

ETHICS AND ACCOUNTABILITY

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As with so many recent developments in modern culture, there is an assumption that whistleblowing is a concept imported directly into this country from the United States of America. In this essay, I hope to show not only that whistleblowing UK-style is a positive and desirable development but also that the message we at *Public Concern at Work* preach is a home grown solution to a widespread problem. Indeed I am pleased to observe that, according to some reports, there is now developing an export market for this approach both in the USA and elsewhere.

Business ethics

First, I should explain some of terminology used in this essay. By whistleblowing, I mean the disclosure by an employee (or professional) of confidential information which relates to some danger, fraud, or other illegal or unethical conduct connected with the workplace, be it of the employer or of his fellow employees. You will notice that I refer to illegal or unethical conduct and I want it to be clear that I do not share the minimalist view of business ethics that behaving ethically means nothing more than complying with the requirements of the law. There is, of course, an overlap between law and morality in the market place. The late Professor A.L. Goodhart wrote:

“Law generally approves and reinforces what is generally accepted as good moral behaviour in the society in which it operates and disapproves and penalises what is regarded as bad moral behaviour such as sexual immorality, dishonesty and unfair dealing. But there is no exact correspondence between law and accepted morality”²

I have argued elsewhere³ that in recent years there has been a strong case for the extension of laws to enforce higher ethical standards in the market place - in the City of London, in insurance, in financial services, in the professions. Former club-like and self-regulatory constraints have often proved inadequate protection for the public interest, unless buttressed by law. However, I also say that a society that leaves nothing to an individual or an individual organisation's own sense of what is right and moral and ethical would no longer be a free society.

A cynic might take the view that the phrase 'business ethics' is an oxymoron, i.e. the conjunction of two words of conflicting meaning, like 'deafening silence' or 'jumbo shrimps'. I believe that, at any rate in a competitive market place, a company's own enlightened self-interest dictates that it should behave in an ethical manner. If a commercial organisation wants to create a good long-term reputation with customers, employees and other 'stakeholders', it should, as a matter of its own choice, do more than comply with the bare requirements of the law. One of the key ways of competing for market share and gaining customer loyalty may well be to demonstrate high ethical standards.

Part of my theme is that high ethical standards today include the creation by business organisations of clearly understood procedures and channels of communication so that employees who are aware of illegal or unethical conduct or practices in the workplace are

¹ This essay is based on a lecture given to the Centre for Business and Professional Ethics at Leeds University in 1997, a version of which has also appeared in *Political Quarterly* (1996)

² A.L. Goodhart, *English Law and Moral Law* (1952)

³ Borrie, *Law and Morality in the Market Place* (1987), *Journal of Business Law* 433-443

enabled to disclose it without fear of reprisal or victimisation. If that means altering a culture of misplaced loyalty to mates or to the organisation, a culture of turning a blind eye, a culture of organisational cover-up, high ethical standards require that to be done or at least attempted. It is also part of my theme that some underpinning of such higher ethical standards by the law is needed through adequate legal protection for the 'whistleblower' against retribution and victimisation.

Of course, there is often considerable dispute over whether a company's conduct is unethical. It may be argued, for example, that a company's links with a particular foreign regime is unethical. So too, a company's failure to be receptive to the local community, or its refusal to pay some of its workers more than £2 an hour. Strong views are held on such questions and, no doubt, what is and what is not regarded as unethical conduct on the part of a business will change over time. The background to our approach at *Public Concern at Work* is that, where no clear consensus obtains, companies are entitled ethically to adopt a variety of practices that are within the law. Whether or not that proves good for business, the market will tell. However, moving from substance to procedure we do consider that every company should create some sort of mechanism enabling employees to voice concerns about danger, fraud or other malpractice.

