

The Whistle

FREEDOM TO CARE
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PUBLIC INTEREST DISCLOSURE ACT: 1 YEAR, 3 WINS

This month it is one year since the Public Interest Disclosure Act (PIDA), the UK law to protect whistleblowers, came into force. How is it performing? It appears that 200 claims have been brought in the past year. In the year three cases have been won, and two compensation awards made. Nurse **Bryan Bladon** blew the whistle on abuses in a Blackpool nursing home, went to an industrial tribunal and won £23,000 under PIDA. The existence of the PIDA certainly did not make Bladon's raising of concerns personally any easier. The support of his union UNISON was vital. Despite his courtroom victory, Bladon is reported as saying, "It's been horrendous ... The most difficult things to deal with were the isolation by other staff and being made to look like some ogre who had challenged the system".

Antonio Fernandes, has been awarded nearly £300,000 (sic) on being found unfairly dismissed from his post of financial controller by Netcom Consultants, a telecommunications company. He complained about a manager who allegedly asked him to sign off enormous bogus expenses. The company is intending to appeal. Fernandes says despite the victory he will never get another job. The third case is that of **Kostana Azmi**, found to have been unfairly dismissed after she raised concerns about the governance of the Orbis charitable trust. She awaits a compensation decision.

According to Guy Dehn, of Public Concern at Work, which campaigned for the Act, its success should not be measured by the number of cases that come to tribunal - the legislation is structured to encourage employers to deal with whistleblowers' concerns rather than face the bad publicity of a possible employment tribunal and a hefty compensation award.

Freedom to Care has never felt comfortable about PIDA, well-meaning as it may

be. It is a purely legalistic approach to the general lack of organizational accountability in industrial bureaucratic society; is founded on an outdated English law notion of 'public interest' which leaves the employers' barbed wire of 'confidentiality' intact; does not face the need to recognise a human right to freedom of speech in the work place; and places the burden of proof on the whistleblower. And has no one noticed that if the dozens of protective laws we **already** have were **actually implemented and accessible** then that would go a very long way to addressing whistleblowers' concerns in the first place?

NHS BULLYING IS WIDESPREAD

The British Medical Journal has published the results of research into bullying of staff in the NHS. "Workplace Bullying in NHS community trust: Staff questionnaire survey", by Lyn Quine appears in BMJ 1999 (318:228-232). The survey sought to determine the prevalence of workplace bullying in an NHS trust, to examine the association between bullying and occupational health outcomes and to investigate the relation between support at work and bullying.

Key messages of the survey:

- 38% of staff in a community NHS trust reported being subjected to bullying behaviours in the workplace in the previous year and 42% had witnessed the bullying of others.
- Staff who had been bullied had lower levels of job satisfaction and higher levels of job induced stress, depression, anxiety, and intention to leave.
- Support at work may be able to protect people from some of the damaging effects of bullying.
- Employers should have policies and procedures that comprehensively address the issue of workplace bullying.

"... it surely should not be necessary for the victim to go through the considerable stress and expense of a prolonged legal action to preserve his career in the face of victimization. The outcome of a resort to law, invoking any legislation, will always be something of a lottery".
Dr Peter Dawson, letter, BMJ 8th July 1999.

RADIOLOGIST SPEAKS UP - SUSPENDED 'FOR EVER'

Dr Anil Jain, a consultant radiologist who raised concerns about standards in breast screening has now been on suspension for two years, on full pay. The taxpayer is paying through the nose for the inability of his employer to act in an accountable fashion. Suspensions continue to be a favoured NHS management option for dealing with conscientious and publicly-minded doctors, while those who are scoundrels often seem to escape their attention for years. (In another case Prof Peter Dawson, was suspended from Hammersmith Hospital after claiming patients were being put at risk. He has accused the NHS executive of a cover-up regarding his concerns and says there is a danger of a repetition involving breast screening services in Northampton.)

Dr Jain was suspended by Northampton General Hospital NHS Trust in October 1998 for carrying out what management describes as an "unofficial audit". He told FtC that he now feels he has been suspended "for ever". Since Dr Jain has now gone to law he is not entirely free to speak about the circumstances. We know that the then Health Secretary Frank Dobson ordered an external inquiry and the hospital has issued statements claiming no women have been put at risk.

