

The Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 of the United Kingdom offers a framework of protection in legal terms to those who unveil the information that is aimed at exposing malpractice, together with any other data of similar concern. In other words, the act aims at protecting whistleblowers from dismissal or victimisation once they raise a certain issue that touches on a particular individual or organization involved in malpractices (Henry, 2005).

Malpractices range from crime to civil offences, such as breach of contract, negligence, miscarriage of justice, breach of administrative, and danger to health, safety and environment. Several decades ago, employees would contribute a lot in preventing the occurrence of malpractices that saw many institutions crumbling if they felt that they would receive support after making their allegations.

Thus, the need emerged to have such an act that would shield the whistleblowers who witnessed something that was not in accordance with the law in their work places. However, the span of the Act allows to raise only genuine concerns that have something to do with civil offences and crime. Thus, the procedures for raising such concerns to a prescribed regulator under the Public Interest Disclosure Act 1998 are time-consuming and quite unlikely to assist an employee who wishes to alert a regulator to the malpractices in the workplace.

According to Stady (2000), any significant revelation should be initially made to the people chosen by various public institutions for receiving such disclosures. In case the information is to be disclosed, such revelation touches upon malpractices committed by the chosen people, the procedure becomes longer than expected because the person disclosing the information should seek appointments with officers in higher ranks, in contrast to those initially chosen to receive information on various malpractices.

After the designated person gets the relevant information, (s)he has to consider the matter disclosed closely, and if (s)he finds any ground that would prompt any further proceedings, an investigation has to be conducted in order to figure out whether the allegations are true or false. The other procedure concerns defining the form that investigations should take, which is based on whether the malpractice is a crime or civil offence.

The next procedure is appointment of the official who has to carry out the investigations. Getting a genuine and honest person to conduct the investigation is also an uphill and time-consuming task because it involves researching the given individuals' records in order to come up with the one who has a clean record and has never been involved into any offence (Stady, 2000).

The designated person who is to handle the information disclosed to him/her has to decide whether any ground for further proceeding exists, which involves another procedure of informing the person who disclosed the information on the same subject. Matters that relate to finances require investigations from internal auditors, which means that the director of finance is to be informed.

After investigations have been conducted, the designated person to whom the disclosure was made, basing on the results of the investigations, initiates formal procedures for reporting to the necessary authorities in the institutions so that further actions could be taken against the suspects implicated with various malpractices. In essence, the procedures involved are time-consuming and devastating, which discourages many employees from taking considerable steps to report malpractices to the required authorities.

References

Henry, D. (2005). *The implications of the Public Interest Disclosure Act 1998*. Oxford, UK: Oxford University Press.

Stady, V. (2000). *Procedures and processes involved in the Public Interest Disclosure Act 1998*. Oxford, UK: Oxford University Press.