The adoption of ethical conduct by a business, including the development of transparent and usable mechanisms through which employees can sound the alarm on malpractice without fear, may be seen as synonymous with enlightened self-interest. In genuinely competitive markets I am confident that one needs no more than enlightened self interest to promote and deliver ethical conduct and it cannot be doubted that it is in the interest of the business itself (as well as in the public interest) that those in charge are made aware of any serious malpractice in their own organisation.

The reasoning behind Public Concern at Work

Many times in the past decade, public inquiries have been established to uncover all the facts behind various scandals and disasters. Too many times these have revealed that employees knew something was seriously wrong but turned a blind eye, or that they raised their concerns, only to see them ignored or channelled to the wrong people. For example, the inquiry into the Clapham rail disaster revealed that a supervisor had noticed loose wiring in the station's relay room a few weeks before the accident, but said nothing because he did not want to 'rock the boat'. The report into the sinking of the Herald of Free Enterprise found that on five separate occasions, concerns had been raised about ferries sailing with their bow doors open yet the message got lost in middle management. The list of preventable disasters - where the risk was quite apparent - goes on, including the Challenger spaceshuttle explosion, the Piper Alpha oil rig explosion, the Maxwell pension scandal, the collapse of BCCI, and the Dorset canoe disaster. In all of these cases, the response to the disaster was to review and increase regulation in that particular sector. *Public Concern at Work* was set up in the wake of these disasters to explore the practical steps organisations might take, and the services the charity might offer, which would help ensure serious concerns were both raised by those in work and addressed by those in charge.

Asserting accountability

Without safe and accepted ways in which serious concerns can be raised by an employee confronted by what seems to be serious illegality or malpractice, he or she is faced with stark choices. They are to ignore the matter, to raise it with his or her line manager or to blow the whistle outside the organisation to the regulators or the media. If employees do not have the confidence to raise it with their line manager (who might be part of the problem or who might be unable to separate the message from the messenger), and it is well founded, those in charge of the organisation will not know of

the problem until it is too late. This might be when a disaster has happened, when the response of those in charge will understandably be "If only we had known...". Alternatively they might find out about the problem because of the intervention of a regulator or the media - but before they had any real chance to look into the matter themselves.

Additionally, it is our view, that unless such procedures or cultures exist, there has to be real doubt about how far the public can have the confidence that such an organisation or sector can properly be left to regulate itself. That aside, it seems a bizarre and unwholesome use of public money if regulatory authorities are used as the preferred or the safest way to communicate employee concerns to those in charge of the organisation. The intervention of the regulator - and beyond that the intervention of the media - should be the option of last resort in any organisation with a modicum of responsibility. However, if in fact the culture in the responsible workplace is little different in this respect from that of the crooked employer - in that employees are not encouraged to raise serious concerns and those that do risk being ignored or punished - not only will the responsible employer unnecessarily invite the intervention of a regulatory body, but more importantly the regulator's resources will be spread thinly. This will inevitably impede the ability of the regulator to respond swiftly to cases such as BCCI, Maxwell and other smaller, inherently dubious enterprises where there is a sound case for the public authorities intervening early on.

Put simply, the system we are talking about is one where it is more likely that those in charge can find out if something is going wrong, and one where those in charge are more likely to be accountable for what goes on in practice. Where they do discover something is going badly wrong, one hopes, and in most cases safely expects, they will take steps to avert the risk, that those steps will be successful and that the public interest and the interest of their organisation will not be harmed. As such they will never have to explain their actions. As an editorial in the Financial Times put it: "In any well-run company senior managers should welcome early warning of corporate misconduct so that it can be swiftly corrected"⁴.

