

**To Norman Lamb MP, The BIS Department**

**30<sup>th</sup> June 2014.**

**Evidence submitted to Department for Business, Innovation and Skills.**

We submitted comprehensive detailed evidence from 1500 Whistle-blowers (Breaking the Silence parts 1 and 2) In addition I submitted my book “ Beyond The Façade “ the story of the Bupa 7, the first PIDA case.

The Government’s response was published last week and this document is in response to their conclusions.

**The roles of the prescribed regulators.**

The Government have found that the regulators need to respond to concerns better and that this is more important when the employer has failed to act. However we submitted clear evidence that highlighted the following,

A number of whistle-blowers report to their employer numerous serious concerns that vulnerable people are being abused.

No action is taken so the Whistle-blowers take the concerns to the correct prescribed regulator who investigates and produces an inquiry report which fully upholds all the concerns.

However by this time the Whistle-blowers have been forced to leave their place of work in fear for their safety, having suffered physical assaults, harassment and been called liars by their employer.

The Whistle-blowers take a case to an employment Tribunal under PIDA; their employer denies they raised genuine concerns and that any harassment was suffered.

The Tribunal is fully aware of the prescribed regulators report but gives the employer assurances (Written evidence available) that the inquiry report will never be disclosed during the hearing or made public.

The Tribunal then proceeds to judge the disclosures and completely disregards and contradicts the regulators inquiry report.

### **Access to justice.**

We submitted numerous and detailed evidence to show that most whistle-blowers are not sacked but forced to leave after working in intolerable conditions. Most give up after trying to access the law as they cannot find legal representation because they do not have the means to do so. This is compounded by asking for a deposit to lodge a case. For the Whistle-blower forced from their job this deposit is often an insurmountable obstacle.

The Government have no plans to rectify this situation.

### **Whistle-blowing policies.**

Since PIDA came into force we have been assured that Whistle-blowing policies will change the culture and attitude of employers. After 16 years this has without doubt not happened and will never happen.

The Mid Staffordshire Hospital trust had robust Whistle-blowing policies that complied with PCAWs standards, as did the Welsh hospitals currently in the news, and countless other cases that never made the news. These policies did not save a single life because policies cannot change culture, what can achieve this is case law that sends out the right message, PIDA is not that law. The Bupa 7 were told “ They had not sufficiently considered the consequences to themselves before reporting the abuse” over the following two years it immersed via the media that further people were seriously abused in this same home because those who witnessed the abuse did consider the consequences of reporting it. The Government now say PIDA is a remedy and not a protection however it fails to do either because it not a deterrent to bad employers.

### **BBC Panorama, the Old Deanery.**

This programme was aired on April 30<sup>th</sup> 2014, it showed that a large number of whistle blowers had raised concerns two years earlier and were either sacked or forced to leave. Had it not been for Panorama the continuing abuse would never have come to public attention.

Norman Lamb Minister for care told Panorama “We need to send out the message there should be no place in our services for providers of that sort”

Most victims of abuse do not have the protection of Panorama but rely on a whistle-blower to speak out; The Panorama Whistle-blowers evidence was submitted to BIS in breaking the silence Part 2. None of our submissions have been addressed in the Government's response.

How many more people need to suffer before a robust law is put in place to hold those employers responsible to account.

The interests of the whistle blower and those they try to protect should not be under the jurisdiction of a Government Department that's serves the interests of business as the conflict of interest is clear and has resulted in PIDA, a law that allows lives to be lost and the vulnerable abused.

We now call for a public enquiry into all the evidence we have submitted and how and why PIDA has failed whistle-blowers and allowed the most vulnerable in our society to continue to be neglected and abused.

Yours sincerely

Eileen Chubb