

## NHS employer reprisals against whistleblowers – time for a cost:benefit analysis

### Abstract

In recent years an apparently growing number of cases of whistleblowing by UK National Health Service (NHS) staff have reached the public domain. Exact numbers are not known because reliable statistics do not exist. This is despite a 2015 recommendation from the House of Commons Health Committee *‘that there should be a programme to identify whistleblowers who have suffered serious harm and whose actions are proven to have been vindicated, and provide them with an apology and practical redress’*.

At a time of austerity, tight finances and skills shortages it is pertinent to question the value-for-money of the actions of NHS employers who embark on disciplinary action against staff who raise concerns in the public interest. Something of a whistleblowing industry has developed in recent years, driven partly by the 2015 *Freedom To Speak Up* Review which led to the creation of large number of Freedom To Speak Up Guardians and other new NHS posts. Dealing with whistleblowing cases creates substantial work for NHS HR, managerial and legal teams. Furthermore large sums of money are paid in legal fees, of both respondents and claimants, when employment disputes lead to litigation. For example it has been revealed in a recent case that over £700,000 of taxpayers’ money has already been spent in attempting to defend a patient safety case brought by a junior doctor – including attempting to deny him protection under legislation intended to protect whistleblowers. Meanwhile staff who have raised concerns have to somehow fund their own legal support. There is a huge, and in the eyes of many, iniquitous inequality of arms when whistleblowers subject to disciplinary action seek justice through employment tribunals – which are an additional drain on the public purse.

It is time to ask who benefits from the current system, and how much it costs.

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