However we also recognise that the potential consequences of some risks may not be grasped (even with the best will in the world) when they have been notified to those in charge. We also understand that on many occasions the concern about danger or malpractice must be balanced against other interests or obligations and in such cases hindsight alone may reveal that the best decision was not taken. We know there are as many, if not more, difficult decisions in business as in any other aspect of life and we know that accountability, as we have described it, does not mean that you always get the right answer - only that you have more chance to do so. But even where the wrong decision is taken and someone is injured or the company is damaged, the approach we advocate means that the colleagues and family of those in charge, as well as the company's shareholders - and, if it comes to it, the media and the courts - will recognise that people did their best to discharge their responsibilities, rather than duck them. I believe the company, its shareholders, employees and other stakeholders will be better served by an ethical response of accounting for one's actions than by cover-ups or scapegoating the whistleblower. Unfortunately punishing the messenger is a common (though hardly ethical) response to bad news.

Zeebrugge and Lyme Bay

The wider implications of this approach to accountability as a means of deterring malpractice are illustrated by two recent disasters. After the Zeebrugge disaster an attempt was made to prosecute the company for corporate manslaughter. The

prosecution case was never put to the jury because there was no real evidence that the Board - in law "the directing mind and will of the company"⁵ - knew of the danger. As I mentioned earlier, on five occasions staff had blown the whistle internally about the boats sailing with their doors open, but these warnings had got lost in middle management. If the Board itself had been warned - as our approach and proposed procedures would entail - it is fair to assume they would have halted the practice and seen that their desire to turn the ferries around without undue delay had been misunderstood by those putting the policy into practice and taken too far. If, however, one could imagine the Board had not heeded such a warning, they would have had to account for their actions, in court, in the media, to the bereaved, and also to their colleagues, family and friends. That process - of knowing one many have to account for one's action - is a salutary one and does much to focus the mind. As it was, the response of the Board was no more than "If only we had known....".

The Dorset canoe tragedy is a pertinent contrast. There, several months before the four children drowned, the managing director received a graphic warning from two instructors that if he did nothing about his safety standards, he would have to explain why someone's children were not coming home. As we know, he ignored the warning. Because he had actual notice of the danger, he was expected to account for his response and, unable to give any good explanation why he took no action in the face of such a warning, the company was convicted of corporate manslaughter and he was imprisoned for two years.

The human factor

Although these issues are seemingly straightforward on a macro level, we recognise that this approach is not without difficulty in practice, either for employees or employers. There are numerous personal, cultural and structural obstacles which inhibit the communication of such critical information in the workplace. When confronted with concerns about malpractice at work, individuals struggle with conflicts of loyalty (to managers or colleagues), lack of confidence, and confusion about their responsibilities.

Many will recall the aversion shown toward sneaks and grasses at school. Peter Drucker, the well-known management guru, says whistleblowing is simply another word for informing and that those societies which encouraged informers were infamous tyrannies - Tiberius and Nero in Rome, the Spanish Inquisition, the French Terror⁶. Others have described whistleblowers as rats, sneaks and squealers. While the essence of such hostility focuses on the disclosure outside or the reporting of the matter to the authorities, the effects of this approach have also tarred the actions of those who raise the matter or challenge the conduct internally. Even those who do overcome these prejudices and who recognise the matter should be looked into by the organisation must balance that with the fear that they might be penalised for speaking up even if their concern proved well founded. For all these reasons there is considerable pressure in the workplace to turn a blind eye to malpractice, to leave it to someone else to raise the matter or to contact a regulator anonymously.

Rather than seek to address and counter this understandable human reticence to sound the alarm, many organisations compound the problem by creating a culture and procedures which *deter* employees from raising concerns. All-embracing confidentiality clauses in contracts give a strong message that staff should keep quiet both in and outside the workplace. A bureaucratic assumption that a concern is no different from a complaint or a grievance suggests it should be pushed by the employee through an adversarial procedure - so creating the impression that it is for the employee to prove that

⁵ H.L. Bolton (Engineering) Co. Ltd v T J Graham & Sons Ltd [1957] 1QB 159,172 per Denning LJ

⁶ Whistleblowing - Subversion or corporate citizenship? (1994) edited by Gerald Vinten, p.12

the boat will sink or that the company is being defrauded. Above all, a long standing obsession with rigid line management actually gives middle management a monopoly over what information reaches those accountable for the company's actions and like any monopoly such a system offers real temptations to the lazy, the incompetent and the corrupt.

