

Bankers Order

To (Name & Address of your bank)

.....
.....
.....
.....
.....
.....
.....

Your bank Sort Code: _____
Your account No: _____

Please pay Freedom to Care

the sum of £ _____ every year

starting on _____ [date]

Signature.....

Name [PRINT].....

For bank information
Account: Freedom to Care
Sort Code: 08-90-80
Account No: 50196980
Cooperative Bank
14 New Broadway
Ealing LONDON W5 2XL

Freedom to Care

*Campaigning for
employer accountability to the public
and employees' civil rights*



*Let's see an end
to gagging and bullying*

Assert your right to work with a social conscience

FREEDOM TO CARE is registered as a Company Limited by Guarantee No. 2973440 at Cardiff. It is not a profit-making company and its directors are not paid. Its registered office is at 17 Cherry Tree Rd, Sudbury CO10 0LJ. General inquiries may be made to 0181-224 1022 (Tel/fax/voicemail) or by e-mail to 101523.2644@compuserve.com or by writing to PO Box 125, West Molesey, Surrey, KT8 1YE, United Kingdom.

GRANT: **FREEDOM TO CARE** is supported with a grant from the Joseph Rowntree Reform Trust for 1994-1996.

At 1st January 1996 its personnel structure was as follows:

PATRONS: John Hendy QC Allan Levy QC

BOARD OF DIRECTORS:

Maureen Eby [Treasurer] Harold Hillman [Parliamentary Liaison]
Geoffrey Hunt [Company Secretary] Cyrelle Jan Anne Leaver
[Coordinator Scotland] John Linsie Paul McGee [Recruitment]
Susan Machin [Chair] Elizabeth Pattison [Fundraiser]
Graham Pink Ron Thomson [Commercial Director]

MEMBERSHIP SECRETARY & INTERNET COORDINATOR:
Barry Gorman

COUNSELLING:

Peter Baddeley Margaret Raine

INFORMATION & RESEARCH:

Medical Profession: Dr Peter Tomlin Dr Diane Lefevre
The Law: Karen Rea (barrister) Sue Hungerford (barrister)
Social Work: Edna Briscoe (BASW representative)
Defence Services: Frank Scott
Private Health Care: Richard Ennals
Scientific Research: Chris Chapman
Accountancy & Auditing: Prem Sikka
Grievance Procedures: George Sansbury
Nursing: Graham Pink Annie Greenwood
Education: John Linsie
Criminal Justice: Chris Taylor

FREEDOM TO CARE works closely with the legal profession

MEMBERSHIP FORM

PLEASE RETURN THIS FORM TO:

Membership Secretary
Freedom to Care
PO Box 125
West Molesey
Surrey KT8 1YE

USE BLOCK CAPITALS

Name.....

Address.....
.....
.....
.....
.....

Post Code.....

Date.....

£12 p.a. for individual membership
£3 p.a. for students & others on low income
£25 p.a. for affiliation by organisations

Tick following as applicable:

I/We wish to....

- * become a member of
- * renew my/our membership of
- * affiliate to
- * make a donation to
.....Freedom to Care

I am/we are paying by....

- * a cheque for the sum of £ _____
- * standing order (see overleaf)

SPEAKING FOR OURSELVES

Conscientious employees do not need to depend exclusively on outside experts to speak for them. Experts and paid officials do not necessarily become part of the problem - but it happens too often for comfort! Ethical employees can speak for themselves. This is what *Freedom to Care* has demonstrated. Here is what some conscientious employees have said about *Freedom to Care*:

Chris Chapman, Leeds biochemist

"FTC has provided some of the most useful advice and assistance in my case. At the moment unions usually do not understand the kind of help whistleblowers require. This is why it is essential to have a specialist organisation like FTC. The unions should make use of it."

Desmond Smith, Ashford health visitor

"FTC gave me humane assistance. I didn't know where to turn, but it gave me hope and showed me I wasn't alone. I would probably have given up without it. Without FTC pressure I would not finally have got the union's legal support and I wouldn't have won the case. I hope FTC will go on being there for many other conscientious nurses. It's vital."

