

ANNEX 1

Regulation and whistle-blowing: a joint draft statement from the health professional regulators

1. Introduction

Whistle-blowing by health professionals has recently had a high media profile. Allegations have been made that health professional regulators do not protect registrants who raise concerns and that the possibility of action being taken against is a disincentive to whistle-blowing.

All regulators demonstrate a strong and clear commitment in their codes of practice to support whistle-blowing. No health professional has had sanctions applied by a regulator where they have raised a legitimate concern about standards of care in an appropriate way.

2. The responsibilities of healthcare professionals

Health professionals have a duty at all times to protect and promote the needs of the patients and clients. All the codes of practice of the health professional regulators' identify a clear responsibility to report concerns where there is or maybe a risk to patient safety. Relevant extracts of these are given in the annex to this document.

All health professionals have a responsibility for their own practice. They must ensure that they keep their practice safe and up to date through reflective practice and continuing professional development. They must not undertake procedures or provide care beyond their competence. Where they feel that a patient requires treatment or care of a kind that they are not competent to provide, they must seek help from colleagues and refer the patient accordingly.

All health professionals have a responsibility to respond if they think that a colleague is acting unsafely or unprofessionally through their conduct or performance. They should keep written records about what is happening, and when. They must express their concerns to the employer or relevant regulatory body. They should exhaust all possible local procedures for expressing concerns.

All health professionals have a responsibility to act if they believe that the healthcare environment, management or other system-related matter is putting patients at risk. Again, they must keep written notes of their concerns, and follow local procedures to express these concerns. If patient safety is still at risk, despite having tried to express concerns, advice should be sought from a senior and trusted colleague, a professional organisation, a defence organisation, the appropriate regulatory body and/or Public Concern at Work.

Health professionals in management positions have particular responsibilities for the teams and environments they manage. They must create a culture of openness and transparency which supports staff who make known any concerns about patient safety.

3. Whistle-blowing and the law

Whistle-blowing is protected by law (the Public Interest Disclosure Act 2003: <http://www.pcaw.co.uk/law/uklegislation.htm>). The organisation Public Concern at Work exists specifically to advise and support anyone who has serious concerns about practice in their place of work and are unsure how or unable to get these concerns acted upon. It has a specific contract to provide advice and guidance to staff in the NHS in England who have concerns about something they feel ought to be addressed. PCAW provides advice and guidance to potential whistleblowers on its website (www.pcaw.co.uk) and through its helpline (020 7404 6609, 9am-6pm, Monday to Friday) or helpline@pcaw.co.uk. PCAW stresses that a whistleblower is a witness, not a complainant. They encourage those who raise concerns to let the facts of a case speak for themselves, and allow those responsible to take action upon the information.

4. Responsibilities of Employers

All organisations employing health professionals should work to promote a supportive climate of openness in which staff feel able to raise concerns in a reasonable and responsible way, without fear of victimisation. All employers should have a policy on whistle-blowing which will include sources of advice for those who may wish to raise concerns. More information with regard to employers in the NHS is available from NHS Employers:
www.nhsemployers.org/EmploymentPolicyAndPractice/Pages/Whistleblowing.aspx

5. Statement of Commitment

All of us as health professional regulators reaffirm our commitment to uphold high standards of professionalism among our registrants. We support health professionals who raise concerns about standards of care, where they do so in an appropriate, responsible and professional way as part of their wider duty to act quickly to protect all patients and the public from risk of harm.