

A Whistleblowing Covenant

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Introduction

The concept of a **Whistleblowers' Covenant** draws inspiration from the **Armed Forces Covenant**, which supports military personnel and their families in recognition of their sacrifices for national defence. Similarly, whistleblowers, who expose corruption, fraud, and misconduct in both public and private sectors, face significant personal and professional risks, including job loss, financial instability, and threats to their safety. Despite their critical role in safeguarding the integrity of public institutions, whistleblowers often receive inadequate protection and recognition. The proposal for a **Whistleblowers' Covenant** seeks to establish a framework, akin to the **Armed Forces Covenant**, to ensure whistleblowers are properly supported and protected.

Background

The **Armed Forces Covenant**^[1] was established in 2000^[2] and enshrined as the **Service Covenant** in the **Armed Forces Act 2011**, as a way of measuring whether the government and society at large have kept to their obligations to support members of the **Armed Forces**. It states that there is 'an enduring covenant between the People of the United Kingdom, His Majesty's Government and all those who serve or have served in the **Armed Forces of the Crown** - and their families'. The **Armed Forces Act 2021** added a further obligation for certain public bodies such as the **NHS** and local authorities, who now have to pay "due regard" to the **Covenant** when dealing with housing, healthcare, and education.

[1] It specifically extends this obligation to encompass those who have been injured or bereaved.

[2] Needham, James (2023-10-13). "[Labour commits to putting Armed Forces Covenant fully into law](#)". [Help for Heroes](#).

The covenant's reasoning is underpinned by accepting that the first duty of Government is the defence of the realm[3]. The fulfilment of this duty is vested with the Armed Forces of the country and discharged by service personnel, who fulfil that responsibility on behalf of the Government, 'sacrificing some civilian freedoms, facing danger and, sometimes, suffering serious injury or death as a result of their duty'. The vital part played by service families is also clearly recognized in supporting the operational effectiveness of our Armed Forces. In return, the Covenant owns that the whole nation has a moral obligation to its servicemen and women, and their families, and thus deserve our respect and support, and fair treatment. Essentially, it states that they should face no disadvantage compared to other citizens in the provision of public and commercial services[1]. This moral debt is recognized as a national unifier worthy of the value of their contribution and repaid by upholding and delivering the Covenant. In 2023, the Labour Party's Shadow Minister for Veterans' Affairs, Rachel Hopkins MP, committed the Party to fully enshrining the Covenant into law under a future Labour government and providing additional funding for mental health provision for veterans.[2]

Current Political Initiatives

In the run-up to the General Election, David Lammy, the Shadow Spokesman on Foreign Affairs, emphasised that "fighting kleptocracy will be a focus of the next Labour Foreign Office because money laundering and corruption fuel dictators while driving crime on British streets. It is an issue that demonstrates how the lines between foreign and domestic policy have broken down." Now, as the new Foreign Secretary, Lammy faces the challenge of delivering on this initiative. Key proposals include creating a registry for overseas trusts with a database of beneficial ownership, establishing an International Anti-Corruption Court, and hosting a Global Anti-Corruption Summit. Additionally, the Joint Anti-Corruption Unit (JACU) at the Home Office is formulating the UK Anti-Corruption Strategy (2024-2029), which aims to provide a long-term vision and operational framework for tackling corruption.

Significantly, Lammy is advocating for the incentivization of whistleblowers, a stance supported by Nick Ephgrave, Director of the Serious Fraud Office (SFO). Freya Grimwood, Chief Capability Officer at the SFO, reinforced this view, stating, "we (the SFO) want to make better use of whistleblowers, and we think a critical part of this is incentivising them to come forward." This focus features prominently in the SFO's five-year strategy (2024-2029), with the Finance and Security Centre at RUSI commissioned to study whistleblowing, with their report expected in the near future.

[1] [The Armed Forces Covenant \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

[2] 'Soldiering – the Military Covenant', MoD (booklet), April 2000

[3] Defence in response to perceived threats, categorised as (1) External threats: physical attack or invasion, cyber-attack, terrorism, geo-political (political interference, economic disruption, espionage) and (2) Internal threats: domestic terrorism, cybersecurity, political & social instability, and corruption.

The King's Speech made clear that the Government will deliver on their manifesto commitment to implement a Hillsborough law to introduce a legal duty of candour on public servants and authorities. What is not mentioned though is that if such an obligation is imposed on public servants as a duty, there is a reciprocal obligation to ensure that they are properly protected as and when they speak up in the public interest.

The Role Whistleblowers Play

Whistleblowers are crucial in maintaining transparency and accountability in organisations. By exposing wrongdoing, they act in the public interest, often voluntarily, without contractual obligations or expectations of reward. Their disclosures uncover instances of political interference, economic disruption, fraud, corruption, and even connections to terrorism and organised crime. However, whistleblowers frequently face severe personal and professional consequences, including job loss, reputational damage, and psychological or physical harm. Families of whistleblowers also bear the brunt of these repercussions, much like military families, yet they are often overlooked.