Bill Mallinson, Bournemouth lecturer

"FTC has acted with balance, integrity and incisiveness in supporting my case. It has rallied support, gained considerable media coverage for me and I believe it has been largely instrumental in getting certain financial investigations reopened. Without an organisation such as FTC our country would be in an even more cowed state than it is."

A PYRAMID OF DISSENT

In the unethical organisation not everyone with a concern blows the whistle. Not everyone wants to. Not everyone can. The whistleblower is at the top of the pyramid of dissent. For every whistleblower there may be 100 obstructed complainants - employees who raise a public concern and then drop it when they see what they are up against. For every obstructed complainant there may be 100 fearful bystanders - employees who see what is wrong but are too afraid, and have too much to lose, to make a complaint or raise a concern. If you work in an ethical organisation you are lucky - you are in the best position to help those who are not so lucky. Wherever you work, in this tightly woven and shrinking world, everyone has an interest in working towards the ethical organisation. You don't have to be a whistleblower to join us.

MAKE YOUR CONCERN OUR CONCERN, JOIN NOW

CITIZENS AT WORK

Some workplaces are ethically organised. Some are simply muddled. Some are unethical.

How many Barings staff knew something was wrong, but could not speak up? How many people working for Shell feel uncomfortable about its overseas policies? When the Clapham rail disaster occurred how many railway workers could say 'I knew something like this would happen'? How many social workers believe they are forced to neglect clients? How many doctors and nurses feel they must accept practices which they would find unacceptable for their loved ones? How many people worry that their employer maltreats animals, but try not to think about it?

Our experience and research shows that very many employees are troubled by unethical practices and policies at work - but may be gagged, bullied, intimidated, have their professional judgement ignored and their integrity questioned.

ETHICS AT WORK

Many of the social and global problems we feel morally concerned about are created by the very organisations we work in. If we remain silent and passive in those organisations we are allowing those problems to multiply. As members of those organisations we have a right to be heard. Our citizenship should be carried into the workplace.

The ethical organisation is one which recognises our citizenship, respects our social concerns and our civil right to express those concerns. It is open, respects due process, and encourages staff initiative, discussion and problem-solving in relation to the social consequences of the organisation's activity.

WHERE WE COME FROM

All over the world a historical tide of human rights and individual responsibility has been turning against unaccountable and irresponsible bureaucracies, public or private. The new consumer movement was already demanding information and responsibility from product and service providers. FREEDOM TO CARE emerged in the UK in the wake of public expenditure cuts, a new climate of fear in the public sector, and insecurity in the private sector. A number of individuals had 'blown the whistle' on low standards in their organisations. Some had been victimised. Geoff Hunt, having resigned over standards at Swansea

University the year before, organised the first UK conference on whistleblowing in December 1991 at Nottingham University. Graham Pink, the Stockport charge nurse dismissed for complaining about standards of care, was a speaker. Afterwards Geoff and Graham put their heads together. The time seemed right to bring together others who had shared their experience. Other ethical dissenters who were in the news, such as the biochemist Chris Chapman, joined in. So the Healthcare Accountability Network was formed, first meeting in Ealing. Expanding its remit to embrace social workers, then all public sector employees, and finally all employees, the network changed its name to **FREEDOM TO CARE** and was

officially launched at the House of Commons in November 1992. This self-advocacy organisation was not set up with any money and is politically independent. It gives support to individual dissenters many of whom, such as Ashworth Hospital social worker Sue Machin, have joined up. In 1994 the Joseph Rowntree Reform Trust provided a grant to help us on our way. Of course, we have grown, appeared in the news, taken on more responsibility, clarified our ideas. We now believe that campaigning for ethical change in the work environment is the only way forward. To achieve our goals we need large scale support. Will you join us and assert your right to work with a social conscience?

PUBLICATIONS

* *Geoff Hunt Whistleblowing in the Health Service* Arnold, 1994.

* *A Whistleblower Protection Act: Would it Work?* FtC, 1995, 32 pp., £4.

* *A Checklist for the Conscientious Employee*, FtC, 1994, 4 pp., free.

