

# Whistleblowing in 2024 Political Party Manifestos Debunked



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Ahead of the General Election taking place on the 4th July 2024, all political parties have been racing to release their policies and plans for the country. This week, the Liberal Democrats, Conservatives and the Labour Party have released their manifestos – let's explore how each party plans to protect those who speak out against wrongdoing.

## Liberal Democrat Manifesto



First up, the Liberal Democrats have put forward a comprehensive plan to ensure justice for victims of scandals and prevent future incidents. They promise full and fair compensation for victims of the Horizon Post Office Scandal and the Infected Blood Scandal, aiming to deliver this as quickly as possible. The manifesto also states a pledge to ensure victims of the Windrush scandal get the compensation they are entitled to.

In an opinion piece for the Guardian on the Post Office Scandal, Leader of the Liberal Democrats Ed Davey stated:

*“We owe it to the victims of this appalling scandal not just to overturn their convictions and pay fair compensation (...) but also to prevent anything like it from ever having again”*

The Office of the Whistleblower Bill was put forward in May 2021 and sponsored by Liberal Party member Baroness Kramer. If it had passed it would have facilitated whistleblowing and acted as a point of contact for those who want to blow the whistle. It was again put forward by Mary Robinson MP as a Private Member's Bill in January 2024, but it too failed after the first reading having run out of time in that parliamentary session.

Additionally, in their manifesto, the Liberal Democrats plan to introduce the Hillsborough Law, which imposes a statutory duty of candour on police officers and public officials during public enquiries and criminal investigations. The Hillsborough Law takes its name from the tragic Hillsborough disaster in which a crush on football fans at a match at Hillsborough Stadium in Sheffield caused the death of 97 people and hundreds of injuries on April 15th 1989.

And finally, in the realm of media and free speech, the Liberal Democrats pledge to pass a comprehensive 'Anti-SLAPP' Law' to protect whistleblowers, free speech and media scrutiny from Strategic Lawsuits Against Public Participation. Strategic Lawsuits Against Public Participation (SLAPP) are intended to intimidate and silence critics by burdening them with the cost of legal defence, and the risk of adverse costs, until they abandon their criticism. These lawsuits bring about concerns about freedom of speech, due to their chilling effect, which discourages the legitimate exercise of legal rights by the threat of legal sanction.

Now lets look at the Conservative Party's approach.



# Conservative Party Manifesto



The Conservatives plan to carefully consider the implications for the NHS of the last Government's Review of the whistleblowing framework. They also intend to consult on a disbarring regime for NHS managers, ensuring accountability within the healthcare system

The purpose of the Review of the whistleblowing framework is to examine its effectiveness in meeting the original objectives of the Public Interest Disclosure Act 1998. At the announcement of the Review in March 2023, Business Minister and Tory MP for Thirsk and Malton, Kevin Hollinrake said:

*“Whistleblowing is a vital tool in tackling economic crime and unsafe working conditions, and the UK was one of the first countries in the world to develop a whistleblowing framework”*

The focus on the NHS and its relationship to whistleblowing could have resulted from calls by the Health Secretary Victoria Atkins, who wrote in the Daily Telegraph:

*“It cannot be right that NHS management spends millions of pounds fighting doctors who have concerns over patient safety”*

Campaigners, lawyers and experts have been endlessly calling for reforms for healthcare whistleblowers, citing the hierarchical nature of the NHS as creating barriers to less senior members of staff coming forward with their concerns and the frequency of whistleblowers being investigated, bullied, intimidated and pushed out of the NHS.

Whilst the initiative to rectify the long-standing mistreatment of whistleblowers in the NHS is very much welcomed, the Conservative manifesto has missed the mark in not extending its purview to other sectors of society.

There is no mention of how whistleblowing might help greatly in combatting Fraud and Corruption which presently consist 40% of all UK crime statistics, nor does it recognize that 43% of all disclosures about fraud and corruption are made by whistleblowers. Moreover, there was no recognition of the need for a coherent approach across government to tie improvements in whistleblowing practice and protection into other legislation, such as the Economic Crime and Corporate Transparency Act (2023), which specifically enacted a ‘failure to prevent’ clause, or the forthcoming UK National Anti-Corruption Strategy 2024-2029 currently under composition within the Home Office.

Finally, let’s look to the Labour Party to see how they plan to strengthen whistleblower legislation:

## Labour Party Manifesto



In their ‘Take Back the Streets’ section of the Manifesto, Labour states:

*“We will strengthen the rights and protections available to women in co-habiting couples, as well as for whistleblowers in the workplace, including on sexual harassment.”*

Whilst we welcome this statement, it is confusing and also somewhat vague. Does it extend rights and protections to all whistleblowers in the workplace or just to women? How does it plan to strengthen the rights and protections of whistleblowers in the workplace?

This manifesto point comes after appointing Marina Wheeler KC as Labour’s Whistleblowing Tsar to advise on reform in October of last year. In an interview for Counsel Magazine, Wheeler described the need to relieve the burden of reporting on individuals, explaining that whistleblowing:

*“allows others who are aware of something systemic within an organisation but haven’t necessarily experienced the [sexual harassment] themselves’ to raise a concern”*

Whistleblowing as set out in the Public Interest Disclosure Act 1998, means that the individual raising concerns is classed as a whistleblower if their concerns have a public interest element. Labour’s manifesto suggests that they will be extending reporting on sexual harassment to third parties to take the obligation of reporting off the individual.

Emily Thornberry, the Labour MP for Islington South and Finsbury in her 2023 Labour Conference Speech stated:

*“It is time we offered the same protections to people reporting sexual harassment, bullying and discrimination in the workplace as we do to other whistleblowers. No woman should be forced to stay quiet for fear of being sacked.”*

Finally, Labour also states that they will introduce a ‘Hillsborough Law’ as discussed above within the Liberal Democrat Manifesto. They will also ensure the victims of the Windrush scandal are compensated and have their voices heard through a new Windrush Commissioner. They cite a series of historical injustices that occurred “under the Conservatives”, such as the Infected Blood, Grenfell and Covid-19 scandals and make a promise to act on the findings of their subsequent inquiries.



# Conclusions

All three parties recognize the importance of protecting whistleblowers, though their approaches vary. The Liberal Democrats offer a detailed plan covering various sectors and addressing scandals such as the Post Office Horizon, Infected Blood and Windrush scandals. The Conservatives demonstrate a need to continue the work of the Review of whistleblowing framework, but focus the need for better protections for whistleblowers who disclose malpractice in the NHS. Labour emphasises workplace protections, systemic reform to ensure resolution to scandals and more specifically, tackling sexual harassment within the workplace through increasing reporting mechanisms to help others speak out.

Whilst it is promising that whistleblowing is clearly on the political agenda, so much more needs to be done to ensure better protections, security and rehabilitation for those who speak up against wrongdoing. Public interest in whistleblowing has grown substantially and is currently highlighted in a variety of scandals, which has called into doubt the integrity of national institutions and whether responses from the Government are appropriate. Whilst these manifestos represent a positive start in addressing the obstacles to speaking up, they clearly demonstrate that there is a long way to go before whistleblowers feel properly protected or even, dare we suggest it, celebrated for speaking up for the common good.

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