Our approach to whistleblowing

Public Concern at Work makes a distinction between protest and watchdog whistleblowing. 'Protest whistleblowing' is where an employee takes exception to a lawful or transparent activity of his employer. This might include someone objecting to his company's policy on animal experiments or it might be NHS staff worried that a ward had been closed in a hospital. Provided that the company is not doing one thing and saying something quite different, and provided that it is quite obvious to any patient in or visitor to the hospital that the ward has been closed, we do not consider either situation as one which warrants our involvement. While it might be said that both cases raise issues of free speech in the workplace, they do not meet our own criteria on whistleblowing.

Our work, which deals primarily with 'watchdog whistleblowing', rests on the premise that where an employee is the first or only person to know that something may be going seriously wrong which will endanger life or damage a wider public interest, he or she will often need particular help, guidance or support. This is because although he or she alone knows the critical information, i.e. the danger is not known to those at risk (passengers on a ferry or train, investors in a company or pension), so he or she has most to lose by sounding the alarm. This predicament is due in part to their economic dependence and in part to the legal obligations of confidence they owe to their employer.

The wider public interest

It is of course a term of every contract of employment that an employee will not disclose or make public any professional or trade secret or confidential information which he learns by reason of his employment. The obligation is part of the wider common law duty of fidelity owed by the employee to his employer and, as was said by Lord Goff in the *Spycatcher* case, the maintenance of confidence is not just a private matter as between employer and employee, there is also "a public interest that confidences should be preserved and protected by law"⁷. But as Lord Goff went on say, "that public interest may be outweighed by some other countervailing public interest which favours disclosure". The court then "has to carry out a balancing operation, weighing the public interest in maintaining confidence against a countervailing public interest favouring disclosure".

Thus it is in this context that the courts have held that there is no obligation on an employee to keep information secret if it relates to such misconduct on the part of the employer or fellow employees that there is a public interest in its disclosure. Clear examples of these would be crimes, frauds or information about secret cartels⁸. Similarly an employer cannot obtain an injunction to stop his staff warning the Health and Safety Executive of a potential danger in the workplace.

The foundation of this now firmly based case law is a judicial dictum of 1856: "there is no confidence as to the disclosure of iniquity"⁹. Recent cases make it clear that 'iniquity' is not confined to crime or even to a civil wrong. It extends to any misconduct of such a nature that it ought in the public interest to be disclosed to someone having a proper interest in receiving the information. The law has developed on a case-by-case basis and will no doubt continue to do so. There can be no hard and fast rule as to what sort of

⁷ *Attorney-General v Guardian Newspapers (no. 2)* [1988] 3. All E R 545, 659

⁸ *Initial Services v Putterill* [1968] 1 QB 396; [1967] 3 All E R 145

⁹ *Gartside v Outram* [1856] 26 L.J. Ch 113, 114, 116 per Wood VC

disclosure is in the public interest but the disclosure of gross mismanagement is probably allowable¹⁰ along with illegal or unethical acts or conduct which put at risk the life or health of individuals or the safety of property or of the environment. But certainly, the information must be in the public interest as distinct from interesting to the public and, one might add, the media have a private interest of their own in publishing information which appeals to the public. The media, as a former Master of the Rolls put it, are “peculiarly vulnerable to the error of confusing the public interest with their own interest”¹¹.

Whether a particular disclosure of confidential information is in the public interest depends not just on the information but also to whom the disclosure is made. Who are the appropriate recipients of the disclosure? The general rule is that the disclosure which causes least damage is the appropriate disclosure. On this basis disclosures of information - whether they be well-founded and whatever the employee’s motives - tend to be lawful if they are made to the police or to a regulatory body. This is because it is the role of the regulatory body to investigate whether the concern is well-founded or not, and because it will itself be subject to duties not to abuse the confidential information. If the same information were disclosed instead to the media, the courts would consider carefully whether it was justified and in such a case they would also want to consider whether the employee was motivated by malice and whether the information was on the face of it correct.

