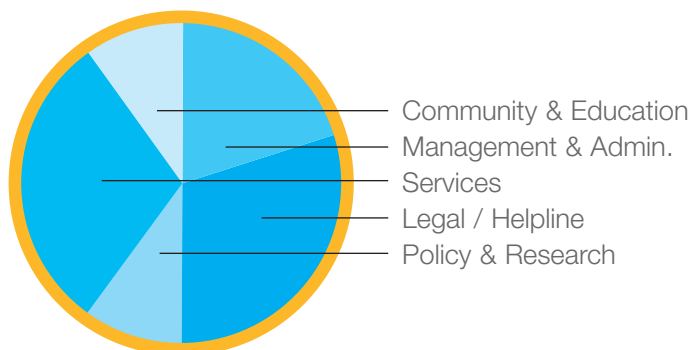


# Money & support

## What it costs

The cost of providing all the services and work detailed in this report was just over £550,000. The chart below shows how this expenditure was apportioned across our various activities.

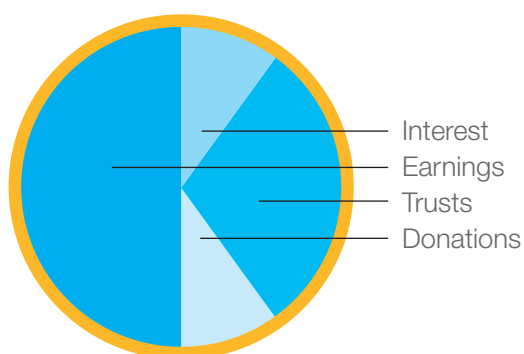
**Expenditure 2001/2 - £553,769**



## Where the money comes from

The income we received over this period was just over £435,000 and our earnings exceeded our charitable grants for the first time. We now hold reserves equivalent to six months' costs.

**Income 2001/2 - £435,229**



## Foundations

We would not be able to carry out any of our work without the financial support we have received from a range of trusts and foundations. We wish to record our thanks to the following for their support during 2001/2:

Community Fund Scotland, Leigh Trust, Nuffield Foundation, Partnership for Transparency Fund, Savoy Educational Trust, Scurrah Wainwright Charitable Trust and the Tudor Trust.

# People



A meeting of PCaW's Board of Trustees

## Current Staff:

**Director**  
Guy Dehn  
**Deputy Director**  
Anna Myers  
**Scottish Director**  
Harry Templeton  
**Legal Adviser**  
Kirsten Trott  
**Caseworker**  
Robin Van den Hende  
**Company Secretary**  
Evelyn Oakley  
**Volunteer**  
Jean Brown

## Board:

**Chair**  
Michael Smyth  
**Deputy**  
Maurice Frankel  
**Treasurer**  
Michael Moore CBE  
**Members**  
Gary Brown  
Rosalie Langley-Judd  
Martin Le Jeune  
James Tickell  
Marlene Winfield OBE

## Patrons:

Lord Borrie QC,  
Lord Oliver of  
Aylmerton,  
Sir John Banham and  
Sir Ralph Gibson.

## Council:

Our Advisory Council is chaired by Michael Brindle QC. Its members are Steve Burkeman, Gerald Bowden, Tony Close CBE, Ross Cranston QC MP, Dr Yvonne Cripps, Jo Cutmore, Baroness Dean, Zerbanoo Gifford, Edwin Glasgow QC, Roger Jefferies, David Owen, Chris Price, Anthony Sampson, Dr Elaine Sternberg and Dr Marie Stewart. John Bowers QC is Honorary Legal Adviser.

For their help in getting our Scottish project off the ground, we thank Carole Ewart, Paul Holleran, Graham Mochan and Brian Napier.

## Farewell

Many thanks to the following who worked or volunteered at Public Concern at Work during 2001 and 2002: Florence Adams, Georgina Brown, Joanna Dingwall, Caroline Khazai-Nejad, Lynne MacMillan, Thomas Marcovici, and Caroline Millar. Thanks and farewell also to Farzana Aslam for her work as a Trustee and to Graham Melmoth and David Wellings for their help on our Council.

Finally we record the sad passing of Lord Gladwin of Clee, whose advice and support over the past decade was greatly valued and influential.

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Thanks to **Rufus Leonard** ([www.rufusleonard.com](http://www.rufusleonard.com))  
for a decade of advice on brand, copy and design.



## Making it acceptable to blow the whistle

*From Mr Guy Dehn.*

Sir, You are right ("Reforms to restore confidence in business", February 19) that little of value will be learnt from Enron if the response is more prescriptive regulations, which entrench a check-box mindset that demotivates many staff and challenge bright sparks to outwit the rule-makers.