It is thought that Dr Jain's research has uncovered above average rates of interval cancer - women developing cancer in the three years between screening. The expected rate is around 12 per 10,000 women screened. But the rate at Northampton is claimed to have been more than 37 per 10,000 in 1994-95 and at least 24 per 10,000 in 1996-97.

Prof Dawson is reported as saying: "I know about this case and there are similarities with my own. I am concerned that once again this demonstrates how easy it seems to be to silence someone with uncomfortable information with the use of the disciplinary process. I am also concerned that the review is described in its own terms of reference as limited. It appears that once again the external review is simply a cosmetic exercise aimed at damping down the concerns of whistleblowers."

On 5th July 1999 Dr Jain won a court injunction against the NHS Trust. Northampton General Hospital Trust agreed an order forcing it to comply with its own disciplinary procedures. It will also contribute a sum estimated at two thousand five hundred pounds to Dr Jain's legal costs. The Medical Protection Society is representing Dr Jain. In October 1999 the independent inquiry found that nearly twice the national average number of women go on to develop breast cancer after undergoing screening at Dr Jain's hospital. Women have also been lulled into a false sense of security, according to the survey of test results, because more than double the expected

number were told they were free of cancer, while actually suffering from the disease. Despite these results the report by the Northern Breast Screening Radiology Audit Group, carried out on behalf of the NHS Executive, concluded that there was no cause for concern about screening at the hospital. (Daily Mail, 20 Oct 1999).

FtC is particularly concerned that Dr Jain has been suspended on full pay for two years. There have been many such suspensions which are a drain on the public purse. It is estimated that suspensions cost the NHS about ten millions pounds per year in salaries, locum cover and legal fees. This is also very unfair to Dr Jain. He has also been told by his employer that he cannot take locum work. Dr Jain has told FtC that he is most concerned that if this continues he will lose his skills and his professional career will be destroyed.

NHS DOCTORS EXPOSED

The secret world of medical practice in the UK is now leaking at the seams. General Practitioner **Dr Harold Shipman** is now in prison for having murdered dozens of patients over many years. Obstetrician **Dr Ledward** has been struck off by the General Medical Council having seriously hurt dozens of women over many years. These are complete failures of the public accountability of medical practice. Any thinking member of the public will ask how it is *possible* that this degree of harmfulness could go unchecked for decades. The answer is that medical practice is secretive, riddled with deceit, defensiveness and cover-up and the mechanisms meant to ensure its accountability are absent, ineffective or ignored. Only now is action for greater medical accountability being taken.

At a recent conference a Dr David Edwards, a Merseyside GP, gave a personal testimony of what he suffered when he challenged medical secrecy by blowing the whistle on his partner **Dr Geoffrey Fairhurst**. Having received pharmaceutical company funding to undertake research on anti-hypertensive medication Fairhurst proceeded to submit forged consent forms and falsify electrocardiograms. When Dr Edwards raised concerns Fairhurst had some success in discrediting his honest partner. In March 1996 the GMC found Fairhurst guilty of professional misconduct and struck him off the Register (See BMJ, 1996; 312:798). **Dr Robert Davies**, formerly professor of respiratory medicine at St. Bartholomew's the the Royal London School of Medicine, was also struck off by the GMC in October last year. He had bullied and threatened junior colleagues and misled investigators looking into allegations of cover-up of blunders in another pharmaceutical company drug trial.

WATERHOUSE REPORT ON CHILD ABUSE IN CARE IN NORTH WALES

Without the courage of a handful of whistleblowing social workers (some of whom are now Freedom to Care members) this longstanding regime of abusing children in care would never have been revealed.

WAITING FOR WATERHOUSE 15th Feb 2000:

Freedom to Care maintains that secretive and inept management cultures are still putting children at risk. Secretary of State for Wales Paul Murphy launched the Waterhouse Report by claiming that the "culture of complacency" of past senior Social Services managers has now been replaced by the "culture of vigilance". But we have evidence that senior managers are still putting the "good" name of their council first, before the need to properly investigate and discipline staff who abuse children. Social Services managers have had to resign from a North Wales council because they insisted that safe procedures were used for recruiting staff for children's homes and that staff who abused a disabled child should be disciplined. Chief Officers in Flintshire refused to support their complaints, intimidated them and in 1997, removed them from their duties. Their statements formed part of the Waterhouse Tribunal evidence.

