



October 2020  
*1<sup>st</sup> Edition*

# Guidance

for UKPHR registrants about whistle blowing and the professional Duty of Candour

*Approved for publication by UKPHR's Board on 01 October 2020  
Updated October 2024 following Good Public Health Practice 2024*

## Introduction

### *Whistleblowing*

'Whistleblowing' is when a worker provides certain types of information which have come to their attention, usually to the employer or a regulator, to raise a concern about danger or illegality that affects others. The disclosure may be about the alleged wrongful conduct of the employer, a colleague, client, or any third party. Typically, the whistleblower is not directly, personally affected by the danger or illegality, although they may be.

In the UK, the *Public Interest Disclosure Act 1998* is a key piece of legislation protecting individuals who 'blow the whistle' in the public interest. Examples of the situations covered include financial malpractice, criminal offences, risks to health and safety, failure to comply with a legal obligation, a miscarriage of justice and environmental damage.

Workers who make a 'protected disclosure' can make a claim to an employment tribunal if they're treated badly or dismissed. For a disclosure to be protected, it must meet the test for being in the public interest and the worker must follow the procedures set out in the legislation.

As a regulator, UKPHR has a clear interest in receiving information about quality of public health practice and potential harm to the public and therefore strongly supports this legal protection for whistle blowers. We also support registrants who, in the exercise of their professional duties, believe that they need to make a disclosure in the public interest.

### *Duty of candour*

"Duty of candour" is a statutory (legal) duty to be open and honest with patients and service users, or their families, when something goes wrong that appears to have caused or could lead to significant harm in the future. It applies to all registered health and social care organisations and registered healthcare professionals in England.

In Scotland, the *organisational* duty of candour procedure is a legal duty which sets out how organisations should tell those affected that an unintended or unexpected incident appears to have caused harm or death. They are required to apologise and to meaningfully involve them in a review of what happened.

A similar organisational duty of candour has been legislated for in Wales.

At UKPHR we take seriously our responsibility for encouraging candour in registrants as part of improving quality of service on public health practice.

*Good Public Health Practice Framework 2024* speak to both whistleblowing and duty of candour and places appropriate duties on all registrants in respect of them.

This guidance sets out UKPHR's expectations and signposts relevant guidance produced by other organisations to assist registrants to understand whistle blowing and the Duty of Candour.

## Duties of registrants

As well as legislation and case law on this subject, you must, as registrants, keep up to date with, and follow, the relevant laws, codes of practice and guidance, including our advice in *Good Public Health Practice Framework 2024* as a condition of maintaining your registration.

If you are unsure how to act in a situation, you should always seek advice and assistance from an experienced and appropriately qualified colleagues or a professional organisation

Registrants who make decisions based on the principles in this guidance will be able to justify your decisions and actions if we receive a complaint about your practice in relation to the decisions you made.

## Good Public Health Practice Framework 2024

This updated publication by UK Faculty of Public Health and UKPHR sets out the standards which apply to the public health practice of all UKPHR's registrants.

It was developed in order to provide guidance for multidisciplinary public health practice, for example, where there is a need for population-based interventions.

*Good Public Health Practice Framework 2024* provides registrants with guidance on good professional practice. By extension, the framework can be consulted by UKPHR's workforce for guidance.

The following provisions are relevant in relation to **whistleblowing**:

### A. KNOWLEDGE, SKILLS AND DEVELOPMENT

4. **You must follow the law and guidance on professional standards** and other regulations relevant to your public health practice. Where aspects of public health practice are governed by law or regulated by other statutory codes of practice, you should observe these and keep up to date with changes in them that may affect your practice.

### B. PATIENTS, PARTNERSHIP AND COMMUNICATION

5. **You must be professional and ethical in your public health practice at all times.** You must not allow your personal views regarding lifestyle choice, culture, belief system, race, ethnicity, gender, sexuality, disability, marital or parental status, age or social or economic status to affect negatively or to prejudice the professional services you provide or arrange. You must not refuse or delay action that is otherwise justified because you believe that an individual's or population's actions have contributed to their situation. You should challenge colleagues and partners if their behaviour does not comply with this guidance. You must not express to individuals and groups you work with your personal beliefs, including political, religious or moral beliefs, in ways that exploit their vulnerability or that are likely to cause them distress. If you have a conscientious objection to a particular public health task or intervention, you must make sure that the way you manage this does not act as a barrier to the needs of the community or population being served.
6. **You must make sure that you and other professionals are able to be professional and ethical in your and their public health practice.** You must take part in systems of quality assurance and quality improvement to promote safe systems and improved

quality of your work. If you have management responsibilities, you should ensure that mechanisms are in place through which colleagues and partners can raise, in confidence, concerns about risks to the public. You must contribute to adverse event recognition and reporting systems. Those public health professionals with additional professional registrations should also pay due regard to relevant codes of conduct.

#### D. COLLEAGUES, CULTURE AND SAFETY

3. **You must ensure truthful and meaningful communications.** Appropriate steps should be taken to ensure that all communities (including marginalised and minority groups) are able to: contribute to the design of services and interventions; co-produce interventions and services where appropriate; assist in identifying and utilising community assets effectively; and help monitor outcomes so as to protect health and improve health and wellbeing. It is a key principle of public health practice that you should work with and mobilise communities and individuals to facilitate and support them to develop solutions to address their health and wellbeing needs (including advocating for them where necessary) through community development models of practice.

