

Whistleblowing 101: Speaking Up About Misconduct in the UK

Whether you call it a whistleblower hotline, an ethics helpline or, our preference, a speak-up line, this important and sometimes neglected avenue for employees to report unethical behaviour has a history of being misunderstood. Only recently are companies seeing this line as more than a “tick the box” exercise and viewing it as an important piece of their organisation’s culture and compliance programme.

How is Whistleblowing Defined?

To fully appreciate the magnitude (both positive and negative) of whistleblowing, it is imperative to understand what whistleblowing is, and is not. According to [Gov.uk](https://www.gov.uk), a succinct definition of whistleblowing is *the reportage of wrongdoing by an employee that is made in the public interest*. Whistleblowing complaints must include one or more of the following: criminal offenses/fraud; danger to the public’s health and/or safety; risk or actual damage to the environment; a miscarriage of justice; legal breaches by a given company or organisation; the intentional covering up of wrongdoing in the workplace.

The important distinction comes in noting that personal grievances are not included in the legal definition of whistleblowing (unless made in the public interest); rather, they are considered under the respective employer’s policy on workplace grievances. This allows legitimate whistleblowing activity to be clearly differentiated from wanton vendettas, personal grudges and gratuitous acts of retribution.

What is Whistleblowing in the UK?

With the acceptance of whistleblowing as an important, albeit unofficial, form of checks and balances within the public and private sectors, some might be surprised to learn that whistleblowing has only been a protected action for less than two decades. Prior to 1998 (and unfortunately, sometimes still today), the whistleblower was often viewed as a turncoat, a traitor or common snitch—labouring under a negative stigma with co-workers and superiors alike. The whistleblower acted at his/her own discretion, and at risk of retaliatory actions by a given employer. That changed however with the [Public Interest Disclosure Act 1998](#), which was created as:

“An Act to protect individuals who make certain disclosures of information in the public interest; to allow such individuals to bring action in respect of victimisation; and for connected purposes.”

Since the start of the new millennium, the impact of the Public Interest Disclosure Act 1998 has been evidenced by the growing number of well-publicised cases of whistleblowers emerging from the shadows, with a collective willingness to speak out against perceived injustices.

UK Whistleblowing Ethics

Once a working definition of whistleblowing activities is in place, a profound concern is found in regard to a worker's own ethical considerations—essentially asking one's self, "Is whistleblowing an ethical practice?" Though this enquiry must ultimately be determined by the actual whistleblower, it can be significantly influenced by an employer's whistleblowing support systems, public perceptions, and one's own sense of loyalty to co-workers and employer.

Now, more than ever, public and private organisations offer whistleblower helplines and reporting networks via third parties, and are subject to increased scrutiny and accountability, thereby making the whistleblower's choice to act safer and easier than in the past.

Historical Whistleblowers

It is also important to note that many of history's most famous cases of whistleblowing have involved government agencies (MI5, CIA, etc.) with whistleblowers facing down intense scrutiny and systematic attacks on their personal and professional credibility.

Recent history remembers Edward Snowden as the international community's most recognizable whistleblower. In recent years, Britain has had several noteworthy whistleblowers. Paediatrician Kim Holt, the founder of Patients First, which aims to protect whistleblowers in the National Health Service, along with three other doctors warned hospital management that poor record-keeping procedures and a staff shortage would yield tragic results. Andrew Maguire, a commodities trader, went public about gold market manipulation. And a couple of MI5 whistleblowers in the 1980s, Cathy Massiter and Peter Wright, spoke up against the British government.

Fortunately, thanks to PIDA, UK whistleblowers today are much more protected. With the launch of the UK Whistleblower Act in September, financial firms and insurance companies are also held to higher standards. While the law changes, company culture also must change to help employees report without fear of retaliation or job impact.

What to do: Whistleblowing Procedures

So, what procedures should the whistleblower follow? Much of this consideration is predicated on a worker's specific employer and employment protocols, but in general terms the whistleblower should:

- Adhere to the employer's policy on whistleblowing (if available).
- Report the alleged infraction to the employer or prescribed person/body.
- Seek legal advice as needed or contact an established and trusted whistleblower helpline.

ADDITIONAL RESOURCES

- Benchmark Report: [2016 EMEA & APAC Whistleblowing Hotline Benchmark Report](#)
- White Paper: [New UK Whistleblower Rules & Procedures](#)
- White Paper: [5 Hotline Best Practices for Effective FCPA Compliance](#)

RELATED NAVEX GLOBAL SOLUTIONS

- [Whistleblower Hotline](#)
- [EthicsPoint Incident Management Software](#)
- [Hotline Awareness Solutions](#)

Should I or Shouldn't I “Blow the Whistle”?

Ultimately, whistleblowing is a deeply personal decision. Identifying proper resources, educating one's self, knowing one's rights and weighing one's actions for the public good, are questions that need to be answered before becoming a whistleblower. Properly preparing one's self will be an integral part of having a whistleblowing action fairly and accurately evaluated on the merits.

As more companies adopt a well thought-out whistleblowing programme for their organisations, individuals will have more certainty on whether or not they should blow the whistle. Our hope for the future is that company cultures will evolve in such a way that “blowing the whistle” will not be seen in such a negative light, but will be an avenue for improving an organisation's culture, reputation and, ultimately, bottom line.

To learn more about how NAVEX Global's whistleblower hotlines, incident management systems and expertise can help your organisation meet UK whistleblower requirements, email us at info@navexglobal.com or give us a call at +44 (0) 20 8939 1650.

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