Recent scandals, such as the Infected Blood infusions, the Post Office Horizon system, and multiple instances of malpractice in the NHS, have underscored how poorly whistleblowers are treated. These cases highlight the significant risks individuals face when speaking up and the urgent need for better protection and rehabilitation for those who suffer for revealing the truth. Whistleblowers provide a vital service by defending the integrity of the nation's institutions, and recognizing this selfless act is essential to maintaining societal trust and national integrity.

Empowering Whistleblowers

To encourage more individuals to come forward, empowering whistleblowers must go beyond financial incentivization. A critical component is ensuring protection from retaliation, as whistleblowers often fear losing their employment, career prospects, and health due to toxic corporate cultures. To be effective, any protection framework must shift the responsibility for addressing disclosures onto employers and regulators, ensuring that they appropriately handle claims of reprisals.

The Employment Rights Bill, which includes provisions for protecting whistleblowers who expose sexual harassment in the workplace, is a positive step forward. This new legislation highlights the growing importance of creating meaningful avenues for reporting wrongdoing across sectors.

By addressing whistleblower protection in cases of sexual harassment, the Bill demonstrates how essential it is to support individuals who expose misconduct, setting a precedent for expanding these protections into other areas like fraud, corruption, and abuse of power. By building on this legislation, a more robust framework can be developed to ensure all whistleblowers feel safe to come forward.

Empowering whistleblowers also involves recognition of their courage and sacrifice. This recognition should not only be financial, compensating them for the personal and professional harm they suffer, but should also include public acknowledgment, awards, internal promotions, and corporate benefits. Additionally, restoration is crucial to ensuring whistleblowers can return to the workforce without permanent damage to their careers. By restoring them to a positive place in the workforce, society can benefit from their skills, training, and expertise, while also encouraging others to speak up.

The Whistleblowers' Covenant

The proposed Whistleblowers' Covenant would establish a moral and legal framework to support whistleblowers and their families, similar to the Armed Forces Covenant. In return for their service in defending the public interest, whistleblowers deserve respect, support, fair treatment, and protection from both government and society. This Covenant would formalise the commitment to safeguarding whistleblowers by creating a national programme for compensating them for any professional or personal harm they face. It would also promote cultural change within organisations, ensuring a more supportive environment for future whistleblowers. Indeed, it would sit very closely alongside the Government's commitment to introduce a Duty of Candour across the Public Service.

Key elements of the Whistleblowers' Covenant include:

- **Protection:** Whistleblowers must be shielded from reprisals, such as job loss or career damage, by shifting the responsibility to employers and regulators to handle disclosures appropriately and prevent retaliation.
- **Recognition:** Providing fair compensation for the personal and professional harm whistleblowers suffer. This would include financial rewards and other forms of acknowledgment, such as public honours, promotions, or internal recognition for their contribution.
- **Restoration:** Offering a pathway through Vocational Rehabilitation for whistleblowers to re-enter the workforce and regain their professional standing, preventing them from being permanently marginalised due to their actions.

By formalising a Whistleblowers' Covenant, the Government can ensure that those who defend the public interest through whistleblowing are given the support, respect, and protection they deserve, while promoting transparency and accountability across sectors.

The proposal suggests creating a Whistleblower Covenant, modelled after the Armed Forces Covenant, and establishing a Whistleblower Covenant Fund, similar to the Armed Forces Covenant Fund, with initial seed funding from illicit gains and fines from corrupt enterprises exposed by whistleblowers. A Whistleblower Covenant Fund Charitable Trust would oversee grant disbursements, while a Whistleblower Awards Programme would recognize the courage of whistleblowers. A Whistleblower Covenant Fund would act as a restorative justice programme, designed to protect, compensate, and restore whistleblowers who face harm for exposing wrongdoing. This "Restoring Lives" initiative would holistically support whistleblowers and their families, with elements such as:

- **Therapeutic counselling for emotional recovery**
- **Legal aid to ensure fairness in legal battles**
- **Interim financial support to reduce family stress**
- **Vocational rehabilitation to reintegrate whistleblowers back into the workforce**
- **A Corporate Information Programme to promote cultural change and support for whistleblowers in public and private sectors**
- **Education, training, and research to strengthen understanding of whistleblowing**

Additionally, a Whistleblower Commissioner or "Civil Service Whistleblowing Champion" would be appointed to manage the Covenant and ensure effective implementation of these measures, potentially sitting within the proposed Government Ethics and Integrity Committee. This programme would support whistleblowers and encourage others to come forward, fostering a culture of integrity. Whistleblowers acting as the Conscience of Society, calling out wrongdoing in the Public Interest, deserve our support and protection. They are at the forefront of civil society in the fight against fraud and corruption and too frequently become casualties of their courageous acts of stepping forward and speaking up. We, the public, through our elected representatives, need to recognize this sacrifice and meet the moral obligation it imposes. Establishing a Whistleblowers' Covenant and a supporting fund and restorative programme is not just a good thing to do - it is a moral and just thing to do to show that society recognizes and cares for its brave citizens.