Now speaking for Freedom to Care, one of those whistleblowers was Chris Clode, Flintshire's senior Children's Manager. He believes things are no better than when he was forced from his job. At the end of 1999, staff still working for Flintshire, but too frightened to risk their jobs by speaking out, passed further, similar allegations about children on to him. Chris has passed on these latest allegations to be independently investigated by the Audit Commission.

Waterhouse's recommendations, new procedures or the appointment of a Commissioner for Children will not be enough if senior management in local authorities like Flintshire and elsewhere continue to suppress and conceal complaints on behalf of vulnerable children and adults being harmed in council care. This will continue to deter good staff who wish to speak out against harm and malpractice by their colleagues. It needs a change from the present bully culture of senior managers and councillors, if the changes called for in the Nolan Report are to be carried out.

There is still concern that the Report has not looked hard enough into the covering up of abuse at the highest level. Whistleblowers' concerns passed on to national politicians have been passed back to be dealt with in Wales. Margaret Thatcher and Tony Newton passed Alison Taylor's concerns back to the Welsh

Office where Derek Brushett, now serving 15 years for multiple paedophilia, was senior social services inspector. David Hanson, Murphy's Junior Minister, similarly urged Chris Clode to take his concerns back to Andrew Loveridge, the Flintshire County Solicitor who failed to support whistleblowers and suppressed earlier reports on abuse. Lord Utting blames the cultures of the old big pre-1996 Social services Departments. We say there is plenty of evidence that suppression of whistleblowing is alive and well in the small post-1996 unitary authorities too.

WATERHOUSE REPORT IS LAUNCHED 16th Feb 2000:

Today the long awaited report by Sir Ronald Waterhouse (a former high court judge) and his team was launched. It is the result of a thirteen and a half million pound inquiry. It shows that over a period of twenty years thousands of children who were in public care in the former North Wales (UK) counties of Clwyd and Gwynedd were abandoned to regimes of sexual, physical and emotional abuse. Paul Murphy, the Welsh Secretary, told the UK parliament that the 937-page report catalogued "deeds of appalling mistreatment and wickedness". At the same time the hunt is now on for twenty four people who once worked in North Wales children's homes and betrayed the trust of needy children and the public. They are named in the Report as proven or suspected abusers, or unsuitable to work with young people.

No failure of public accountability could be greater, and no greater case could be made for democratic reform of public organisations and the protection of conscientious professionals and whistleblowers.

Waterhouse Recommendations include:

- An independent children's commissioner for Wales to oversee complaints and whistleblowing procedures
- Local authorities should have clear procedures to encourage staff whistleblowing.
- Every social services authority should be required to appoint a complaints officer to interview children alleging abuse.
- An independent regulatory body should be set up to inspect all children's homes, foster homes and other child services.
- Social workers should be required to visit every child in their charge and in care at least every eight weeks.

WHISTLEBLOWING RECOMMENDATIONS

A meeting of FtC in London on 19th January 2000 discussed Waterhouse, led by one of the North Wales child abuse whistleblowers, Chris Clode. A decision was made to follow up implementation. Too often in the past Inquiry recommendations have not been properly implemented and further harms have resulted. *See excerpt recommendations - next page.*

Here are some excerpts of the recommendations regarding whistleblowing and raising concerns. We invite readers to send us their reactions to these excerpts or anything else in the Report.

___ Excerpts ___

Children's Complaints Officer

(3) Every social services authority should be required to appoint an appropriately qualified or experienced Children's

Complaints Officer, who should not be the line manager of residential or other staff who may be the subject of children's complaints or complaints relating to children.