Rightly this exception releasing someone from a promise of confidentiality is not and cannot be an invitation to aggrieved employees to cause as much damage as they can to their employer. For this reason where a disclosure to some other authority such as a regulator would clearly have safeguarded the public interest, then it is unlikely that one to the media would be deemed justified. There seems no doubt at all that an employee’s disclosure of confidential information to *Public Concern at Work* is invariably justified as in the public interest because the charity provides legal advice, free of charge, to its clients.

So what does the charity do?

The charity has been designated a legal advice centre by the Bar Council and, among its six staff, are four lawyers. A wide range of legal help is offered, starting with a free helpline. Employees are able to seek professional and independent advice on the most effective way to raise their concern and can discuss all aspects of the matter without committing any actionable breach of the duty of confidence they owe their employer. This rule exists because, if people are not able to be frank with their lawyers when seeking advice, the administration of justice would be unworkable - and it is here worth emphasising that the charity, like any lawyer, itself owes a strict duty of confidence to its clients.

In most cases, the great benefit this offers employees is the ability to talk the matter through with an independent and objective body which has a track record in handling such difficult and delicate matters constructively. Whenever possible, employees are advised to use internal mechanisms within the business organisation for raising their concerns. Generally it is felt best if the client does this himself as the intervention of an outside legal body may lead the employer to respond in a legalistic rather than a practical way. However the charity does itself approach an employer on behalf of and when asked by a client if this is the only way that the concern itself will be raised and the client agrees,

¹⁰ A cautionary note should be sounded because of the majority House of Lords decision in Granada v British Steel Corporation [1981] AC 1097

¹¹ Francome v Mirror Group Newspapers [1984] 2 All E R 408, 413 per Sir John Donaldson MR

and where asked, and if necessary, we can do so without identifying our client. However it must be stressed that we do not favour the raising of concerns anonymously.

Where it is unrealistic to assume that the concern will be properly addressed within the organisation (for example Maxwell or BCCI), *Public Concern at Work* will advise on what other options the client may lawfully pursue. When this situation has arisen, our approach is that the employee's concern should be raised with a regulator, if at all practicable. However, what distinguishes the involvement of the charity as a first port of call from the approach to a regulator or other body is that we recognise that it is the client's concern, that the information needs to be addressed by the organisation and that, in this regard, the information remains confidential. For these reasons, uniquely, the client retains control over what action is taken on his or her concern.

The free legal advice service is available to (and has been used by) employees, managers, employee representatives, consultants, directors and other individuals who have a public concern but are not sure about how to proceed. Due to our charitable objects, and to ensure our resources are well targeted, the service is restricted to concerns about a serious breach of law, serious ethical misconduct or danger to the public, and ones which have some prima facie substance to them. This excludes private workplace disputes and frivolous or vexatious claims. We also ask and expect our clients to approach us in good faith and we reserve the right to cease to act where a client has failed to disclose material information to us.

In the three years since our launch in October 1993 we have had over 2500 requests for help and well over 1000 'public concerns' - that is ones which satisfy the seriousness test referred to above.. As to the division of concerns, just over one half of concerns come from the private sector and around 40% will have come from the public sector, with the remainder coming from voluntary groups and charities. It is worth noting here that there are 17 million people in the private sector, 5 million in the public and around 1 million in the voluntary sector.

Well over half of clients seek our help not in order to raise the concern but at a later time, when they feel they are being victimised because they have raised it directly themselves. This is a problem at present and it can only be remedied by a marked increase in the publicity of our services. This is not something we are prepared to embark on until we have the resources to meet the likely demand. At present with little publicity, our staff are more than adequately occupied with helpline calls. But publicity is an issue we know we must address as it comes up time and again when we seek the views of our clients on how they rated the service and how it might be improved.

