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Whistleblowing for employees

1. What is a whistleblower

You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always.

The wrongdoing you disclose must be in the public interest. This means it must affect others, eg the general public.

As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job (<https://www.gov.uk/whistleblowing/treated-unfairly-after-whistleblowing>) because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Who is protected by law

You're protected if you're a worker (<https://www.gov.uk/employment-status/worker>), eg you're:

- an employee, such as a police officer, NHS employee, office worker, factory worker
- a trainee, such as a student nurse
- an agency worker
- a member of a Limited Liability Partnership (<https://www.gov.uk/business-legal-structures/limited-partnership-and-limited-liability-partnership>) (LLP)

Get independent advice if you're not sure you're protected, eg from Citizens' Advice. (<http://www.adviceguide.org.uk/>)

A confidentiality clause or 'gagging clause' in a settlement agreement isn't valid if you're a whistleblower.

Complaints that count as whistleblowing

You're protected by law if you report any of the following:

- a criminal offence, eg fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, eg doesn't have the right insurance
- you believe someone is covering up wrongdoing

Complaints that don't count as whistleblowing

Personal grievances (eg bullying, harassment, discrimination) aren't covered by whistleblowing law, unless your particular case is in the public interest.

Report these under your employer's grievance policy (<https://www.gov.uk/solve-workplace-dispute>).

Contact the Advisory, Conciliation and Arbitration Service (Acas) (<https://www.gov.uk/acas>) for help and advice on resolving a workplace dispute.

2. Who to tell and what to expect

You can tell your employer - they may have a whistleblowing policy that tells you what to expect if you report your concern to them. You can still report your concern to them if they don't have a policy.

There are other options if you don't want to report your concern to your employer, eg you can get legal advice (<https://www.gov.uk/find-a-legal-adviser>) from a lawyer, or tell a prescribed person or body (<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>).

If you tell a prescribed person or body, it must be one that deals with the issue you're raising, eg a disclosure about wrongdoing in a care home can be made to the Care Quality Commission.

There's a different whistleblowing process in Northern Ireland. (<http://www.nidirect.gov.uk/protection-of-whistleblowers>)

Making your claim anonymously or confidentially

You can tell your employer or a prescribed person anonymously but they may not be able to take the claim further if you haven't provided all the information they need.

You can give your name but request confidentiality - the person or body you tell should make every effort to protect your identity.

If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.

What your employer or a prescribed person will do

Your employer or the prescribed person will listen to your concern and decide if any action is needed. You may be asked for further information.

You must say straight away if you don't want anyone else to know it was you who raised the concern.

You won't have a say in how your concern is dealt with.

Your employer or the prescribed person can keep you informed about the action they've taken, but they can't give you much detail if they have to keep the confidence of other people.

A prescribed person can't help you with your relationship with your employer.

If you're not satisfied with how your employer dealt with your concern

Tell someone else (eg a more senior member of staff) or a prescribed person or body (<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>) if you believe your concern wasn't taken seriously or the wrongdoing is still going on.

Contact the Advisory, Conciliation and Arbitration Service (Acas) (<https://www.gov.uk/acas>), the whistleblowing charity Public Concern at Work (<http://www.pcaw.org.uk/contact-us>) or your trade union for more guidance.

3. If you're treated unfairly after whistleblowing

You can take a case to an employment tribunal (<https://www.gov.uk/employment-tribunals>) if you've been treated unfairly because you've blown the whistle.

You can get further information from the Advisory, Conciliation and Arbitration Service (Acas) (<https://www.gov.uk/acas>), Citizens' Advice (<http://www.adviceguide.org.uk/>), the whistleblowing charity Public Concern at Work (<http://www.pcaw.org.uk/contact-us>) or your trade union.

If you reported your concern anonymously, you may find it harder to argue that your unfair treatment was as a result of your whistleblowing.

You must raise any claim of unfair dismissal within 3 months of your employment ending.

You must notify Acas if you want to take your case to an employment tribunal.