Dear Pamela

The BMA is an apolitical professional association and independent trade union, representing doctors and medical students from all branches of medicine across the UK and supporting them to deliver the highest standards of patient care. We have a membership of over 169,000 which continues to grow every year.

Thank you for your invitation to participate in the online public consultation on the draft directive for the protection of whistleblowers.

We will not be placing comments on the website but wanted to take this opportunity to register our interest in supporting employees who raise concerns about patient care.

The BMA has been focused on this issue for some time. We are particularly interested in how we can better support our own members at the point at which they initially raise their concerns, i.e. before the matter has escalated and they suffer any detriment. A new support service for members who want to raise concerns is being piloted.

You might also like to know about a recent success we have achieved in relation to doctors in training. These doctors are often seen as the early warning part of the healthcare system as they move around hospitals and see things with fresh eyes. They can, however, be worried about the impact of raising concerns on their training programmes and careers. Following an agreement reached with the BMA, NHS Employers and the Department of Health, Health Education England (HEE), which is responsible for the education and training of the healthcare workforce, is
voluntarily entering into contractual obligations that protect doctors in training against detriment from HEE and giving them redress through the courts if necessary.

There are aspects of the draft directive that may require further consideration. We would want to ensure that the protection for employees who have made disclosures is being strengthened in a targeted way that would reduce the risk of them suffering negative consequences inappropriately. We would also be concerned about trade unions such as the BMA becoming recipients for protected disclosures as we have no statutory or regulatory responsibility for patient care.

We look forward to discussing this matter further in due course.

Yours sincerely

Dr Mark Porter
Chair of Council