Protecting whistleblowers from punishment

I hope it is clear from the above that *Public Concern at Work* operates very much within the existing law on the public interest. The courts are clear that information about crimes, cover-ups and misconduct can and should be disclosed and, when this is done properly, it is justified in the public interest. The courts will therefore refuse an employer an injunction to prevent such a disclosure. But unfortunately the law at present offers employees who are acting in the public interest in this way scant protection against victimisation by dismissal or otherwise.

This is something we hope will change shortly, because the higher ethical standards encouraged by whistleblowing do in practice need a further piece of legal underpinning. Along with the Campaign for Freedom of Information we have been closely involved in a Bill which was initiated by Tony Wright MP and which, after wide consultation, was debated in Parliament in 1996. I am pleased to say the measure has received clear support from leading businesses, unions and others and that it received strong support

from MPs of all parties (and a clear commitment from Tony Blair MP) when Don Touhig MP introduced it as a Private Member's Bill.

The starting point of the Bill is the existing law on public interest disclosures. In any case where the public interest did or would have justified the employee's action, he or she will be able to claim protection from punishment - be it by injunction, declaration or a claim for compensation. However, to secure that protection the whistleblower must pass several additional tests: namely he or she must not have been acting in bad faith; there must have been reasonable grounds to believe that the information was accurate; the disclosure must not have been made for money or personal gain; and unless he or she can give good reason why it would have been ineffective, he should have raised the matter internally. It is this last requirement which ensures that the Bill will actively help to deliver accountability in the workplace.

Deterrence and the public good

As a number of businesses have commented, one of the effects of the Bill will be to encourage organisations to set up effective internal reporting schemes - ones which can only improve accountability and help deter malpractice. We are conscious that even though the Bill has a number of safeguards to ensure it is not abused, there may well be cases where a whistleblower has passed the tests but the facts still suggest it is six of one and half a dozen of the other. As such the Bill provides that any compensation that may be awarded must take into account all the facts of the case. This means that any damages may be reduced where the whistleblower has been at fault or where the organisation itself had dealt with the issue properly. It also means that where the organisation or its managers or colleagues of the whistleblower - for they too may be personally liable - have behaved in a wholly unacceptable way, the damages may be increased.

In this way it is our hope that the Bill will, when it becomes law, prove to be a real deterrent to misconduct, rather than a source of numerous legal claims. The Bill should have one other desirable effect, namely that it does nothing to encourage the growth in anonymous concerns.

In many ways the issue of anonymity - which raises serious social and moral questions - is more of a problem with the hotlines which operate outside of work for people to report suspected benefit frauds or possible burglars or drug dealers to the authorities. This problem is all the greater where the hotline is in fact a telephone answering machine which tells you not to give your name and asks you to leave your suspicions. While such schemes will clearly help deter crime and malpractice, they do little to encourage or reassert individual morality or any community ethic. It is as if they start from the premise that it is a shameful and embarrassing thing to do. An additional and real risk with this approach is that anonymity is the preferred cloak of the malicious and vindictive. The Bill will offer little succour to such people, not only because of the bad faith test I have mentioned, but because, to secure its protection, the whistleblower will have to show he was being punished because he had sounded the alarm on some serious malpractice. If he took those steps anonymously he will have an additional and difficult task of showing that his employer knew it was he who was the anonymous source of the information.

