Introduction
The authors recently set up the Information in Regulation and Enforcement Group (IREG), which seeks to examine how regulatory and enforcement bodies obtain, analyse, store, use and transmit data.

The first project undertaken by IREG seeks to determine what is happening to whistleblowing disclosures made by workers in food businesses to local authorities tasked with a regulatory and food enforcement role. The authors suggest that the nature of regulatory practice in this area is re-active. Often investigations and reporting are the resulting consequence of a major incident. The risks posed to public health by the inappropriate handling of food must not be undervalued, as shown by the Pennington Inquiry, which demonstrates a number of employees knowing of the non-compliant behaviour of Tudor and Sons, but no-one came forward to report it to the authorities (see Pennington Report chapter 6).

Whistleblowers can support regulators to work pro-actively, allowing them the opportunity to respond before malpractice occurs or a serious lapse in health and safety or food controls results. The relationship between whistleblowers and regulators is diagrammed below. However, in order for such concern reporting to be effective, the recipient authority must ensure that the information is properly categorised and investigated as a whistleblowing concern.

Findings
• Detachment between the legal protection for whistleblowers and the regulatory agencies themselves has led to a number of inconsistencies in the way that concerns are handled.
• Some authorities are not recording information about whistleblowing disclosures separately from consumer complaints.
• On average Authorities which recorded disclosures received one disclosure per year. It is suggested that this could mean one (or more) of five things: 1) very few food safety concerns are occurring; 2) internal organisational whistleblowing procedures are effective, meaning there is no need to go to a regulator; 3) employees are reluctant to make disclosures to local authorities; 4) employees are making disclosures to the wrong regulator (supported by figure 2); or 5) the local authority is failing to accurately record whistleblowing concerns. It is necessary to explore this result further, with qualitative research necessary.
• In general authorities with more food businesses receive more disclosures, authorities with a large number of approved premises receive a greater than average number of disclosures.
• Disclosures often do not result in formal enforcement action.

Methodology
The authors first identified the public authorities which would receive disclosures relating to breaches of food law. County, district and unitary authorities all have responsibility for food law enforcement; parish councils do not. The data that we required was not publically accessible. We decided to send freedom of information requests in order to obtain uniform responses which could be turned into quantifiable data. A pilot study was sent to all local authorities beginning with the letter A to test the questions posed in the FOIA request. Following a successful return of information, requests were then sent to the remaining authorities. The use of freedom of information requests poses few ethical risks as it is for the local authority to determine whether the information should be made public. As a safeguard, the authors devised a protocol to deal with situations whereby personal identifying information could be disclosed in error.

We sent requests to all 411 county, district and unitary authorities and to the Food Standards Agency. We asked for information about policies and procedures relating to whistleblowing, the number of food businesses in the local authority area, the number of disclosures received and the details of these disclosures and how the disclosures were handled, including the result of the disclosures and whether the information had been passed to another regulatory body. Responses were subject to quantitative and qualitative analysis.

What isWhistleblowing?
“disclosure by organisation members (former or current) of illegal, immoral or illegitimate practices under the control of their employers to persons or organisations who effect action” (Nair and Micol)

Recommendations
• Local Authorities who regulate food should have a policy making clear how disclosure may be made. This should be easily accessible to those who wish to make a disclosure. It should be prominently placed on the regulators website.
• Consideration should be given to the adoption of a shared definition of whistleblowing, particularly if it is proposed that local authorities have a duty to respond to disclosures made by whistleblowers. It was evident from a number of responses that there were differences in understanding as to what whistleblowing means.
• National and local policy documents applicable to regulators, for example the Food Law Code, should be redrafted to identify the special features of whistleblowing disclosures, and to emphasise the need to treat such disclosures differently to consumer complaints, particularly when investigating non-compliance.
• Investigations should not focus on the subject matter of the complaint, but should examine the business (or area of the business) as a whole in order to prevent identification of the whistleblower. This should be enshrined in policy documentation.
• Regulators policies should be amended to ensure that they deal with anonymous disclosures. Regulators should be trained to deal with individuals making a disclosure in order to obtain necessary information and to encourage whistleblowers to make the disclosure on a confidential basis.