#### D. TRUST AND PROFESSIONALISM

1. **You must ensure at all times that your standards of practice justify the public's trust in your work,** and in the work of the wider public health profession. You must ensure that your conduct justifies the trust and confidence of the populations that you serve. In order to do that you must be prepared to be accountable for your professional actions and engage constructively with organisations and individuals, including elected members, who have a legitimate reason to scrutinise your professional activities. This means acting with honesty and integrity including in your public health practice and public health research:
  - Integrity: put your service obligations above your personal interests.
  - Honesty: be truthful and open.
  - Objectivity: base advice and decisions on rigorous analysis of evidence.

*Impartiality: act solely according to the merits of a case without prejudice.*

The following provisions are relevant in relation to **duty of candour** and they apply to all registrants wherever they practice in the UK, not just in England:

#### A. KNOWLEDGE, SKILLS AND DEVELOPMENT

2. You should recognise and work within the limits of your competence, seeking further advice from appropriate bodies (e.g. commissioners, employing organisation) and consulting with colleagues where this is required. There is a responsibility on your managers and/or commissioners not to require you to work beyond your limits of competence. However, the ultimate decision to act, or not to act (in order protect the public) is for you to make and you are expected to say no if necessary.

#### C. COMMUNICATION, PARTNERSHIP AND TEAMWORK

1. You have a duty protect the health and wellbeing of your population. You must treat everyone with kindness, fairness, courtesy and respect. This means communicating sensitively and considerately, listening, not making assumptions and explaining rationale for your advice or decisions, with particular attention to vulnerable groups and individuals within your population. Vulnerable groups and individuals may include (but are not limited to) children and young people, people with physical and/or mental health issues, older people and people in disadvantaged communities. Take special care when seeking vulnerable people's consent and consult with them or their advocates in appropriate ways to be clear whether consent is being given or withheld. You should offer assistance to vulnerable individuals or groups, including where necessary advocating on their behalf if you have reason to think that their rights have been abused or denied.

*When communicating with vulnerable individuals or groups or communities you must:*

- *Treat them with respect and listen to their views, be open and honest and be compassionate with individuals and those supporting them.*
- *Answer their questions to the best of your ability.*
- *Provide information in a clear way that can be understood.*
- *Check information provided has been understood, taking into account language and communication needs, including: any hidden or visible disabilities or impairments, including physical, and relevant psychological, spiritual, social, economic, and cultural factors.*

## C COLLEAGUES, CULTURE AND SAFETY

**2. You must be open and honest with patients and families, and make sure that relevant information is shared.** *This includes complying with duty of candour responsibilities when things go wrong and includes saying sorry and taking action to put things right where possible. You must ensure that information is not withheld, where it may affect a decision or course of action that would have an impact of health.*

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  - *Integrity: put your service obligations above your personal interests.*
  - *Honesty: be truthful and open.*
  - *Objectivity: base advice and decisions on rigorous analysis of evidence.*
  - *Impartiality: act solely according to the merits of a case without prejudice.*
6. *. You must disclose professionally facts which may have a bearing on your professional performance. You must always be honest about your experience, qualifications, and position, particularly when applying for posts. You must inform your regulator and professional body without delay if, anywhere in the world: you have accepted a caution; been charged with or found guilty of a criminal offence; or if another professional body has made a finding against your registration as a result of fitness to practise procedures. If you are suspended from a post (or have restrictions placed upon your practice) because of concerns about your standard of practice, performance or conduct, you must inform any other organisations for whom you 22 Faculty of Public Health 4 St Andrews Place, London NW1 4LB www.fph.org.uk Registered Charity No: 263894 undertake similar work. Independently of such organisations, you must also inform individuals, communities or populations that you work with, if the advice or services you provide are within the area of concern relating to the suspension or restriction.*

## Guidance provided by others

There are many good sources of guidance already in existence. In this section, we reference some that we believe might be relevant at some point for registrants and members of UKPHR's workforce who may have a need for assistance with a specific issue or challenge.

### UK-WIDE

#### **General Medical Council:**

[Raising and acting on concerns about patient safety](#)

[Openness and honesty when things go wrong: The professional duty of candour](#)

#### **Professional Standards Authority**

[Candour, disclosure and openness: Learning from academic research to support advice to the Secretary of State October 2013](#)

#### **Protect**

*Protect is the UK's whistleblowing charity (formerly Public Concern at Work)*

[Free, confidential whistleblowing advice](#)

#### **Social Care Institute for Excellence (SCIE):**

[Whistleblowing: improving organisational practice](#)

### ENGLAND

#### **Government:**

[Whistleblowing: guidance and code of practice for employers](#)

[Whistleblowing for employees](#)

[Statutory duty of candour for health and adult social care providers](#)

### Northern Ireland

#### **Department of Health:**

[The Public Interest Disclosure \(Northern Ireland\) Order 1998](#)

## Scotland

### **Scottish Government:**

The Independent National Whistleblowing Officer and the Draft National Whistleblowing Standards October 2019

Organisational duty of candour: guidance

## Wales

### **Wales Audit Office:**

Whistleblowing in the public sector: A good practice guide for workers and employers

At UKPHR we cannot offer legal advice and guidance about whistleblowing and duty of candour, but registrants are welcome to get in touch to discuss issues and challenges relating to either or both. At UKPHR we will always do our best to support you in getting help with your enquiry.

For further information, please CONTACT:

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*UKPHR October 2020  
Updated October 2024*