

**PROPOSED WHISTLEBLOWING LAW
BY EILEEN CHUBB ©**

There are currently three whistleblowing laws being proposed to Parliament,

Firstly, The Office for the whistleblower, this is being proposed by Baroness Kramer and the discredited, dishonest APPG on Whistleblowing. We have already responded to this in full. In short it would not protect Whistleblowers as it is regulator reliant. Its primary aim is to make chosen law firms and the compliance industry huge profits. The proposed law is reflective of the level of ignorance of this APPG on identifying “Genuine” Whistleblowers.

Secondly Kramer, WBUK and their funders are Pro Bounty Hunting, and this proposed law, has enough loopholes to introduce the Bounty system at a later date given the opposition to this concept.

There is nothing but self interest at the heart of this law.

Protect PCAW, propose tweaking the catastrophic PIDA. Protect PCAW wrote PIDA a law that failed from the first case. There is nothing proposed that would protect Whistleblowers. It is again regulator and compliance reliant. We were the first to raise concerns in parliament about PIDA. We also raised serious concerns as early as 2002 about Protect PCAW and the conflict of interest caused by selling compliance packages to industry whilst promoting compliance friendly law. We have written extensively on this, please see our website www.compassionincare.com Also see my book [There Is No ME In Whistleblower](#)

The only proposed law that I have not yet fully responded to is, The Public Interest Disclosure Protection Bill, being put forward by Dr Phillipa Whitford MP. We now lay out our detailed reasons for not supporting this law.

One I do not agree with calling Employers “ Relevant Authorities” “Employer” is a straightforward term and changing this term to “authorities “is firstly going to lead to a great deal of confusion, for example if the police or other agencies are involved in investigations they are currently referred to as the relevant authorities.

Two Making everyone a whistleblower regardless of their motive for disclosing is going to result in mayhem, the public interest element must be

at the heart of any Whistleblowing Law. Only Edna's Law redefines the public interest element that is crucial to Whistleblowing law. See my copyright work on this [There Is No ME In Whistleblower](#)

The failure to apply the rule of law in defining "Public Interest" as opposed to self interest is exactly why PIDA and similar whistleblowing laws failed and will continue to fail.

Example

A parent raises concerns about her child's safety at a school, this does not make them a "Whistleblowing Parent" There is no such thing, it just makes them a good parent.

A teacher for example raises concerns about the children of strangers and they risk their livelihood and future career in doing so. This is whistleblowing. This sacrifice must never be held cheap by considering both situations as Whistleblowing because they are completely different.

Those who raise concerns about their loved one's care and safety must have an effective route to do so, there is currently no such route in existence, and this urgently needs to be addressed as a completely separate issue.

Lumping everything under the heading of "Whistleblowing" as Dr Whitford's Law does, will only make it more unlikely that anyone will be protected. It certainly will add to the injustice suffered by genuine Whistleblowers.

In my book I clearly define Whistleblower, Witness and Victim, the proposed laws lump every category together to the benefit of no one.

Please note* copyright applies to my book. Edna's Law needs to be implemented in full, not bits of it taken to bolster substandard laws. Copyright infringements will be result in legal action.

*Note all three laws fail on these crucial points.

Regarding the Whistleblowing Commission, this is just another regulator, the disease of "Regulator Blight" will soon set in. The same circle of corrupt individuals will carry on through the revolving door and will soon infiltrate this new Commission. Regulator Blight needs to be cut off at the root, not given more space to grow and contaminate.

Functions and Governance.

This sounds fine on paper but if you looked at any dysfunctional regulator or employer with an ingrained culture of abusive behaviours, you would find similar fine words, policies and procedures that are fully compliant and the complacency that comes with them.

The proposed Commissions standards are no different to those standards laid by CQC for example, they mean nothing in the real world.

**Example, The Commission will,
“Direct relevant authorities in their investigations and where appropriate conduct its own investigations”**

Meanwhile lives are lost, and people continue to suffer whilst the culprits investigate themselves with the inevitable outcome there has always been.

***All three laws are reliant on compliance.**

**This law also states,
“The Commission May set different standards- in different sectors for employers of different sizes”**

This does not comply with the rule of law, e.g. any law to protect Whistleblowers should apply to all sectors equally.

There is reference to asking for documents way down the line, which is pointless. Edna’s Law secures evidence immediately as the reality is documents are destroyed and this happens every day. How many people have been told “That document has been mislaid” its so common and this law does nothing to secure evidence?

Action Notice?

If standards are contravened the Commissioner may issue a notice.

Not compliant with the rule of Law, if something is against the law then it is against the law at all times, the haphazard “May” enforce a penalty leaves this to the discretion of the enforcer and the enforcer is all too often on the wrong side. As for an action notice, the bodies of the victims will have piled up long before this point.

Throughout the act the use of the term” May” is applied.

The redress section is very short and far too general, there is again the application of “May” issue a redress order. There is no detail of who judged the loss that needs to be redressed or why it applies to some but not others. Breach of the rule of law.

Whistleblowing cases are complex and require sophisticated investigation skills, when there has been serious cover-up, then simply approaching it as a hygiene inspector would approach a shop owner with a dirty fridge is just not going to work.

There is one entry I agree with, Whistleblowers must be awarded fair compensation for their losses but not rewards. Incentives as WBUK like to refer to bounty, are not whistleblowing. We are fully in favour of just compensation. Again, only Edna’s Law ensures the whistleblower is paid should their workplace be unsafe right up to the time a case goes to court.

Edna’s law makes both out of court settlements and non-disclosure agreements illegal, this act only tackles NDAs.

Protection from Prosecution

Protecting Whistleblowers against civil or criminal proceedings? There is no mention of the Official Secrets Act in relation to whistleblowing. Only Edna’s Law has submitted a detailed report on this issue alone, calling for a public interest defence to be allowed. See our report here,

<https://compassionincare.com/public-interest-enemy-no-1>

ACCESS TO JUSTICE

I can see nothing on this crucial issue, the outcome of a criminal case is cited but nothing on any system that helps the whistleblower overcome all the barriers to get that case to court in the first place. Many things are a criminal offence but are not prosecuted. That is why Edna’s Law is the only proposed law with an inbuilt scrutiny system, all police and CPS actions have to be reported on.

You will not find the word “May” anywhere in Edna’s Law. It’s a word that sums up exactly why we have lost our way from the principles of the rule of law.

If a law protects Whistleblowers it must protect all Whistleblowers at all times.

If something is a criminal offence, then it must be criminal offence at all times and be applied to all those breaking the law.

We cannot support any of the above three laws, one is inept and the other two self-serving and useless.

Edna's law is not being considered by Parliament for the very reason it would be effective and is feared.

I might be considered only a care worker and judged to not know what is needed. But I know more about whistleblowing than all of parliament. I founded this charity and rewrote the law as a direct result of whistleblowing and helping over 8000 Whistleblowers and 5000 families of abuse victims. Edna's law has nearly 7000 signatures of support.

If parliament do not have the courage to support Edna's law then we will take it the people who have the most to lose, the public whose interest we serve.

Eileen Chubb