Research and educational work

Aside from our client and legal work, we also have a research and educational programme. In our first three years we have published reports on the Police, Local Government and on Defence Procurement in our series *Speaking Up by Sector*. In 1993 we also responded to the NHS draft code on whistleblowing and were pleased to see most of our comments taken on board. We also submitted two influential responses to the Nolan Committee on Standards in Public Life and were pleased to see that

whistleblowing procedures along the lines we recommend are now accepted as a key way that public bodies are expected to maintain and demonstrate good practice¹². However, the recommendation that public sector employees should be offered confidential routes to raise concerns about wrongdoing is clearly applicable to business organisations. So indeed is the comment in the Nolan Report that “the result of failing to provide a confidential system for matters of conscience is, ironically, to encourage leaks”¹³. The Nolan recommendations have since been accepted by the Government and internal whistleblowing channels are being implemented across Whitehall and Quangoland. Still on the public sector, our work on local government was endorsed by the Audit Commission and they have since adopted our checklist as good practice that local government and NHS Trusts are expected to comply with.

We also conducted a study on the law and practice in Europe on this issue and will be making a number of recommendations as to how the fight against fraud on the European Community may be assisted by creating effective reporting schemes. Again outside of the UK, an Australian Parliamentary Committee has called for a body modelled on *Public Concern at Work* to be established there and we have since responded to a Western Australian Commission on this issue. Recent concern in the USA about their approach to whistleblowers has created further interest in our approach to the issue. There whistleblowers on issues such as defence fraud stand to be awarded lottery-style jackpots for their disclosures - as they are entitled to claim up to 25% of any money recovered by the Pentagon. More specifically there was widespread concern at the role of a whistleblower in a case of price-fixing by a major food conglomerate, where a senior manager - as opposed to blowing the whistle UK-style - worked for the FBI for three years bugging conversations in the Boardroom and meetings with competitors and stealing company documents. The complex conflict of ethical standards of such a case creates tremendous problems. Suffice to say, this is not the whistleblowing UK-style that we recommend.

Aside from our research work, we also have an educational programme which ranges from talks at colleges and with specialist groups to training courses for employers and consultancy work for major companies and public sector bodies. As you can see it has been a busy three years for a small charity. Being independent of Government has many virtues but one effect is that we are dependent on donations from charitable trusts and support from individuals and organisations to continue our work. As to support from major organisations we now limit this to £10,000 a year, so that we are not - and do not appear to be - beholden to any one organisation. This is a sound and sensible rule, but it does mean we have to cast our net wide and often to secure the support we need to continue. Although our trading income is increasing, we believe that our free advisory services should continue to be funded and supported by the community at large.

where now?

We are confident that the Bill or something like it will be on the statute book before too long and as I have said we hope it will deter malpractice and encourage organisations across the public, private and voluntary sectors to adopt more open and accountable cultures, with codes of ethics that encourage the internal reporting of malpractice. While that should mean in time that there is less need for our services, we do not plan to shut up shop once it reaches the statute book.

In a sense though our legal help for clients is what we are best known for, at least as important is our research and educational work. Much of what we do is to seek a shift in

¹² Standards in Public Life no.2 HMSO May 1996

¹³ Standards in Public Life no.1 HMSO May 1995

culture - away from a world where "it's not my problem" to one where individuals are more responsible and where those privileged to be in charge and to enjoy the benefits which goes with it are more accountable for their organisations. Many of you will have realised that we are also talking about a shift away from the playground culture, with its total aversion to telling tales about what went on behind the bike shed, however dangerous or damaging the incident. In many ways this is not a cultural change which we are driving. Organisations such as *Childline* are having a marked effect on the younger generation and their attitude to keeping silence. We are working with this new grain of responsible and ethical behaviour.

Returning to my opening comments on business ethics we hope this new culture will encourage people to speak up, to play their part, not only in the workplace, but in society generally. Those of us who work, spend most of our waking hours at work. If - notwithstanding our friendships and loyalties there - we say nothing when we see dangers or things which appear clearly wrong, we cannot be surprised that when we catch the bus home or when we are shopping with our families at the weekend and we see an elderly lady or a young toddler being threatened or attacked, we look away and say that's none of my business. Viewed like this, I hope you will agree that whistleblowing UK-style is a positive and necessary development and one we should nurture. It helps to raise not only standards of business ethics but standards of behaviour of the community in general.

Gordon Borrie