* *The Whistle*, bulletin of Freedom to care, 32 pp., twice a year, free to membership.

* *Sir Michael Davies, The Davies Report: The 'Great Battle' in Swansea*, Thoemmes Press, £4, from 11 Great George St., Bristol, BS1 5RR.

WE WANT TO SEE.....

...CORPORATE EXECUTIVES PERSONALLY LIABLE FOR THE WRONGDOINGS OF THEIR ORGANISATION

It goes with the job, it goes with the responsibility, it goes with the salary. There must be legislative changes to company and public law to punish both responsible individuals and the organisation as a whole when members of the public are negligently harmed

...MANAGERS ACCOUNTABLE TO THE PUBLIC

All levels of managers in all organisations must be transparently accountable to the public. A situation in which there are strong expectations on ordinary employees to be accountable while the accountability of managers is weak is completely unacceptable in a democracy which recognises the social impact of employers' policies

...BULLYING AT WORK MADE A CRIMINAL OFFENCE

People in positions of authority at work can often get away with threats, harassment, victimisation and mental pressure - simply because they have a position of authority. It is as wrong to bully someone at work as it is to bully someone on the street

...GAGGING CLAUSES STOPPED

Many employers, such as some NHS Trust Hospitals, put confidentiality clauses in contracts of employment which are of doubtful legality and enforceability. In recognition of the right to freedom of speech, the UK government should give clear policy guidance to employers to stop this intimidating practice

...A STATUTORY RIGHT TO COMPLAIN

Employment law must be amended to embrace a statutory right of employees to complain or raise a concern. Along lines similar to other anti-discrimination legislation (race, sex, disability) employers should have the onus placed on them to show that they are not infringing a right by dismissing or otherwise penalising an employee on a matter of social conscience

...PUNITIVE COMPENSATION

There should be no ceiling on tribunal awards to employees against employers who infringe their right to complain. Awards should not only make recompense to the employee, they should punish and deter the organisation in proportion to their assets or turn-over.

*Have you consulted the Commission for Racial Equality or the local Equal Opportunities office?
Would an injunction be relevant? Could your case be taken to a European court?
If you are the victim of a bad decision by a public body have you considered applying for judicial review?
Have you sought advice and support from civil rights organisations such as 'Liberty' and 'Freedom to Care'?*

STEP EIGHT: PARLIAMENT

*Have you spoken to your Member of Parliament?
Have you spoken to local government officials?
Have you spoken to your Member of European Parliament?
Have you considered petitioning Parliament under the law of Parliament? (consult your MP)
Would a Parliamentary Question be helpful?
Have you consulted the relevant Ombudsman?
Have you written to the relevant Ministers?
Have you written to the relevant Secretary of State?
Have you considered taking the matter to the various spokespersons of the opposition parties?*

STEP NINE: INDEPENDENT INQUIRY

*Have you sought an inquiry?
How independent an inquiry could you get?
Where does responsibility ultimately reside and/or to whom would an appeal ultimately be made?
Has an independent inquiry been demanded from that body? (Consider the Chief Executive, Board of Governors, Chairperson, Inspectorate, Privy Council, Secretary of State etc.)
Could pressure be built up for such an inquiry and how?
Could a petition be organised?*

STEP TEN: PRESS & COMMUNITY

*Is 'going public' justified by the public interest?
Have you taken your concern to the community or its representatives (e.g. Community Health Council or some consumer watchdog)?
Have you considered the possibility of a local community campaign?
Have you been to the local or national press, local or national radio, local or national TV?
Have you considered writing and distributing a pamphlet about your concern and any victimisation you have suffered?*

NOTE: The advice which FREEDOM TO CARE offers is practical in nature and is based on the cumulative experience of its members and supporters. It does not take payment for its services and cannot accept legal liability for the advice it gives.



