

**Public Concern at Work Whistle blowing Commission**  
**Royal Pharmaceutical Society (RPS) submission**

There are three areas where the RPS believes the law could do more.

**1 Extending the protection of Public Interest Disclosure Act (PIDA) to include locums**

The fact locum pharmacists are not covered by PIDA is a considerable impediment for this group to speak in confidence about public interest concerns. We would like PIDA to be changed so that locums and all other workers, including students and volunteers, are included on a statutory basis.

We are aware that within the 'managed NHS' temporary workers employed through agencies and the like, including self-employed, are covered by PIDA.

We would expect all organisations that contract with the NHS including public private and charitable organisations to apply a similar interpretation of PIDA and make it clear through their own policies that they include both self employed locums, agency staff and volunteers as having the same rights as employed workers in relation to PIDA

**2 Encouraging cultural change**

We believe PIDA should encourage a "patient safety culture" where speaking up about concerns, reporting them early and positive action being taken becomes a normal part of the way the healthcare systems operates. This requires pharmacists and others to be able to trust that the system will treat them fairly if an incident occurs. At the Society we have defined this as creating a "just culture" where reporting incidents is encouraged and rewarded rather than punished. ***For our sector specifically this includes the end of automatic "strict liability" criminalisation of pharmacists who make dispensing errors.*** However where there is clear negligence or deliberate harm people must be held accountable for their actions.

We believe a "just culture" is possible within healthcare – as it has been achieved in other high risk industries such as nuclear and aviation but the law must align with the outcome encouraging reporting, openness, learning and sharing information for the benefit of increased patient safety

**3 Ensuring the regulatory environment supports individuals who raise public interest concerns**

We believe the fact that full public disclosure on public interest issues is protected through PIDA is vital. However this should be seen as a backstop rather than the ideal scenario for raising concerns.

Organisations need to understand the value in learning about wrongdoing early. The law should show organisations that it is the right thing to do. There should be less emphasis in managing reputational damage through disclosure and more on how we can ensure organisations learn from mistakes and learn about them earlier. We believe both regulators and employers should extend a duty of care to ensure whistleblower wellbeing.

We believe there needs to be a step change in the health sector with regard to raising concerns. Recent revelations about Care Quality Commission (CQC) and Mid Staffs NHS Trust suggest that poor responses to whistleblowing pervades the health sector.

We would like to see greater involvement of proscribed regulators including CQC and our own professional and system regulator, the General Pharmaceutical Council (GPhC), in supporting individuals who speak up about concerns, avoiding these cases ending up in employment tribunals where PIDA protection is invoked.

System regulators such as GPhC and CQC need to focus on employers to ensure they can provide real examples of how they have supported their workforce in speaking up early.

Professional and system regulators themselves should do more to promote raising concerns as the right thing to do. This includes championing those who have raised public interest concerns and ensuring they are not only protected but are celebrated as patient safety champions

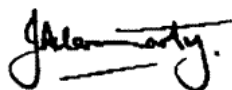
#### **4 Our role as a professional body for pharmacy**

We have done much to encourage whistleblowing by individual pharmacists and creating an environment within our sector where this is encouraged. This includes

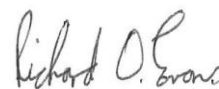
- 1 Promoting the creation of a just culture in pharmacy, learning from sectors where this has already happened, such as aviation.
- 2 Signing the "Speaking Up Charter." on behalf of our profession.
- 3 Providing a "whistleblowing advice line" through Public Concern at Work for our members.
- 4 Creating guidance for employers and pharmacists about whistleblowing.
- 5 Campaigning for an end to the automatic criminalisation of dispensing errors that may be made by pharmacy staff.



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*For further information or any queries you may have on our submission please contact Heidi Wright at [heidi.wright@rpharms.com](mailto:heidi.wright@rpharms.com) or 0207 572 2602.*

## **About us**

The Royal Pharmaceutical Society (RPS) is the professional body for every pharmacist in Great Britain. We are the only body that represents all sectors and specialisms of pharmacy in Great Britain.

The RPS leads and supports the development of the pharmacy profession to deliver excellence of care and service to patients and the public. This includes the advancement of science, practice, education and knowledge in pharmacy and the provision of professional standards and guidance to promote and deliver excellence. In addition, it promotes the profession's policies and views to a range of external stakeholders in a number of different forums.

Its functions and services include:

**Leadership, representation and advocacy:** Ensuring the expertise of the pharmacist is heard by governments, the media and the public.

**Professional development, education and support:** helping pharmacists deliver excellent care and also to advance their careers through professional advancement, career advice and guidance on good practice.

**Professional networking and publications:** hosting and facilitating a series of communication channels to enable pharmacists to discuss areas of common interest, develop and learn.