(4) Amongst the duties of the Children's Complaints Officer should be:

- (a) to act in the best interests of the child;
- (b) on receiving a complaint, to see the affected child and the complainant, if it's not the affected child;
- (c) thereafter to notify and consult with appropriate line managers about the further handling of the complaint, including:
 - (i) any necessary interim action in relation to the affected child, the complainant and the person who is the subject of complaint, including informal resolution of the complaint, if that is appropriate;
 - (ii) consideration of the established procedures to be implemented, such as child protection and disciplinary procedures and including any necessary involvement of the police and/or other agencies;
- (d) to ensure that recourse to an independent advocacy service is available to any complainant or affected child who wishes to have it;
- (e) to keep a complete record of all complaints received and how they are dealt with, including the ultimate outcome;
- (f) to report periodically to the Director of Social Services on complaints received, how they have been dealt with and the results.....

Complaints Procedures

(7) Such complaints procedures should:

- (a) be neither too prescriptive nor too restrictive in categorizing what constitutes a complaint;
- (b) encompass a wide variety of channels through which complaints by or relating to looked after children may be made or referred to the Children's Complaints Officer including teachers, doctors, nurses, police officers and elected members as well as residential care staff and social workers;
- (c) ensure that any person who is the subject of complaint will not be involved in the handling of the complaint.

Whistleblowing procedures

(8) Every local authority should establish and implement conscientiously clear whistleblowing procedures enabling members of staff to make complaints and raise matters of concern affecting the treatment or welfare of looked after children without threats or fear of reprisals

in any form. Such procedures should embody the principles indicated in recommendation (7) and the action to be taken should follow, as far as may be appropriate, that set out in recommendation (4).

LETTER TO FLINTSHIRE MP

David Hanson, MP for Flintshire, Welsh Office, Cardiff - from Chris Clode of FtC, 20th March 2000

Dear David,

Following the Commons debate on the Waterhouse Inquiry Report last Friday, I wish to follow up my previous correspondence with you with the following observations, hoping that they will be taken into account in the Government's response to the Report during this summer.

Martyn Jones' comments about the concealment of some names from the Report, in particular those who might be termed "establishment" figures, is very much to the point in considering current events and planning for the future, as well as the abuse and malpractice from the past in North Wales. In my correspondence with you, Assembly Members and MPs, I have persistently emphasized the role played by conflicts of interest in the failure or refusal to correct malpractice. In both Clwyd and Gwynedd, it might be presumed that close relationships between senior Officers and some of those alleged to have abused, also led to the suppression of disclosures by children themselves or by staff trying to disclose on their behalf. Chief and senior Officers and leading Councillors have also refused to pursue allegations of abuse brought to their notice, when the "good name" of the Council is thought to be at risk.

You will remember in my correspondence with you, I have raised a series of instances of malpractice with, both in the general and in the particular; both in your role as an MP and as a Minister in the Welsh Office. For the particular cases, you have referred me back to the local Monitoring Officer, who, in most local authorities, is the County Secretary/Solicitor, a Chief Officer who shares the conflict of interest expressed above. In the case of Flintshire, it is, of course Mr. Andrew Loveridge, who, as Clwyd County Solicitor, took the view that the financial interests of the Insurers and the County took precedence over the interests of victims of abuse by County employees; the consequence was that the Cartrefle and Jillings Reports were suppressed. I seriously question the quality, effectiveness or safety of such monitoring and have suggested to Peter Law, AM, that external monitoring of Councils by District or national Audit must be considered.

In addition, I have raised with you other matters of the pursuit in 1999 of a whistleblower in Flintshire and the suppression of reports on the abuse of the elderly in Council homes. As you were repeatedly unwilling to pursue these issues yourself, when I was given further

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allegations of improperly investigated abuse last December, I did not feel I could usefully bring this information to you, so I wrote to the Audit Commission, for them to follow up.

Recently, the Social Services Department of Newcastle-upon-Tyne has been defined as a failing authority in its child care and the Department of Health has intervened and ordered Newcastle to place some of its duties under the supervision of neighbouring Durham. There seems to be no similar powers to intervene with failing authorities in Wales. In England, it is possible for any citizen with access to the Internet to judge the performance of Social services departments for themselves from the Department of Health figures. In Wales, we seem to be still a closed society; that information is not publicly available. Would I be wrong to believe that if Flintshire (or Torfaen or Caerffili) were put to the same stringent test as Newcastle that they may be subject to the same intervention and their proper administration on behalf of the vulnerable and dependent would become the priority?