Freedom to Care

DEFENDING THE EMPLOYEE'S DUTY TO SPEAK OUT IN THE PUBLIC INTEREST

A CHECKLIST for the CONSCIENTIOUS EMPLOYEE

If you are running into difficulties, or envisage difficulties, as a result of raising concerns about ethically unacceptable practices or policies in your workplace it might be helpful to run through the questions in this leaflet. If you feel overwhelmed, you may wish to contact us immediately. FREEDOM TO CARE may be able to offer you various kinds of assistance. Our address is:

FREEDOM TO CARE
P.O. BOX 125
WEST MOLESEY
SURREY KT8 1YE

STEP ONE: EVIDENCE

*Do you have evidence? How far is the evidence contestable?
Is there an audit/quality assurance document you can refer to?
Are there others who have evidence or are witnesses?
Do you have the evidence (letters, memos, records, etc.) in your possession? Are you supposed to have it in your possession?
How far will claims about its confidentiality carry weight?
Are you keeping a diary of events?
Are you keeping copies of all relevant documents in a safe and accessible place?
Is there material the police or similar agencies would be interested in?
Is there material covered by the Official Secrets Act or similar legislation?*

STEP TWO: LOCAL SUPPORT

*Are there witnesses?
Do you have the support of colleagues or can you get it?
Have colleagues expressed similar concerns in the past?
Will colleagues help you to put the concern in writing?
Has the concern been raised informally with colleagues and/or management?
Could you arrange an informal workplace meeting to discuss the matter?
Could you raise it at a grass roots meeting (e.g. shop floor, departmental)?
Do you have a fair idea of which colleagues will oppose you, and which will sit on the fence?
Do any colleagues have informal influence they could exert?
Have you discussed the issue with family/friends and do they support you?*

STEP THREE: INTERNAL CHANNELS

*Have you identified each step in line management?
Is it feasible to climb through each step with your concern?
Have you identified all the persons/bodies you are accountable to? Can any help?
Can you and have you made a clear, well-informed, balanced and non-emotive presentation of your concern to management in a cooperative spirit, and have you done so in writing?
Have you indicated to management how their own interests and that of the institution may be adversely affected if the concerns are ignored?
Have you made the management aware of official guidelines which require them to address your concern?
Is there an Inspectorate to whom your concern could be addressed?
Are there any internal bodies or quangos that your management is accountable to?
Would the auditors be interested?
Would the police be interested?*

STEP FOUR: DISCIPLINARY PROCEDURES

*Have you got a copy of the disciplinary procedure and have you studied it?
Is your manager susceptible to discipline under a code of conduct/practice?
Might there be grounds, genuine or spurious, for disciplinary action against you and have you taken any preemptive action?
If disciplinary action is pending have you asked management to set out dates and charges?
Is there an appeal procedure and are you familiar with it?
Have you got a copy of the grievance procedure (from personnel office) and can you use it to further your concerns?
If you are being victimised and counter-allegations are being made against you, are you keeping cool, maintaining priorities and keeping your eye on the ball?
Have you consulted the ACAS advisory handbook 'Discipline at Work' and is your employer aware of it? (ACAS: 071-210 3000)*

STEP FIVE: UNION

*Do you belong to a union?
Would it be worthwhile joining one?
Is there a local agreement with a union and if so what are its terms?
Have you consulted the union?
Could the concern be raised collectively at a union meeting?
If your branch is unhelpful have you considered taking the matter to the union's headquarters (e.g. national professional officer)?
Would it be worthwhile changing your union or joining a second one? (Check with new union before changing.)*

STEP SIX: PROFESSIONAL BODIES

*Do you belong to a professional association?
Would it be worthwhile joining one?
Have you consulted a professional association?
If your profession is regulated by a statutory body have you consulted that body?
Have you considered reporting an offending colleague to his or her statutory body? (not necessarily the same body that regulates your profession)
Have you studied the relevant Codes of Conduct?
Has your professional body published guidelines setting out relevant standards and policies?*

STEP SEVEN: LEGAL ACTION

*Have you sought legal advice from a lawyer?
Do you have a solicitor?
Have you sought legal aid?
Have you been to a Citizens' Advice Bureau?
What does your contract of employment say, and is there a gagging clause in it?
If you think a criminal offence has been committed have you contacted the police?
Could you embark on civil action?*

Your support is invaluable in helping conscientious employees who are speaking up in the public interest. FREEDOM TO CARE has assisted individual whistle-blowers, has raised public awareness of the issue of freedom of speech in the workplace by giving research assistance to the media and by the lobbying it has done. It has no full-time officials and operates entirely as a self-help network. Please make a subscription, which will entitle you to three issues of 'The Whistle' per year, occasional publications, attendance at national and local meetings and AGM voting rights.

