

Protection written into law

Behind the story

Next year will mark the 20th anniversary of the introduction of legal protections for whistleblowers and, as the Barclays scandal shows, these rules are more important than ever (Harry Wilson writes).

In 1998 the Public Interests Disclosure Act gave employees the right to make protected disclosures so they could identify wrongdoing without fear of reprisal.

Under the law, a staff member who spots some form of rule breach, criminal or otherwise, is protected if the disclosure is made in the public interest.

Once the protected

disclosure is registered, an employer must ensure the whistleblower is not subject to any form of detriment for speaking out. Any failure on this by the employer entitles the victim to make an unlimited financial claim.

Richard Nicolle, employment law partner at Stewarts Law, said the claims made in the case of Barclays "couldn't be more serious".

He said: "For senior managers to be seen to be focused on unmasking anonymous whistleblowers will do great damage to the confidence of anyone who does want to anonymously raise legitimate concerns."

In the City, one of the main conduits for whistleblowers to raise concerns is the **Financial Conduct Authority**, but Mr Nicolle cautioned that

the watchdog had "no track record of coming to their defence".

To add to the seriousness of the case, the senior managers regime, which came into force last year, puts an onus on executives to make sure rules are followed, potentially increasing the pressure on Barclays, and on Jes Staley, its chief executive, in particular.

Rita Trehan, former HR director at Honeywell, said it showed the need for improved corporate whistleblowing policies. "The focus now should not simply be ensuring that the right rules are put in place, but understanding how to reinforce a culture that is transparent, ethical and enables employees to raise concerns without fear of retribution," Ms Trehan said.

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Preventative HIV drug approved in Scotland

By Henry Bodkin

SCOTLAND has become the first nation of the UK to approve a controversial new drug which dramatically cuts the risk of catching HIV.

The Scottish Medicines Consortium (SMC) yesterday approved the routine use of PrEP, intended as a preventative treatment principally for gay and bisexual men who have unprotected sex.

The drug, which studies suggest can reduce the risk of infection by 90 per cent, has been described as a “game changer” in the fight against HIV. Critics have labelled it a “promiscuity pill”.

Health officials had previously said that funding the expensive drug could mean children with cystic fibrosis, deaf children in need of hearing implants, and amputees needing prosthetics could be denied treatment.

The SMC ruling follows a fierce legal battle south of the border last year, in which NHS England unsuccessfully argued that it was not responsible for providing the medicine.

More than 10,000 men in England will now be offered the treatment as part of a trial; however, it has not been approved for routine use. Campaigners said yesterday the “speed and decisiveness of the Scottish process contrasts starkly” with the rest of the UK.

They estimate that up to 1,900 people in Scotland could benefit from the drug, which has the brand name Truvada and costs around £450 a month.

The Terrence Higgins Trust Scotland said funding the drug could save £360,000 in treatment costs for every person it saved from contracting HIV.