If the simple regime you call for is to work in practice, it must be based on the conduct of people who work in organisations, rather than the systems they work with. An effective step – as you advocate – is to promote a whistleblowing culture, which helps ensure that those in charge of an organisation are open to and confront concerns, however uncomfortable. A culture where

it is safe and accepted for the whistle to be blown makes real the principle of accountability (in that people know they can readily be asked to explain their conduct) and has one key virtue for business: that the self-discipline it engenders in individuals deters misconduct, without stifling innovation or giving managers an excuse to duck difficult decisions.

If we are to restore public confidence in business, however, we cannot treat companies as hermetically sealed entities and see whistleblowing exclusively as an internal matter (even if it be to the audit committee, as you suggest). To be effective, any whistleblowing culture must also make clear when it is safe for a concern to be raised outside the

organisation. This makes real its accountability to those bodies charged with overseeing it and gives staff confidence that concerns will be dealt with. It also ensures that companies have reason to embed a culture where concerns can be raised safely internally and are seen to be dealt with properly.

This is the approach parliament endorsed some three years ago and, while it is still early days, experience suggests it is working well in practice. Significantly, many in business now recognise that its benefits outweigh any disadvantages.

**Guy Dehn,  
Director,  
Public Concern at Work,  
London EC1N 7RJ**

"I now wish to thank you most warmly for your dedication and kindness in helping me through what I regard as the hardest week in my life so far. I suddenly found myself in the most distressing situation, with a colossal weight on my shoulders, and there was no going backwards. I had not asked for any trouble nor done anything wrong, and there I was, drawn into an impossible situation simply because I had witnessed something very worrying.

I had nobody to turn to because I knew the risk was colossal if I spoke to anyone, and anyway, how could I trust the judgement of people who had a limited understanding of such a complex matter? The moment I was advised to talk to PCaW, I was relieved simply at the thought that someone could listen to me and relieve me of the burden of this secret. And when I was welcomed by such a friendly, understanding voice, I knew I was no longer alone in the dark and PCaW knew exactly how to deal with things. The advice followed quickly, and it was brilliant to know that someone so competent was holding my hand. I was able to make decisions bearing all the important factors in mind, confident that I knew exactly the implications which each option held.

I can now relax and enjoy things again, in the knowledge that I faced up to my responsibility; I feel immensely lucky that PCaW actually exists and deeply grateful for all that you did for me in such difficult times. I can only wish anyone in such an uncomfortable situation to be able to turn to you for help and guidance. Thanks again."

**Helpline client**

"I should like to pay particular tribute to the group Public Concern at Work, who provided an extremely comprehensive briefing note... It presents a well structured and well argued case."

**Government minister in Parliament**

"The enactment, implementation and application of the 'whistleblowing' measures and the need for properly thought out policies in the workplace, have over the last three years, received considerable publicity from various quarters, including the valuable activities of an independent charity, Public Concern at Work, established in 1993 and experienced in providing assistance to both employers and employees."

**Extract from a Court of Appeal judgement**

"PCaW's input was very helpful"

**BP, for advice on its global employee concerns policy**

#### **For information**

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# 10 years at PCaW A swift glance over the shoulder

This report glances back at a decade of  
**public interest whistleblowing**

“Our lives begin to end the day we become  
silent about things that matter.”

**Martin Luther King**

Poster for our helpline 1993/4



Nolan Committee backs our approach 1995



The first Bills 1995/6



Poster for our helpline 1997/8



# 10 years at PCaW

## PCaW's helpline

3500 public concerns have been handled on our confidential helpline  
 250 jobs saved and £1 million recovered in a single case  
 90% of clients recommended our helpline  
 4 years jail for an abuser following a client's whistleblowing

## PCaW's services

100% of English NHS Trusts have been supplied our toolkit by Government  
 60% of prescribed regulators have used our products and services, as have  
 55% of English local authorities, and  
 20% of FTSE-100 companies



## PCaW in the media

60,000 column inches on PCaW  
 50kg press cuttings on whistleblowing  
 7 national editorials or documentaries on our work  
 1 article in The Sun

## PCaW's public policy

100% non-party political  
 30 responses and briefings on official policy proposals  
 22 reports and papers published  
 1 Act of Parliament

## PCaW around the world

14 countries outside the UK in which we have consulted or trained  
 5 international organisations have used us as special advisers  
 3 continents where we have influenced legislative proposals  
 1 approach: providing a safe and productive alternative to silence

By permission, respectively, Ferguson and [www.CartoonStock.com](http://www.CartoonStock.com).

## PCaW people

30 staff worked at PCaW over the past decade – guided by 12 trustees  
 60% of staff have been female - as have been 25% of trustees  
 30% of our staff grew up outside the UK – as did 16% of trustees  
 17% of staff have been from ethnic minorities - as have been 8% of trustees

## PCaW funding

52% of funds came from foundations and trusts  
 30% of funds came from earnings  
 18% of funds came from donations  
 0% of funds came from state aid.





