

# Government publishes outcome of whistleblowing law review highlighting areas for future reform

A new report sets out the findings of a detailed Government-commissioned review into the state of whistleblowing law in the UK. The report also contains numerous suggestions on how the law may be extended to encourage whistleblowing and protect whistleblowers.

Back in March 2023 the Conservative Government launched a [review](#) of the UK's whistleblowing legal framework. The purpose of the review was to take stock of the whistleblowing framework and consider whether it was meeting its original objectives, namely to:

- provide a route for workers to blow the whistle about certain types of wrongdoing;
- protect those who have blown the whistle from detrimental treatment and/or dismissal, and provide a route of redress where it does happen; and
- support wider cultural change, in which the benefits of whistleblowing are recognised and promote action by employers and others.

On 14 July 2025, the Department for Business and Trade published a detailed report setting out the observations, emerging themes and suggestions for change raised during the review process.

## **Key findings and suggestions for change**

### ***Legal definitions***

The UK whistleblowing framework is built upon certain framework terms including “reasonable belief”, “public interest” and “worker.” The report finds that these terms are often seen as subjective, vague, inconsistent and narrow, resulting in uncertainty and confusion. More broadly, it is noted that some individuals are excluded from whistleblowing protection

The suggestions for change in this area include:

- widen the existing definition of “worker” to cover those currently excluded from protection (e.g. job applicants) or extend protection to anyone raising a concern in the public interest, regardless of their status;
- creating a statutory code of practice in relation to “public interest”; and
- creating a statutory definition of “whistleblower”.

## ***Disclosure channels***

While some organisations have internal frameworks in place which facilitate reports, barriers to making disclosures remain, including accessibility, trust, confidentiality, senior management commitment, and independence. Further, gaps in the “prescribed person” regime (which allows workers to blow the whistle to certain prescribed persons outside of their organisation) are present, with no specific prescribed person to report to in certain sectors such as retail, construction, technology and manufacturing. Even where there is a prescribed person, individuals generally have difficulty identifying the correct prescribed person to contact.

The suggestions for change in this area include:

- creating obligations for organisations to have reasonable procedures to receive and respond to concerns (and offences for failing to do so);
- creating further sector-specific prescribed persons or creating a central prescribed body (or similar office or ombudsman); and
- allowing information to be shared more freely between prescribed persons.

## ***Raising concerns***

The organisational response to concerns is variable and often depends on the resources available and appetite to investigate. Even where investigations are conducted, there are questions over matters such as consistency, independence, capability to conduct the investigation, engagement and conflicts of interest. Issues also arise in relation to the management of an individual's expectations about the potential outcome and how informed the individual is kept about those outcomes.

The suggestions for change in this area include:

- creating national standards on providing proactive protection and responding to concerns (with consequences for non-compliance);
- establishing board or most senior level accountability for effectiveness of frameworks; and
- establishing independent oversight of response and management of individuals.

## ***Protections for whistleblowers***

The protections under the legal framework provide redress through the Employment Tribunal system for workers who suffer

a detriment or are dismissed for blowing the whistle. However, individuals either do not understand the scope of the protections or remain deterred from blowing the whistle for fear of retaliation. Within organisations, anonymity and confidentiality are key protections, although there are limits to what organisations can do to protect anonymity in practice.

The suggestions for change in this area include:

- making it a civil or criminal offence to harm a whistleblower or to not fulfil responsibilities to protect whistleblowers;
- imposing greater consequences for organisations found to be victimising individuals than currently applied by Employment Tribunals, and potentially for this to be governed outside of Employment Tribunals;
- creating an independent body to investigate retaliation against whistleblowers with the power to fine employers and dissuade the organisation (and others by proxy) from retaliating;
- holding senior management accountable for detriment caused to whistleblowers under their management; and
- providing protections for whistleblowers raising concerns with journalists or the media.

## ***Redress***

There are concerns that the current system of redress (through the Employment Tribunals) is not balanced or fair and does not deliver meaningful outcomes or sufficient financial rewards. Further, Employment Tribunals are concerned with workplace fairness, not the substance of the concern raised. As a result, whistleblowers may feel they “win the battle but lose the war”.

The suggestions for change in this area include:

- amending time limits associated with interim relief and filing an Employment Tribunal claim to prevent premature adversarial situations;
- providing additional financial support to whistleblowers;
- reversing the burden of proof within the proceedings;
- awarding costs to whistleblowers if they win their case; and
- introducing public fines for organisations that fail to comply with Employment Tribunal judgments.

## ***Awareness and guidance***

While many employers are aware of guidance on whistleblowing, some find it unhelpful or confusing. And other employers remain unaware – indeed, the majority of employers participating in the review said they did not refer to Government guidance in this area.

The suggestions for change in this area include:

- introducing more accessible guidance for individuals;
- introducing better guidance and education for organisations and prescribed persons; and
- more frequent communication between prescribed persons and from the Government to prescribed persons.

### ***Cultural change***

Even with better laws, many challenges are cultural, namely, fear of being labelled a troublemaker, lack of support, management defensiveness, and stigma.

The suggestions for change in this area include:

- creating a central body for whistleblowing;

- improving mental health support for whistleblowers; and
- consideration of disincentives and incentives, for example implementation of a United States style reward system for whistleblowers.

## **Next steps**

Under the Employment Rights Bill, the law will be changed to provide that disclosures about actual or likely sexual harassment are included as one of the types of wrongdoing about which a whistleblowing disclosure may be made. That change is due to come into force in April 2026. Given the very wide scope of the Employment Rights Bill, it seems unlikely that the numerous recommendations contained in the report will be taken forward any time soon. However, there is certainly no shortage of “food for thought” for a Government committed to enhancing and extending workers’ rights.

**BDBF is a leading employment law firm based at Bank in the City of London. If you would like to discuss any issues relating to the content of this article, please contact Amanda Steadman ([AmandaSteadman@bdbf.co.uk](mailto:AmandaSteadman@bdbf.co.uk)) or your usual BDBF contact.**