Thinking of whistleblowing? Expert adviser and litigator, Theo Nicou, gives his top 10 tips in a 30 second read

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1. Whistleblowing is the act of a worker passing on information concerning malpractice or wrongdoing of some kind, usually witnessed in the course of their employment.

2. The Public Interest Disclosure Act 1998 (“the Act”) makes it unlawful for an employer to dismiss or to subject any worker to a detriment on the grounds that they have made a ‘protected disclosure’.

3. Protection from dismissal under the Act arises from day one. This means that you do not need to have been working at your employer for any minimum length of time to be protected.

4. It is a good idea to make your protected disclosure in writing, clearly setting out your concerns.

5. Make clear that you are making a protected disclosure and that it falls under one of the following categories: criminal offences, failure to comply with a legal obligation, miscarriages of justice, endangering someone’s health or safety, damage to the environment or concealing wrongdoing of the above.

6. Think carefully about who to make the disclosure to e.g. is your line manager in the first instance the most appropriate person?

7. Review your employer’s whistleblowing policy (should they have one) before making the disclosure and follow the procedure it sets out.

8. Always act in a timely manner if you have suffered a detriment or been dismissed.

9. Time limits for bringing an employment tribunal claim are strict and apply even where an internal grievance process or investigation is ongoing.

10. Take advice as soon as possible to maximise the protection available to you and ensure you do not miss any time limits to bring a claim.

For more information, please see our article.

If you would like to know more, or your business needs advice, please contact Theo Nicou (TheoNicou@bdbf.co.uk) on 020 3828 0350 or get in touch with your usual BDBF contact.

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