However, I believe it is also pertinent that, given your role in leading the debate in the House, that you may be perceived to have a conflict of interest yourself, in that your wife is Chair of the Flintshire Social Services Committee. You will remember, as long ago as June 1998, I raised concerns that the appointment of one of Flintshire's Chief Officers may have involved a serious conflict of interest, concerning the relationship between a senior Councillor and the successful applicant. At the time you told me that you were aware of the rumours of the relationship, yet subsequently told me to refer my concerns back to Mr. Loveridge, when I felt that, as MP and then as Minister, you had the responsibility and power to follow these things through yourself.

Since devolution, it seems that in Wales, the distinction between who is responsible for what is too easily batted between the Welsh Office and the Assembly. As a Minister for Wales, where do your duties lie, when the local authority structures have shown cumulative and serious failings, both past and present? Or is it to be left to Martyn Jones and others like Councillor Malcolm King and the victims to pursue open handedness on the crimes of the past as well as those, like myself, who fear that concealment and collusion are still the present way things are done by those in power in Wales?

Yours sincerely

Clode Chris (Freedom to Care)

M.P. MAY EXPOSE MORE ABUSERS (21st Feb. 2000): Martyn Jones, Labour MP for Clwyd South (North Wales), has said that he may use his parliamentary privilege to expose at least six more suspected child abusers involved in the enormous failure of accountability at North Wales child homes. He says there are abusers known to the victims who have not yet been investigated and if he does not get action from the police or another inquiry then he may blow the whistle himself. Mr Jones is chair of the House of Commons Welsh Select Committee, and says he has known the names of these other abusers since 1989. [Source: The Guardian 21Feb00]

FTC's LETTER TO THE PRESS (23rd Feb. 2000):

Dear Sir

Freedom to Care is a grassroots organisation of professionals that supports whistleblowers. It counts social workers among its members including some of those who blew the whistle on the North Wales child abuse regime. We wish to register our concern that the procedures to ensure the safety of children from harm by some local authority staff is not being properly implemented. Information has come to us from conscientious staff in a number of local authorities that such cases are often not taken through the appropriate child protection and disciplinary procedures

With the implementation of the recommendations of the Waterhouse Report on child abuse in North Wales, we can only look anxiously at the ability or will of these authorities to monitor adequately the care of children in the future. In addition, we have continually called for miscreants in all fields to be brought to public account. If those against whom there is evidence of abuse are neither prosecuted nor exposed to disciplinary procedures, what are we saying about the values at the core of our society? More specifically, what do the councils' watchdogs, the Monitoring Officers, think they are doing in those authorities which are still suppressing the voice of concern about abuse?

We understand that the Waterhouse inquiry cost £12m of public money (presumably mainly in lawyers' fees) yet only £1.5m has been made available for compensation for the hundreds of victims. We believe that it would show genuine commitment to the protection of children in public care, if the compensation fund at least matched the cost of the inquiry itself.

Yours sincerely, Dr Geoffrey Hunt, National Coordinator

Paul van Buitenen's book, *Blowing the Whistle: One man's fight against fraud in the European Commission*, was launched in London on 13th March 2000. The book is published by Politico's, London, ISBN 1902301463 and may be ordered from their web site at <http://www.politicos.co.uk/publishing> or by telephone on 020 7931 0090 (UK). In the Preface he writes: "On 9 December 1998, in my position as assistant-auditor in the Commission's Financial Control Directorate, I blew the whistle on the Commission's poor management of the fight against internal irregularities and fraud. I forwarded an incriminating 34 page letter, including almost 600 pages of reference material, to a Member of the European Parliament. This was the acceleration of an ongoing series of events that finally led to the resignation of the entire Commission little more than three months later."

Leaked Report: Radio-active Waste Backlog

The public accountability of the nuclear industry depends in part on how well the regulatory body, Nuclear Installations Inspectorate (NII), does its job. FTC applauds the action of the person or persons who leaked a report from the NII that British Nuclear Fuels is dealing with its radio-active waste much too slowly. The leaked report was mentioned in the following article by Rob Edwards in the New Scientist 4th December 1999 (page 5).