I enclose a cheque for the sum of _____ payable to FREEDOM TO CARE to cover the following items [Please circle appropriate amounts]:

Annual Membership fee: £12 (low income £3)

Donation: £10 £20 £50 £100 £250

Library Subscription for 'The Whistle' only: £6

NAME.....DATE.....

ADDRESS.....
.....
.....(give postcode)

PROFESSION/WORK.....

Return to: Membership Secretary, Freedom to Care, PO Box 125, West Molesey, Surrey KT8 1YE, U.K.

P.O. Box 125
West Molesey
Surrey KT8 1YE United Kingdom
[Tel/Fax 0181-224 1022]

Supported by Joseph Rowntree Reform Trust
Registered as a Company (non-profit) Limited by
Guarantee at Cardiff No. 2973440



Freedom to Care

Defending the employee's duty
to speak out in the public interest

PATRONS

John Hendy QC Allan Levy QC

BOARD OF DIRECTORS

Peter Baddeley MRCP MRCGP

Sara Brown MBA FCCA

Chris Chapman BSc PhD

Maureen Eby RGN BA RNT FRSA [Treasurer]

Susan Hungerford LIB PhD JP Barrister

Geoffrey Hunt BSc MLitt PhD [Chair]

Anne Leaver Bsc PhD

Elizabeth Pattisson SRN HVCert

Graham Pink MA MEd MSc SRN JP

Karen Rea RGN BA Barrister

Ron Thomson DiplIM [Company Secretary]

John Tuomey

FREEDOM TO CARE is a network of employees primarily in the health, social and other public services (and increasingly in the private and voluntary sectors too) which assists whistleblowers and campaigns for changes in management culture, administrative procedures and the law. It was launched in November 1992 at the House of Commons. Its members include nurses, doctors, social workers, scientists, accountants, lawyers, lecturers and teachers. Membership is open to anyone who wishes to help defend freedom of speech in the workplace. The network's bulletin, The Whistle, is published three times a year, free to members. There are local groups in Scotland and the North of England.

FREEDOM TO CARE was founded because of the secrecy and victimisation which is occurring in the workplace and the failure of unions and professional associations to address the situation adequately. Many NHS Trusts, for example, have introduced contracts of employment which gag their staff. While recognising the importance of protecting patient confidentiality steps must be taken to ensure that staff can express their moral right to speak out about low standards of care, fraud and the abuse of patients. Confidentiality clauses to protect

OBJECTIVES

- * To campaign for such reforms as will protect and further the duty of employees to raise workplace concerns in the public interest and make public disclosures when necessary
- * To advise and support employees who face difficulties in raising with their employers any workplace matter of public concern
- * To engage in education and research to further public awareness of the right to freedom of speech in the workplace.

patients should not be confused with blanket prohibitions against speaking about one's organisation. One's duties as a citizen should generally take precedence over duties as an employee.

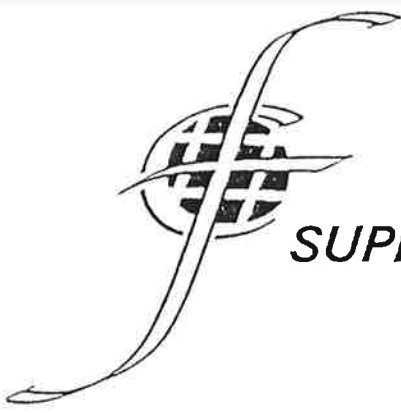
While commercial secrecy may not be completely unjustified, employers should consider its appropriateness where the public interest is threatened e.g. by environmental dangers. In any case secrecy should not be confused with confidentiality. Employers should introduce a clause into contracts guaranteeing a right to speak out under appropriate circumstances. Such a clause would be consonant with the European Convention on Human Rights and with the obligations and duties bestowed on professional employees by their codes of conduct.

