



## Personal View

## Whistle-blowing in the veterinary profession

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Veterinarians and nurses may occasionally witness wrongdoing within their practice or organisation. Such misdemeanours may vary from illegal actions and potential civil disputes through to unprofessional or unethical practices. The individuals must then decide whether to raise their concerns with an authority – an action that has been termed ‘whistle-blowing’ (Near and Miceli, 1985; Jubb, 1999).

For various forms of wrongdoing, there are authorities who may be able to rectify or prevent the transgression (Table 1), but there are many other reasons why a witness may or may not choose to ‘whistle-blow’ (Table 2). The whole issue is understandably controversial and creates a conflict for the individual trying to decide whether or not to file a report. It may also create a dilemma for the profession’s regulator, such as (in the UK) the Royal College of Veterinary Surgeons (RCVS) as well as for the employer who may well not wish to encourage whistle-blowing without appropriate caution.

In 2009, the UK’s Society of Practising Veterinary Surgeons commissioned a report into the issue of whistle-blowing in order to inform professional authorities’ and practicing veterinary surgeons’ decisions. The report collated opinion from 20 veterinary practitioners and from the Veterinary Defence Society (VDS) (RCVS, 2009). Personally, I have neither been subject to a formal complaint, nor wished to make one about any other colleague, so this Personal View aims to be as neutral and objective as possible. However, from the practitioner’s point of view, there may be a reason to whistle-blow in good faith, based on the duties to patients, clients and profession and where there is no obvious alternative means of achieving a satisfactory outcome.

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There appear to be good reasons for a practice (and the veterinary profession) to have a system to encourage whistle-blowing. The existence of a workable system may reduce future wrongdoing (Trevino and Victor, 1992), increase public confidence that the profession has high ethical standards and effective self-regulation (Lewis, 1997; Callahan and Collins, 1992; Dworkin and Near, 1997), and may empower employees to challenge unethical practices (Rothschild and Miethe, 1999). A self-regulatory system may appear preferable to external regulation (especially given the technical and complicated matters that may arise) and the RCVS has produced an Advice Note tailored to the disciplinary system (RCVS, 2009). Practices could be well advised to introduce their own systems and advice on whistle-blowing.

There are issues that witnesses need to consider before they decide to whistleblow, including the potential harm to the respondent. This can include any punitive measures or settlements laid down by the courts or disciplinary bodies, and any economic effects of public knowledge. It can also include the ‘procedural stresses, of long-winded and anxiety-inducing proceedings. Such harm may be deserved, but *undeserved* harms should be avoided.

Harms may be undeserved when the accused is innocent (Schmidt, 2005; Xu and Ziegenfuss, 2008). Wrongly-accused respondents may undergo significant anxiety in the process of proving their innocence (and even then some mistrust may linger). One solution is to ensure that all reports are made in ‘good faith’ (Fletcher et al., 1998; Oliver, 2003). Individuals should carefully consider their motivations and the RCVS or other regulatory body must ensure whistle-blowing is bona fide by investigating possible personal interests and by not allowing anonymous complaints to proceed so that there is always a record of complainants’ identity in case of later suspicion of malicious reporting.

**Table 1**  
Types of wrongdoing and appropriate recipients of whistle-blowing.

Examples	Type of wrongdoing			
	Illegal activity (e.g. medicine misuse, animal cruelty)	Civil damages (e.g. negligence, contract issues)	Professional professional misconduct	Unethical behaviour (e.g. over-charging, overtreatment)
Practice authorities	✓	✓	✓	✓
RCVS	✓	–	✓	✓
Client	✓	✓	–	✓
Police/RSPCA/HSE/VMD	✓	–	–	–
Public media	✓	✓	✓	✓

RCVS, Royal College of Veterinary Surgeons; RSPCA, Royal Society for the Prevention of Cruelty to Animals; HSE, Health and Safety Executive (the UK government national independent watchdog for work-related health, safety and illness); VMD, Veterinary Medicines Directorate (the UK government's agency for the responsible, safe and effective use of veterinary medicinal products).

