

# Where's whistleblowing now? 10 years of legal protection for whistleblowers

## Executive summary

This report explores 10 years of the Public Interest Disclosure Act (PIDA): development of the law, a snapshot of our helpline over the last ten years and attitudes in the media and the community towards whistleblowing. Below is a snapshot of some of the report's key findings.

### PIDA statistics (pp3-8):

- The number of PIDA claims increased from 157 in 1999/2000 to 1761 in 2009
- Employees lodged over 9000 claims alleging victimisation for whistleblowing up to 2009<sup>1</sup>.
- Two-thirds of these claims were settled or withdrawn without any public hearing.
- Of the remaining third 68% lost, 27% won and in 6% of cases the claim was either settled or withdrawn before the tribunal made a judgment.

### *From our analysis of PIDA judgments:*

- 8 out of 10 claimants first raised their concern with their employer.
- 8% of claimants raised their concern with a regulator.
- Only 1% of individuals who initially raised their concern with their employer or a regulator subsequently went to the media.
- Over £9.5 million has been awarded to successful PIDA claimants.
- The highest amount awarded was over £3.8 million, the lowest £1,000. The average award was £113, 667.

### PCaW helpline statistics (pp9-12):

- Since 1993 we have taken over 17,000 calls from individuals seeking our assistance.
- 26% of calls to the helpline related to financial malpractice; 12% to public safety.
- 75% of callers with public concerns, who had already raised them, said they did so openly.
- On average 29% of calls came from the health and social care sector; 6% from the financial sector.
- 35% of callers with public concerns came to us after they'd suffered reprisals.
- 95% of callers we successfully contacted for feedback said our advice was clear and easy to understand.
- 8 out of 10 callers said our advice was helpful and would recommend us to someone with a public concern.

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<sup>1</sup> According to statistics provided by the Department for Business Innovation and Skills.

### Public perception & media representation (pp15 - 19):

- 54% of newspaper stories represented whistleblowers in a positive light; only 5% were negative (the remainder being neutral).
- Research found a total of 2,454 media stories on the topic of whistleblowing from 1997 to 2009.
- 87% of individuals said they would raise a concern about possible corruption, danger or serious malpractice in the workplace<sup>2</sup>.
- 38% of individuals said their employer had a whistleblowing policy<sup>3</sup> (up 9% from 2007).

### PIDA cases & other highlights:

#### *Cases:*

The report contains summaries of 30 PIDA cases (pp25 - 34) as well as 8 case studies (pp13 -14) from our helpline.

#### *Regulator referral (p3):*

From April this year, in response to PCaW's campaign, claimants making a PIDA claim can opt to tick a box on their ET claim form giving consent for their form to be passed to the regulator to investigate the concern, meaning the concern can come to light even if the claim is settled.

#### *Best practice guide (p20):*

The Committee on Standards in Public Life accepted PCaW's recommendations on good practice with regards to whistleblowing policy, including there being a clear route for by-passing line management when raising concerns, and ensuring staff are aware and trust whistleblowing avenues.

#### *Where next (p23):*

We outline our view on what more can be done to raise awareness and strengthen whistleblower protection and support.

We do hope you will take time to read the report in full.

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<sup>2</sup> 2009 YouGov survey for PCaW.

<sup>3</sup> Ibid.