

Protocol on Whistleblowing

Introduction

1. To assist the Inquiry in meeting its Terms of Reference, it is important that it is provided with all relevant information. The Inquiry recognises however that there may be instances where individuals wish to come forward with relevant information but are concerned about breaching confidentiality and/or reprisals to themselves or others, if it is discovered that they have shared information with the Inquiry. In certain circumstances, such an individual may be considered by the Inquiry as a “whistleblower”.
2. This Protocol sets out the Inquiry’s approach to those it considers to be whistleblowers. It explains the circumstances in which a person may be treated by the Inquiry as a whistleblower and the steps the Inquiry may take in seeking to protect that individual. Each case will be considered on its own merits.

Who May be Treated as a Whistleblower?

3. For the purpose of the Inquiry, a person may be treated as a whistleblower in the following circumstances:
 - (i) They wish to provide information about a matter potentially relevant to the Inquiry’s Terms of Reference. This information may include (but is not limited to) information about:
 - alleged wrongdoing by another person or persons;
 - a failure by another person or persons to comply with a legal obligation;
 - a potential risk, past present or future, to someone’s health and safety;
 - a failure in the delivery of inpatient treatment and care;
 - a failure in systems, policies or practices to protect patients, staff or others;
 - the culture and/or the wider governance of an NHS Trust in Essex; or
 - any attempt to cover up matters of the type outlined in the paragraphs above.

- (ii) They reasonably believe that the information they wish to provide is true and accurate;
 - (iii) They are concerned that they will suffer some detriment as a result of providing the information, such as:
 - some adverse consequence in relation to their current job;
 - some adverse consequence which will affect their ability to apply for another job;
 - a real and immediate risk of harm to themselves or another;if others find out they have provided information to the Inquiry.
4. The Inquiry considers that those who provide information to assist its work are doing so in the public interest. The information provided will usually relate to concerns in the workplace, but it does not have to. The information may involve past and/or present incidents and/or incidents that may occur in the near future.

Requesting Protection as a Whistleblower

5. An individual who wishes to request protection as a whistleblower before providing information should contact the Inquiry as soon as possible. This can be done by phone on 020 7972 3500 (leaving a voicemail), by email at Contact@LampardInquiry.org.uk, or by post – The Lampard Inquiry, PO Box 78136, London, SW1P 9WW.
6. If an individual due to be interviewed wishes to make a request for protection as whistleblower, they should try to flag their interest before their interview takes place. This will help the Inquiry to put measures in place before the interview to ensure the person seeking protection feels supported and able to give their best evidence. The Inquiry will also consider requests for protection as a whistleblower made during or after an interview, but the request should still be made as soon as possible. This will allow the Inquiry to consider the request, seek further information if necessary, and ensure that the individual seeking that protection is given an opportunity to discuss their request.
7. If an individual requests protection as a whistleblower, the Inquiry will consider all of the circumstances and the reasons given by the individual and will determine whether that individual should be given that protection. The individual will be asked to give as much information as

possible about the disclosure they wish to make to the Inquiry, and the reasons for their request for protection as a whistleblower. It will be for the Inquiry to determine the relevance of the information it receives. The Inquiry may ask for further information and/or invite the individual to a meeting to discuss their request.

Treatment of Whistleblowers

8. The Inquiry will make every effort to protect an individual who is granted whistleblower status.
9. The Inquiry will consider carefully how to handle any information that is provided by the whistleblower and will determine what may be published or disclosed to others participating in the Inquiry. The Inquiry will, where possible, take steps to protect the identity of a whistleblower, for example by providing anonymity, or by removing data that could link the information to the whistleblower. The Inquiry may invite an individual to apply for a Restriction Order in line with its published Protocol, accessible [here](#). If, despite such steps, the whistleblower remains identifiable, the Inquiry will discuss with the whistleblower how the information can be used safely to assist the Inquiry's investigation.
10. If an individual raises concerns about a real and immediate risk of harm to themselves or another person, the Inquiry may consider it necessary to seek a risk assessment from the police and/or other relevant persons before a decision is taken about what information, if any, can be safely published by the Inquiry.
11. In determining whether it is necessary and appropriate to protect the identity of a whistleblower, the Inquiry will balance the risk of harm to the whistleblower or others, with the public interest in the Inquiry meeting its Terms of Reference, which includes undertaking an open public inquiry and producing a report on its findings and recommendations which is available to the public.
12. If an individual discloses information to the Inquiry which suggests that a criminal offence has been committed, or may be committed, and/or which gives rise to any safeguarding concerns, the Inquiry may report that information to the police and/or other relevant authorities so that necessary action can be taken. The Inquiry may also pass information provided by a whistleblower to a professional regulator. If information provided by a whistleblower is passed to the police, and/or a professional

regulator and/or other relevant authorities, the whistleblower will be notified first that the information will be passed on (as far as is possible).

13. All decisions made by the Inquiry in relation to whistleblowers, information provided, and the reasons for those decisions, will be kept under review by the Chair.

The Professional Duty of Candour

14. Registered healthcare professionals have a professional duty to report misconduct and/or raise concerns.
15. Individuals who work for the NHS may also owe a duty of candour. Please see [The Health and Social Care Act 2008 \(Regulated Activities\) Regulations 2014 \(legislation.gov.uk\)](#).

Further Support Available

16. The Inquiry understands that providing information and raising concerns can be a difficult and anxious time for an individual. Ensuring the wellbeing of those assisting the Inquiry is extremely important to the Chair and the Inquiry team. The Inquiry offers independent emotional support to those affected by the work of the Inquiry. This is a confidential service and is independent of the Inquiry. If you would like to access this offer the Inquiry team will discuss next steps with you.

Review

17. If this Protocol requires amendment during the course of the Inquiry, an updated version will be published on the Inquiry's website at the earliest opportunity. Any amendments will be subject to the review and approval of the Chair.

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