

Petition of Eileen Chubb

7<sup>th</sup> August 2023

BUPA 7 Whistleblower

Founder and National Director of the Charity Compassion in Care

Co-Founder and Director of The Whistler

The petition of

Eileen Chubb

19a Transmere Rd

Orpington BR5 1DT

**To be laid upon the table**

To the honourable house etc

The views expressed in this petition are based on evidence from thirteen thousand whistleblowers and nine thousand families of abuse victims who have contacted the Compassion in Care and Whistler helpline.

The Author of this petition is Eileen Chubb of the BUPA 7 Whistleblowers whose case was fully upheld by the prescribed regulator.

As a result of our evidence, we have serious concerns about the following issues.

.The proposed law, "*The Office for the Whistleblower*" and exactly why this law would be calamitous for both whistleblowers and the public.

. The attempts to adopt the US model of bounty rewards.

. The BEIS whistleblowing review.

. The use of Grant Thornton.

. The ability of members of the public to access parliament on issues that Impact on their lives.

This petition lays out these concerns as succinctly as possible.

We are fully opposed to the office of whistleblower (OWB) for the following reasons.

This law would make every citizen a whistleblower and whilst this would bring huge profits for law firms, it would result in the OWB being deluged with calls from the following for example,

- . People complaining, they cannot obtain a GP or dental appointment.
- . Thousands of clinical negligence cases
- . A large percentage of annual adult safeguarding alerts, most recently recorded at over 500,000.
- . General complaints about organisations that would normally fall under trading standards issues.
- . Plus, all the current whistleblowing numbers such as FTSU reports

We are duty bound to draw your attention to the fact that the secretariat and main funder of the APPG on whistleblowing, WBUK, has no helpline in spite of repeated public assertions to the contrary and has recently outsourced even any digital contact with whistleblowers to an external compliance company, which raises concerns about the judgement of those instrumental in drafting OWB regarding their ability to meet demand even within their own organisation.

### Giving Everyone Whistleblower Protection

In summery every conceivable grievance would be classed as whistleblowing, which would result in genuine whistleblowers being lost in the deluge.

The following example should also be considered,

If a member of the public becomes aware that a financial institution is overcharging customers, they risk nothing in reporting this and trying to obtain a bounty reward.

If an employee reports this, they risk everything, their job, future employment prospects, they could lose their home, suffer serious financial hardship and all manner of other detriment.

This is the crucial difference between a whistleblower and a member of the public. The OWB holds cheap the very real risks taken by genuine whistleblowers.

The OWB aims to give whistleblowing protection to everyone, and it will in effect protect no one.

### The Majority Of Whistleblowers

The APPG on whistleblowing and its secretariat WBUK have repeatedly stated that most whistleblowers are from senior management roles. This is completely incorrect, most whistleblowers are from junior low paid roles.

Our data shows that a Care Worker, Nursing Assistant or Nurse are more likely to be reporting senior colleagues or management.

Data from the Whistler shows that for example a classroom assistant or teacher is more likely to be reporting concerns about senior staff such as a head teacher.

This pattern continues across **all** sectors, however the false narrative that whistleblowers are more likely to be senior management and from high paid positions stems from a preoccupation by some whistleblowing organisations with whistleblowers ability to pay for legal representation.

Being able to access the law because of an ability to pay is **not** what makes someone a whistleblower, the disclosures in the public interest are what makes someone a whistleblower.

## Access to the Law

Baroness Kramer in a debate for the introduction of OWB stated clearly “*Most whistleblowers end up in Employment Tribunals*” This however is **not** the reality, **most** whistleblowers cannot access the law at all.

When you have just lost your job for whistleblowing and are from a low paid role, you will be more likely to have no savings, no financial buffer at all and therefore no access to legal advice.

The majority of genuine whistleblowers, the very people that need championing the **most**, their existence is deleted from the record because they could not access the law at all. In short those who deserve the protection of the law the most, are failed the most, not only by the current law but by those proposing a OWB as remedy to the current law.

## The OWB reliance on prescribed regulators.

Last year we called for evidence from whistleblowers and families of abuse victims re their experiences of reporting abuse to regulators, ombudsmen, professional bodies, and safeguarding authorities. We expected hundreds of written statements, we have to date received twenty-five thousand statements regarding these authorities failures to investigate concerns. What we intended to be one special report has turned in a mammoth task that will be spread over three volumes of evidence.

What is clear is the routine fundamental failures of these authorities to investigate and act on concerns and any law that relies on such authorities is fatally flawed.

WBUK and the APPG on whistleblowing have defined the “*introhive*” case as whistleblowing, however this is most definitely not whistleblowing. The individual involved threatened to go to the regulator and report alleged wrong doing unless his employer agreed to a financial settlement. This is blackmail **not** whistleblowing.

Please see [Blackmail Greed and Revenge V Genuine Whistleblowing](#)

Our proposed law, Edna's Law in strictly defining the public interest not only protects genuine whistleblowers but also protects innocent employers from such unscrupulous individuals.

### How the OWB would be funded

From fines of large financial institutions, by its very nature the OWB is going to give priority to whistleblowers from the financial sector to the detriment of all other sectors.

The OWB is also far too connected to government and would never be trusted by whistleblowers.

### Bounty and The US System

The US system is widely quoted as successful by WBUK and the APPG on Whistleblowing, a fact confirmed by simply reading their documentation, however from tens of thousands of whistleblowers in the US every year, less than 50 individuals being given bounty payouts cannot be viewed as a success.