"A BACKLOG of high-level radioactive waste may force Britain to close down some of its nuclear power stations, argues a report by the government's Nuclear Installations Inspectorate (NII). More than 1300 cubic metres of hot liquid waste from reactors is stored in 21 constantly cooled tanks at Sellafield in Cumbria. In order to reduce the risk of a serious accident, the NII wants the state-owned company that runs the plant, British Nuclear Fuels, to empty the tanks by 2015. But BNFL is so badly behind schedule that the NII is unconvinced that it will meet the deadline. The inspectorate blames the delay on blocked pipes, faulty equipment and failure to get a new plant working in order to solidify the waste into glass blocks. In the leaked report, the NII threatens legal action to force BNFL to reduce the build-up of liquid waste by halting or slowing the reprocessing of spent fuel from reactors. The knock-on effect of that, the NII warns, would be the premature closure of some of the 10 old Magnox stations now run by BNFL. The report, which is due to be published by the NII before Christmas 1999, says that the 2015 deadline must be achieved as any shortfall will be unacceptable both publicly and politically. BNFL will be allowed to maintain a small stock of liquid waste in the tanks, although this amount has yet to be agreed. According to BNFL, its strategy has long been to reduce the storage of liquid high-level waste to minimal levels by 2015. We can say categorically that nothing has changed in that, says a company spokesman. Nuclear Free Local Authorities, a group of local councils opposed to nuclear power whose concern about the safety of the waste tanks prompted the new report, doubts whether BNFL will succeed without tough regulation. 'The sooner NII acts decisively, the better', says a spokesman for the group."

See our web site at:

<http://www.freedomtocare.org>

RAILWAY WHISTLEBLOWERS

The UK government has under-invested in the railway system for many years (compared with other European governments) and has now largely given up responsibility by expecting the private sector to invest - but will they? A few professionals of conscience in the rail transport system - drivers, guards, and some managers - have spoken out, warning that cost-cutting and neglect of safety will result in disaster.

• **Watford (UK) Railway Disaster:**

One passenger died and seventy were injured in a train crash at Watford, outside North London, UK in 1996. A red light was passed, but the driver was cleared of manslaughter. The driver, Peter Afford, aged 40, spoke out on BBC TV News at the end of 1999. He said:

"You can't stop a train [so easily] ... It's destroyed my life. And what have we achieved? We have achieved Southall, Paddington [further disasters]." He added that the rail industry should LISTEN more closely to the concerns of drivers.

• **Southall (UK) Railway Disaster:**

In September 1997 a high speed train ran into an empty freight train near Southall claiming seven lives. An inquiry report published in February 2000 put the immediate responsibility for the crash on the driver for going through two red lights. But it was also highly critical of Great Western Trains (GWT) because, due to a fault, the in-cab automatic warning system (AWS) was not working. This system could have prevented the danger signals being passed. The report spoke of "serious and reprehensible failures" of communication within GWT which led to the Swansea to London express making its journey with no functioning AWS. GWT has been fined one and a half million pounds after admitting a Health & Safety offence.

• **Paddington (London, UK) Railway Disaster:**

A train driver spoke out after the October 1999 railway crash outside Paddington (near Ladbroke Grove) in which thirty one people died. He appeared in silhouette on BBC NewsRoom SouthEast TV on 11th October 1999. He emphasized the stress that drivers are under: "People don't realise I can work nine hours in a day. I don't think the public realise I sometimes work seven hours without a break. When I'm not happy about what's going on how are my passengers supposed to feel confident?" Outside the inquest venue in London in February this year, Louise Christian of the Ladbroke Grove Solicitors Group, speaking for many of the bereaved families, said: "There is a history of governments ignoring these matters. If the results of the Clapham rail crash inquiry had been adhered to, and the ATP (signalling) system had been installed, these 31 people most likely would not have died."

Following the Cullen inquiry the company could not be prosecuted for 'corporate killing' because such a law has not been enacted. FtC has long campaigned for such a law (see FtC web site).

Russian nuclear pollution whistleblower vindicated

In Russia, a judge acquits an ex-captain of espionage: Until now the Russian secret police had never lost a case in court. But in a landmark decision on 29th December 1999, a judge in St. Petersburg threw out a treason-and-espionage charge against a Russian environmentalist, delivering a severe blow to the Federal Security Service (FSB), the feared successor to the KGB.