**Table 2**  
Reasons for and against reporting misdemeanours.

	Reason for reporting	Reason against reporting
Personal characteristics	Personal morals Empathy for victims (Singer et al., 1998) Loyalty to company (internal)	Weakness of will Empathy for respondent Lack of loyalty to company (external)
Knowledge	Knowledge what is a violation Knowledge how to report	Ignorance or uncertainty what is a violation and/or how to report
Duty	Belief that have duty to report Severity of wrongdoing (Near et al., 2004)	Belief that have no duty to report Belief that they have overriding not to report, e.g. confidentiality or loyalty
Expected consequences	Desire for positive consequences, e.g. to reduce future wrongdoing (Trevino and Victor, 1992)	Fear of negative consequences, e.g. harms to respondent, whistle-blower or profession
System faith	Faith in the system (Nitsch et al., 2005)	Lack of faith in the system

Harms are also inappropriate when they are disproportionate to the wrongdoing. One reason for whistle-blowers not reporting a wrongdoing may be that they expect that the subsequent punishment may be excessive. Disciplinary systems should therefore ensure decisions are fair and proportionate, and should minimise the procedural stresses, especially for relatively minor misdemeanours. In an ideal world, the responsibility to avoid these harms would rest entirely with the regulatory authority, but currently whistle-blowers must also be conscious of them.

Witnesses should also consider the possible harms to themselves. Retaliation is extremely common in many industries (Miceli et al., 1999; Rothschild and Miethe, 1999) and may include poor performance evaluations, malicious rumours and ostracism (Cortina and Magley, 2003; Martin, 2003). These may be deliberate and malicious, but may sometimes involve subtler and even subconscious changes in whistle-blowers' relationships with the whole team. Such effects can lead to witnesses incurring major financial costs (Oliver, 2003) and even severe depression (Rothschild and Miethe, 1999).

A number of studies have suggested that retaliation is often most severe for unempowered and unsupported colleagues (Miceli and Near, 1989; Near and Miceli, 1986; Rehg et al., 2008; Near et al., 1993; Parmerlee et al., 1982; Miceli et al., 1999; Cortina and Magley, 2003; Lee et al., 2004) and newly qualified and auxiliary employees are especially vulnerable. Such harms can function as a major deterrent to witnesses considering raising concerns, and whistle-blowers have been described as the 'saints of secular culture' (Grant, 2002). The severity of an individual's harms may depend on the personalities involved and the individual's career-plans. Some limited legal protection is afforded, for example in the UK by the Public Interest Disclosure Act, 1998,<sup>1</sup> but legislation

cannot prevent all retaliation, especially the subtler forms. As a result, it is wise to obtain legal advice before whistle-blowing. In the UK, for veterinary issues, this is available through the legal advice line of the British Veterinary Association.<sup>2</sup>

Whistle-blowing should not be an act of self-sacrifice which places an onus on authorities to take active steps to prevent retaliation (Near and Dworkin, 1998; Hassink et al., 2007). One step is simply for practices' and regulators' policies to include policies against retaliation. For example, the UK's RCVS might prohibit retaliation in their *Guide to Professional Conduct*,<sup>3</sup> since retaliation is a professional issue and not merely an employment issue.

Another step for authorities to take in trying to prevent retaliation is to protect the confidentiality of the witness. Importantly, this may require not proceeding with cases unless the witness consents. On occasion, it may be best not to inform the respondent that a report has been made, if there is a real fear of retaliation (in such cases, there should be no record of the unsubstantiated accusation). Such a confidentiality policy would avoid any need for anonymous whistle-blowing (i.e. reports are anonymous to the respondent, not to the regulatory body).

In addition, accused respondents should personally avoid retaliating against suspected whistle-blowers. So long as they do not think the whistle-blowing was malicious, then they should try to understand that the whistle-blower was simply doing their duty, and that the harms due to a stressful or inefficient disciplinary process cannot be blamed on the whistle-blower. They should make especially sure that they do not retaliate against the wrong person. Since some retaliation may be unconscious or subtle, this may require active steps to ensure that any anger or offence is not acted upon. If necessary, open and understanding discussions with

<sup>1</sup> Public Interest Disclosure Act 1998 is available at <http://www.legislation.gov.uk/ukpga/1998/23/contents> (accessed 12 April 2009).

<sup>2</sup> See: [http://www.bva.co.uk/events/Legal\\_advice\\_line.aspx](http://www.bva.co.uk/events/Legal_advice_line.aspx).

<sup>3</sup> See: <http://www.rcvs.org.uk/advice-and-guidance/guide-to-professional-conducts-for-veterinary-surgeons/>.

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