Whistle Blowing

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How do you deal with a situation involving another member of staff, vets or members of the senior management team? Is your concern is to do with serious inappropriate action or behaviour towards either yourself or animals within the care of the practice? Also what if it goes against your professional judgement? For example, what if you become aware that your Practice principal charges clients for medicines or treatment that have not been provided? They may dispose of medications in an inappropriate fashion or health and safety may be at risk due to a failure to follow manufacturer's guidelines on use of equipment?

If you think there could be malpractice or wrongdoing happening within your workplace then you can "blow the whistle" on the behaviour by making what is known as a "qualifying disclosure" to an external body as defined in the Public Interest Disclosure Act 1998.

A qualifying disclosure is "any disclosure of information which, in the reasonable belief of the worker making the disclosure" shows at least one "relevant failure". The Act gives protection to employees, self-employed people working under a contract, agency workers, home workers and others.

The failures may be any of the following:

- A criminal offence has been, is being, or is likely to be committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation
- A miscarriage of justice has happened, is happening or is likely to happen
- The health and safety of any individual has been, is being or is likely to be damaged
- Damage to the environment has occurred, is occurring or is likely to occur
- Information showing any of the above has been, is being or is likely to be deliberately concealed

When making a qualifying disclosure you should, in the first instance, raise the concern using the Practice's Grievance Procedure. Thereafter you may take the grievance to a regulatory body such as the Royal College of Veterinary Surgeons, a legal adviser, or a Government Minister. If however you feel unable to raise the concern within the Practice, there are other "prescribed" people you can make the disclosure to. These range from the Health and Safety Executive to official ombudsmen.

The RCVS has the authority to deal with three types of case:

- Fraudulent registration
- Criminal convictions
- Allegations of disgraceful professional conduct

If you feel there may be malpractice where you work, you should, in the first instance, contact the RCVS Professional Code of Conduct Department*. They will provide advice on the procedures to be followed. The RCVS is required by statute to investigate any complaint against a member which may give rise to an allegation of professional misconduct.

Protected disclosures

For your disclosure to be protected by the law you should make it to the right person and in the right way. You must:

- make the disclosure in good faith (which means with honest intent and without malice)
- reasonably believe that the information is substantially true
- reasonably believe you are making the disclosure to the right 'prescribed person'

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If you make a qualifying disclosure in good faith to your employer, or through a process that your employer has agreed, you are protected. You should check your employment contract to see if your employer has set out a process for whistleblowing.

Dismissal or victimisation for whistleblowing

If you are an employee protected from whistleblowing and you are dismissed for complaining about malpractice at work, you can make a claim for unfair dismissal, even if you don't have one year's service (or two years service if you started with the practice since April 2012).

If you have been victimised or suffered detrimental treatment (eg you have been demoted or denied promotion), because of blowing the whistle you may be able to take your case to an Employment Tribunal. Your claim would be for 'detrimental treatment'.

You can call the BVNA Advisory Service on 01822 870270 if you wish to discuss any issues arising from this article, or email nicky@hrsupportconsultancy.co.uk.

*Further information can be found RCVS Code of Professional Conduct for Vet Nurses, Section 20.

For further support with this or any other HR issue, BVNA members can call the BVNA Members Advisory Service Helpline on 01822 870270.

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