The verdict grants freedom to **Alexander Nikitin**, a former Soviet submarine captain who has endured a four-year ordeal of arrest, imprisonment and closed trials at the hands of the FSB.

Nikitin, co-author of a report on nuclear waste from Russian military submarines, was jailed in a KGB prison for 10 months in 1996 on the espionage charge. After his release, he was not allowed to leave the city limits of St. Petersburg, where he lives.

Now, for the first time in four years, he is free. "It's fantastic," Nikitin said in an interview. "It's overwhelming. This is a victory for everyone — it gives all Russians great hope for the future. It was fantastic to see how the judge wasn't afraid of the FSB."

It is believed to be the first time a Russian or Soviet judge has issued a full acquittal in a prosecution pursued by the KGB or its successors. Nikitin's supporters say it shows that the Russian courts are now sufficiently independent to resist the pressure of the powerful secret police. It could also reduce the climate of fear that has chilled the environmental and antinuclear movements since the FSB began arresting and interrogating many activists involved in those movements in recent years.

"This is a good beginning for democracy in Russia," said Frederic Hauge, president of the Bellona Foundation, which is the Norwegian environmental group that employed Nikitin. "It's a historic decision. The judge made a brave and good decision. Walking into the court, Alexander Nikitin was facing 12 years in prison. When he walked out, he was a free man." Judge Sergei Golets, who issued the verdict at the end of Nikitin's second trial in the past 14 months, sharply criticized the FSB for its persecution of the environmentalist. He noted that the FSB accused Nikitin of violating secret orders of the Russian defence ministry on protecting nuclear information even though

he could not possibly have known about the orders, which were issued secretly and applied retroactively after his arrest in February, 1996.

The retired naval captain was planning to emigrate to Canada and had just returned from a visit to the Canadian embassy in Moscow in 1995 when the FSB seized his passport to prevent him from leaving the country.

Social Care Whistleblowers

by Chris Clode

(Coordinator of FtC's social care network)

Do we have any choice? When we are told of abuse by other staff, if we do not do every thing in our power to bring it to light and try to get it dealt with properly, we become colluders with a cover-up. The cost is often high, as the following stories show, but the benefits are that each whistleblower contributes to changing the climate and culture of social care to challenge the acquiescence with malpractice of too many organisations- and standing against abuse cover-ups means giving a voice to the victims.

1. **Alison Taylor** was head of a children's home in Gwynedd, North Wales from 1982-87. She blew the whistle about abuse of children and police investigated in March 1986. In October, they reported to the Director of Social Services. Alison (not the alleged abusers) was suspended and later sacked in 1987. She continued to lobby the Welsh Office, the Secretary of State for Wales, the DSS Inspectorate, the Prime Minister and successive Health Ministers, the Home Office and the National Children's Bureau with her dossier of 75 allegations. However, it was only when she took it to HTV television company and they did a documentary, when the concerns about widespread abuse in children's homes in North Wales got taken seriously and the Waterhouse Tribunal on Child Abuse was set up (See report in this issue). 300 former residents made complaints of assault against 148 adults.

2. **Carryn Williams**, assistant Director for Caerphilly Social Services, blew the whistle when a former manager who had been dismissed for failure to protect children, got a new job working with vulnerable care leavers. He got the job with a housing agency after getting a reference from Caerphilly Council. Carryn told Tai Cymru, which oversees Welsh housing agencies, and she was sacked after those who wrote the reference complained. The manager she whistled on was awarded £14000 in a court settlement for having the housing job offer withdrawn.

3. **Elaine Bowerman** worked in a Warrington school for children with learning disabilities. she spent 10 years trying to get her union, Lancashire Council and the police about indecent assault and violence by Robert

For full information on Aleksandr Nikitin's courageous expression of social conscience go to the Norwegian 'Bellona' site:
<http://www.bellona.no/nikitin/>

(continued from page 7)

Boyle, but when she finally took her warnings to parents, she was sacked. Boyle was tried in 1997, but was only found guilty of lying. Only then did the court learn that he had been convicted 20 years earlier for indecent assaults. Lancashire has subsequently introduced a whistleblowers' procedure for child abuse: "Intimidation of any employees who report concerns will be regarded as gross misconduct."

