

**From:** Elizabeth Gardiner <REDACTWD >  
**Subject: Re: Protect's blog - accuracy**  
**Date:** 28 September 2020 at 09:33:57 BST  
**To:** minh alexander <REDACTED>

Dear Minh

Thank you for your email and continued interest in our work at Protect.

With regard to your comments about the role of the Whistleblowing Commissioner in our draft Bill, we think that any Commissioner should have powers to ensure the concerns themselves are addressed (alongside other powers), but should not aim to replace the current regulatory system. As now, the starting point should be that an employer or prescribed person should investigate the concern, but where they fail to do so that's when the Commissioner can come in. There is an interesting debate to be had on the exact role of the Commissioner and ultimately that will be for Parliament to decide.

We know it will take debate and discussion with all interested parties to get the reforms right, and thank you for your interest. We are indeed looking again at the proposals as outlined in our draft Bill and hope to relaunch it soon. In the meantime, we'll make the following change to our blog :

Both Protect and Dr Whitford MP in their Bills call for a Whistleblowing Commissioner with its principal duty to protect the whistleblower and ensure the concerns raised are properly investigated. **Both bodies have the power to set and monitor standards for employers and regulators, and to investigate concerns. Protect's bill grants this power when a regulator or employer has failed to deal with the raised concerns.** These are important innovations.

We welcome debate and feedback and thank you for your comments.

Best wishes

**Elizabeth Gardiner**  
**Chief Executive**  
Tel: 0203 117 2520

More whistleblowers than ever are calling our Advice Line during the Covid-19 pandemic. Our lines are incredibly busy at the moment - our small team of legal advisers are dealing with an unprecedented **43% increase** in cases in comparison to the same time last year.

If you can spare any money, please consider a donation, so that we can keep our lines open for the many whistleblowers who need us. You can donate using [the following link](#).

**Protect – Speak up, stop harm**

The Green House, 244-254 Cambridge Heath Rd, London, E2 9DA | Tel: 0203 117 2520 |  
Website: [www.protect-advice.org.uk](http://www.protect-advice.org.uk) | [@WhistleUK](https://twitter.com/WhistleUK) | Registered charity no. 1025557

**We are calling on government to review the whistleblowing law, The Public Interest Disclosure Act - so that everyone can speak up safely. Please show your support for whistleblowers by signing the petition [here](#).**

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**Following government guidance against non-essential travel, our staff are now working remotely. We are still open for business, though, and can be contacted through all the normal channels. Please note, however, that during this period we will have slightly altered hours during which our telephone lines are open. You can find further details [here](#).**

On Friday, 18/09/2020 at 12:56 pm minh alexander wrote:

Hi Elizabeth,

I noticed that in Protect's blog of 27 August 2020 "Unpacked: The 3 bids to transform whistleblowing law PIDA" in which Protect gives its view of the three whistleblowing Bills in play, that Protect stated its proposed Whistleblowing Commission would investigate whistleblowers' concerns:

**"What are the stand out asks of each Bill?**

*All the Bills are united in that they want to see PIDA reviewed but vary in what they call for. The 'headlines' for each are as follows*

*Protect's Bill:*

- *Wider protection of more people e.g. Non-executive Directors (NEDs), volunteers, self-employed workers and job applicants*
- *A duty on employers to prevent victimisation*
- *A Whistleblowing Commissioner – a new independent body to investigate a concern, or unfavourable treatment of the whistleblower, set standards and administer penalties."*

<https://protect-advice.org.uk/unpacked-the-3-bids-to-transform-whistleblowing-law-pida/>

Aa far as I can see, this is an inaccurate representation of Protect's Bill. The Bill only proposes that its Whistleblowing Commission should investigate the HANDLING of concerns:

**"(3) The Whistleblowing Commissioner shall have the following functions:**

**a) to act as an investigator of alleged maladministration or a failure to investigate a protected disclosure either by an employer or by a prescribed person**

**b) to set standards about protected disclosures expected of prescribed persons and employers and issue guidance of such standards**

**c) to improve public awareness and education of individual's rights regarding protected disclosures**

*d) to administer civil penalties where they judge appropriate against employer or prescribed persons for breaches of function (a) or (b) above."*

<https://s3-eu-west-1.amazonaws.com/public-concern-at-work/wp-content/uploads/images/2019/11/05160222/Protect-Whistleblowing-Bill-Nov-2019.pdf>

The majority of whistleblowers, whose prime focus is the public interest, consider that PIDA's central failing is the fact it ignores their disclosures and thus allows them to be covered up.

Obviously it would be very disappointing if this central fault remains in our whistleblowing legislation.

I'd be grateful if you could clarify whether the claim in Protect's blog of 27 August 2020 that Protect's proposed Commission will investigate concerns means that Protect will amend its draft Bill to give the proposed Commission powers to investigate whistleblowers' concerns per se, or is it Protect's intention still to restrict the role of the proposed Commission to just examining the process of how whistleblowers' concerns are handled?

Many thanks,

Minh

Dr Minh Alexander