

What is the Public Interest Disclosure Act 1998 (PIDA)?

The PIDA protects whistleblowers from detrimental or unfavourable treatment and victimisation from their employers and colleagues after they have made a qualifying disclosure of a concern in the public interest.

Who is covered by the PIDA?

The Act covers all workers including those on temporary contracts or supplied by an agency and trainees. PIDA does not cover volunteers or Governors of NHS Foundation Trusts, and does not usually cover students. However when a disclosure is made, in line with 'Freedom to Speak Up' findings, students should be supported in understanding how to raise concerns via their education and training providers, as well as provided support in doing this.

Although the following is not an exhaustive list of the range of issues, in relation to which staff may raise concerns, it gives an indication of the situations which may give rise to staff concerns covered by this policy. The Public Interest Disclosure Act 1998 and Enterprise and Regulatory Reform Act 2013 protects identified workers who make a "qualifying disclosure". A "qualifying disclosure" means any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following: -

- (a) that a criminal offence has been committed, is being committed or is likely to be committed,
- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
- (d) that the health or safety of any individual has been, is being or is likely to be endangered,
- (e) that the environment has been, is being or is likely to be damaged, or
- (f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

When making a disclosure the reasonable belief does not need to be correct and the disclosure does not need to be made in good faith. The worker only needs to show that they held the belief and that it was a reasonable belief in the circumstances at the time they made the disclosure.

A disclosure of information is not a qualifying disclosure if the person making the disclosure commits an offence by making it e.g. under the Official Secrets Act 1989.