HEE extends whistleblowing protection for doctors in training

9 August 2016

Health Education England has extended whistleblowing protection for junior doctors, providing a new legal route directly against HEE, if required, for trainees who raise concerns and believe that HEE has caused detriment to them as a consequence.

This arises because, as the law is understood to apply, claims cannot be made in the Employment Tribunal against HEE as it is not within the required category of employer; this is not something HEE can change.

In order to address this situation we will now voluntarily place in contracts with local employers a provision that protects juniors against detriment from HEE by providing direct redress for them against HEE through the courts. This does not affect any rights against employers.

Professor Wendy Reid, HEE Medical Director, said:

HEE has always supported doctors in training to speak up if they have concerns about patient safety. Although we are not an employer of junior doctors, we recognise that we have significant influence over their careers.

We do not believe that HEE has caused any detriment towards whistleblowing trainees; however, we wish to remove any perception that might prevent patient safety or other issues being raised. The contractual rights we have provided are voluntary on HEE and are a very significant increase in trainees' rights. We feel that it is absolutely right that we make this change today and remove a potential barrier to junior doctors raising legitimate concerns about the quality and safety of patient care and other matters.

The right of junior doctors to make protected disclosures without fear of detriment has been one of the British Medical Association's (BMA) key concerns during the non-contractual discussions they have held with us. HEE is already a prescribed person under existing whistleblowing legislation, but we have worked with the BMA and NHS Employers to address the status of HEE and add this further protection. We have written to local employers to ensure...
that this new right is granted and will ensure that this is publicised effectively.