Severance contracts which gag a conscientious employee are also unacceptable and, in any event, almost certainly unenforceable.

While welcoming the recent legislation to protect workers with a Health and Safety role who blow the whistle on dangers in the workplace, FREEDOM TO CARE considers it inadequate. Legislation is now needed to protect all whistleblowers from reprisals and victimisation, and remove from their path the obstacles and burdens they now face. Employees with a keen social conscience should be regarded, and treated, as a great asset in any society.

At present most managers do not appreciate the conflicts of accountability that employees face, especially in the public services. On an almost daily basis workers are put in a double-bind position as employees on the one hand and professionals on the other. If managers were also professionals, regulated by a professional body and beholden to a Code of Conduct, they would be better placed to understand and uphold the public accountability of the services.

Reading: Geoff Hunt, Whistleblowing in the Health Service, Arnold 1995 (ISBN 0 340 59234 6) £12.99.



FREEDOM TO CARE SUPPORTS WHISTLEBLOWERS

Freedom to Care has been in existence only since November 1992, yet it has already had some successes. Here are some comments from whistleblowers

Dr CHRIS CHAPMAN, Leeds biochemist:

"FTC has provided some of the most useful advice and assistance in my case. At the moment unions usually do not understand the kind of help whistleblowers require. This is why it is essential to have a specialist organisation like FTC. And the unions should make use of this organisation."

Mr DESMOND SMITH, Ashford health visitor:

"FTC gave me humane assistance. I didn't know where to turn, but it gave me hope and showed me that I wasn't alone. I would probably have given up without it. And without FTC pressure I would not finally have got the union's legal support and I wouldn't have won the case. I hope FTC will go on being there for many other conscientious nurses. It's vital."

Dr BILL MALLINSON, Bournemouth lecturer:

"FTC has acted with balance, integrity and incisiveness in supporting my case. It has rallied support, gained considerable media coverage for me and I believe it has been largely instrumental in getting certain financial investigations reopened. Without an organisation such as FTC our country would be in an even more cowed state than it is."

Freedom to Care

Please read carefully!

4th ANNUAL GENERAL MEETING

- You are invited to the 4th **AGM** of Freedom to Care at 1 pm on Saturday **20th September** in The Council Room at the National Institute of Social Work, 5 Tavistock Place, London WC1H 9SN (Tel. 0171 387 9681). The nearest tube stations are Russell Sq., Euston, Euston Square. Our Patron Allan Levy QC will give a short address.
- There will be concurrent sessions of **CocaNet** (careworkers) and **FastNet** (science workers) between 2 pm and 4 pm and any member may attend these.
- Directors of Freedom to Care are reminded that there will be a **Board Meeting** at the same venue on this day at 11 am.

Positions in FREEDOM TO CARE

Geoff Hunt is resigning as National Coordinator (but will remain active). We already have one offer to replace him in this post. Any other offers? We also need someone to take on the role of Company Secretary - and Geoff is willing to 'coach' any interested person in this role. We need someone to coordinate the 'air pollution' campaign, to help recruit members (one offer received), to liaise with other groups (one offer received), to raise funds, and there is plenty of other work which needs to be done. Graham Pink has taken on the post of Treasurer. If you want to help please let Geoff Hunt (0181 224 1022) or Mike Roskell (01799 522646) know before the 20th September.

Nominations for Board

If you wish to be nominated for a directorship in the election please send your nomination in writing, one paragraph c.v. and statement of intent, to the Board at PO Box 125 West Molesey KT8 1YE by **13th September 1997** latest.

✂

Proxy Vote

I [name]..... of [address].....
..... a member of Freedom to
Care hereby appoint [name] of [address]
..... to vote for me
and on my behalf at the AGM of the Company to be held on 20th September 1997
at NISW, 5 Tavistock Place, London and at every adjournment thereof. As witness
my hand [sign]..... this day of [month] in
1997.