Our 5 year review marking the Act, 1999.



Our Policy Pack, 2000/1.



Business begins to see the benefits, 2002.



Posters for our helpline, 2003.



# A swift glance over the shoulder

Public Concern at Work started life in the shambles of a disused computer room at the top of a Lutyens building in Holborn, London. The furniture for our first meeting was a second-hand formica coffee table and a set of 1950s primary school chairs bought for £10. At that meeting Gordon Borrie, Ross Cranston, Guy Dehn, Maurice Frankel and Marlene Winfield worked out what we needed to learn and what practical help we might be able to offer in the field of whistleblowing.

Although the Joseph Rowntree Charitable Trust had generously offered us a start-up grant, our future was not secure as this depended on our obtaining charitable status. This was no easy task, as the Charity Commission – reflecting popular feeling at the time – initially refused to accept that a whistleblowing helpline could be or do any public good. With pro bono help from lawyers – led by Michael Brindle QC – and drawing on interest in parts of the business, union and consumer fields, we got the decision reversed. Whitehall, however, argued that it would not be proper for civil servants to seek independent advice on how to raise a concern, a point relied on by the researcher for BBC Radio 4's Today Programme when it declined to cover our launch.

Once the charity was launched in October 1993, our policy work was blessed with favourable winds, in part because it was informed by practical experience from our helpline. Within a year or so, the Audit Commission and the Committee on Standards in Public Life had endorsed our approach.

In 1995 Dr Tony Wright MP asked the Campaign for Freedom of Information and us to draft a Bill to protect whistleblowers. In 1996 Don Touhig MP secured wide support in and outside Parliament for the Bill we developed for him. In 1997 Richard Shepherd MP introduced his private member's Bill which – with strong backing from the new Labour Government – became the Public Interest Disclosure Act (PIDA).

While campaigning for legislation had been a goal when we launched, PIDA came much earlier than we had imagined. It has proved a key milestone, declaring whistleblowing as a legitimate activity and protecting those who speak up on behalf of others. But as this document shows, PIDA was and remains just one part of our work.

The provision of confidential impartial advice has been the key way we have delivered a safe alternative to silence to several thousand people and helped tackle serious wrongdoing. Our work with employers has been an essential means by which we have learned how to develop effective corporate governance tools and how we can help instil a culture of accountability across the workplace. Our work with regulators, government, Parliament and the media has informed public policy of the benefits of a new approach to whistleblowing. Across the community, wherever possible, we have presented an alternative to what many people see as a cycle of inaction, indifference and isolation that gives them little reason to consider the interests of others.

While we have made greater progress than we imagined a decade ago, securing real and lasting change remains our challenge.

## Making whistleblowing work

## Our vision

That whistleblowing is recognised as an honourable aspect of human behaviour and an effective means to promote and protect the public interest.

## Our approach

That if an employee is so concerned by wrongdoing as to tell friends and family, that concern should also be openly raised in the workplace or, where necessary, outside so that it can be properly addressed. Where such a culture exists, wrongdoing will not freely flourish.

### Our plans through 2006

We will encourage people to contact our helpline for advice as early as possible. Promoting the helpline in workplaces will be the key way in which we do this and our new subscription service for employers will facilitate this. We will work with unions, advice agencies and regulators to send out this message.

In public policy, we will lobby that whistleblowing is better used as a risk management tool and a means to clarify lines of accountability. At home and abroad, we will promote our approach to public interest whistleblowing - which favours open rather than anonymous disclosures, provides a safe alternative to silence, delivers meaningful protection and recognises the legitimate roles of employers, regulators, NGOs and the media.

In our services work with employers, unions and regulators across the UK we will (a) make whistleblowing work as a key element of corporate governance and risk management; (b) widely distribute the high value, low-cost support that is our Policy Pack 2003; (c) help organisations get middle management to buy in to whistleblowing; and (d) learn of and from any obstacles and impediments to this practical approach to accountability. We will build on our position as an impartial authority on whistleblowing and develop our role as a public interest consultancy.

Across the community, we will lobby media and government to show how individual action can inform and influence the public interest and to promote whistleblowing not as a private right, but as a public good based on consideration for others. We will research and chart attitudes toward whistleblowing among the public.

We will revise our guide to the Public Interest Disclosure Act. We will continue to monitor and review its operation and will consult with relevant interests on their experience of, and suggestions for improving, the Act. We will lobby Parliament to reverse the new rules on secret justice as they thwart the legislation and frustrate the public interest.

In doing all this work, we will need to strengthen our London office and secure our presence in Scotland while continuing to promote public interest whistleblowing overseas.

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