The majority of US whistleblowers cannot access legal support as lawyers are only interested in lucrative cases. The majority of whistleblowers at best are offered reinstatement. Most whistleblowers view reinstatement as a detriment not a remedy with many having been driven out of their job by serious harassment and bullying as a result of whistleblowing and returning to such a toxic environment is a risk to both mental and physical health.

Reinstatement leaves the whistleblower vulnerable to an employer fabricating evidence of misconduct against them, biding their time and sacking the whistleblower many months later at which point the whistleblower will have no legal redress.

Introducing bounty or rewards would be a disaster for UK whistleblowers with whistleblowers being smeared and discredited, accused of making up allegations in order to obtain money. This would result in concerns being ignored or discredited.

The US system intended by OWB would also attract far too many people that have no concern for the public interest but who are just chancing their luck to get a payout, in short it would lead to a culture where some individuals would think in terms of “*What’s this information worth?*”

Meanwhile the genuine whistleblowers are left in the queue waiting to be heard. With many genuine whistleblowers trying to save lives, stop abuse or other time sensitive, critical situations. This would have calamitous consequences for the public interest, perversely the OWB would routinely harm the public interest by its very existence.

I have often been asked what makes a genuine whistleblower and my answer is always motive, what was the motive for whistleblowing has to be a crucial test.

The public interest has to be at the heart of whistleblowing, the US system would turn whistleblowing into a supermarket dash or black Friday sale, where the genuine whistleblowers will be trampled underfoot in the stampede for cash payouts.

I refer you to the work of Professor Platt [The Whistleblower Industrial Complex](#)

Professor Platt estimates that 6 repeat player law firms have extracted likely tens of millions from the US whistleblowing programmes. At least two of the firms mentioned are funders of WBUK who in turn fund the APPG on whistleblowing. Which results in **only** WBUK donations to the APPG being entered in the register of interests.

In effect vested interest money is being laundered via WBUK before reaching the APPG on whistleblowing.

How much money is involved and what percentage of WBUKs income comes from vested interest sources is kept from the public as WBUK only publish filleted accounts and whilst this is legal for an ordinary company it is outrageously wrong in a company that is both secretariate and main funder of an APPG.

WBUK are also funded by the compliance company Navex. The OWB is compliance industry friendly law.

Perversely Navex are also the BUPA compliance company and if anyone holds the opinion that compliance protects people then I ask them to read

[Breaking The Silence Part Three](#)

I also refer them to read the following history of compliance failures

[The Australian Royal Commission Report on Aged Care](#)

[Dismantling The Facade](#)

The support for Edna's Law stands at

7,226.

The fourth attempt at a petition supporting OWB stands at

222

However, OWB is being railroaded through and any evidence to the contrary is being suppressed.

WBUK have attempted a SLAPP on the book [There is no Me in Whistleblower](#) a book that simply lists the evidence in support of Ednas Law. They have also used the tactic of making completely malicious allegations in order to disrupt any challenge or dissent to the OWB agenda.

[The BEIS review on Whistleblowing](#)

Kevin Hollinrake MP, former member of the APPG on whistleblowing and on the record as being pro bounty for financial whistleblowers, which is a concept that contravenes the rule of law, has been very vocal about his support of a particular constituent being "*Down Millions*" whilst most whistleblowers we deal with are, "*Down Everything*"

The pro bounty agenda of all connected to the APPG on Whistleblowing is relying on Mr Hollinrake to push the OWB through. WBUK have recently tweeted that only evidence that comes via them is likely to be heard at all.

I and Dr Minh Alexander have asked BEIS why there is no means to submit evidence to this review. This fact says this whistleblowing review is a forgone conclusion and no evidence that contradicts the OWB, and bounty agenda will be considered or indeed even be allowed to be submitted.

Dr Minh Alexander recently highlighted the alarming fact the private company, Grant Thornton is undertaking the research relating to this review, a private company who is making a handsome income from whistleblowing compliance is being given the role of gathering evidence for a proposed law that would benefit them directly.

This petition is our only way to access parliament which does not involve spending money on an APPG or trying to influence MPs with hospitality for example. We do not believe that this should be the reality, we believe our beneficiaries should be heard as citizens of this country. However, this petition is the only route open to us.

This charity Compassion in Care runs on 14k annually, has no salaried staff and runs on the goodwill of those we have supported who then volunteer to give that same support to others. Whistleblowing is about the public interest, not making big bucks for law firms or the compliance industry. Or indeed MPs

On the issue of whistleblowing surely the public interest has to served even if it's the **only** time a stand is taken against corporate funding influencing UK law and policy.

I urge the house to have the courage of a whistleblower and look at the facts, read the evidence on our website and demand the full financial records of WBUK and its directors to be published

To oppose OWB and support Ednas law along with an acceptably independent inquiry into all historic **genuine** whistleblowing cases.

Ensure all those so willing to betray whistleblowers in order to further the agenda of their own vested interests are independently investigated by a



party acceptable to both us and parliament. (**Excluding** the parliamentary commissioner for standards and the standards committee)

Stop the review, suspend the APPG on whistleblowing, ensure all those directly involved and those who have watched from the sidelines and remained silent, never influence whistleblowing again.

Close the loophole that allows vested interest funding to buy UK law.

Whistleblowers and the public deserve nothing less.

And your petitioner humbly prays etc.