4. **Karen McKay** demanded that children's complaints about Taff Vale Children's Home, Cardiff, be investigated. she lost her job, but her refusal to be silenced provoked a police inquiry that spread to 32 other homes in the area and a series of trials and convictions of abusive staff.

5. **Susan Machin** was a Senior Social Worker at Ashworth Special Hospital, Merseyside. She gave evidence to the inquiry into alleged abuse of patients. She lost her job, but was later vindicated by an industrial tribunal. Ashworth has since been reorganized, including senior staff losing their jobs. (Susan Machin was Chair of FtC until early 1999.)

6. **Jane Jones**, deputy matron of a nursing home in North Yorks, blew the whistle on the owner sexually abusing elderly residents. He was arrested as a result.

7. **Colin Smart**, Director of Sunderland Social services, was told that 3 ex-Sunderland care workers had been previously sacked for sexual assault on children. He attempted to investigate why the police had never been told. he discovered a series of other abuses in the home the staff had worked in, with some of the violence involved apparently approved by councillors as a form of control. Councillors and other chief officers tried to block Colin, who resigned in protest. Following failed police investigations, he compiled 5 volumes of evidence on abuse and suppression of evidence. The Council took High Court action against Colin to restrain him from publication of their confidential documents and he was gagged. Finally, ex-residents of the home forced Sunderland to set up an NSPCC investigation, apologize to them and the Police resumed their investigation.

8. **Chris Clode and Janet Hover** were managers in Flintshire, North Wales. When 2 children's home staff were found to have abused a child, the managers wanted staff to be disciplined. When Chief Officers refused to discipline the staff or stop them working with children, Janet and Chris were removed from their jobs. Later they were asked to be witnesses at the North Wales Child Abuse Tribunal against Flintshire, who had to apologize to the Tribunal for preventing whistleblowing.

Freedom to Care promotes our right to accountable behaviour from large organisations, whether public or private; asserts that officials and private sector executives and managers have a duty to explain their intentions, actions and

omissions in so far as they significantly affect our quality of life; asserts that employees, professionals and all workers have a right to public-spirited freedom of speech in the workplace.

Accountability is for all of us, not just regulators:

The official bodies that we might expect to keep employers in order (such as industrial, commercial and professional regulators) do not always do the job. While some do make a difference others fail to maintain public accountability effectively. Who regulates the regulators? The answer is that **WE ALL DO**. Freedom to Care is trying to bring people together to play a part in create a culture of accountability - one in which everyone assumes that the weightier a person's role in society the greater their obligation to give an account of their acts and omissions. Freedom to Care does not have unreasonable expectations. It expects:

- regulators to do their job properly
- employees to be respected as 'citizens at work'
- the legal system to **work** in a fair and accessible way to protect and empower citizens

FtC's main ideas are in Geoff Hunt's *Whistleblowing in the Health Service, 1995* and *Whistleblowing in the Social Services, 1998*, both published by Arnold, London.

FREEDOM TO CARE

Freedom to Care is a non-profit & entirely voluntary organisation. We have pride in our independence. To keep ourselves free both of outside influence and inside compromises we have no office to maintain, no officers, no government grants, no corporate ties, no large bank account to defend, no charitable status, no consultancy income and we claim no expertise but our hard-earned experience. We are not lawyers. We are the UK's first whistleblower organisation, founded 1991. We are a company limited by guarantee (**Reg. 2973440**) to help keep us publicly accountable.

PATRONS are John Hendy QC, Allan Levy QC and Austin Mitchell MP.

FOUNDER is Geoffrey Hunt BSc MLitt PhD.

WHAT WE DO We lobby and campaign for greater public accountability of large organisations and for freedom of speech in the workplace.

STRUCTURE We have a Board of Directors (Harold Hillman, Geoff Hunt, Tim Field, Lawrence Smyth), a Treasurer (Chris Thomas), and a Council of active members. Various FtC project and occupational groupings meet when necessary.

WEB SITE <http://www.freedomtocare.org>

MEMBERSHIP £21 p.a. (£10 for those on low income), £35 affiliation.

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