

Whistleblowing

Do the right thing

Overview

Whistleblowing is the reporting of suspected or actual wrongdoing.

Whistleblowers are given protection against unfavourable treatment at work. The relevant provisions are found in the Employment Rights Act 1996 and apply to workers including police officers. A worker is protected against dismissal or unfavourable treatment for making a “protected disclosure”.

It is unlawful for the force to treat you unfavourably or dismiss you because you have made a protected disclosure. If you are dismissed for this reason, you can bring a claim for unfair dismissal. If your claim is successful, there is no limit to the compensation you can be awarded. This is one of the very limited circumstances in which a police officer can bring an unfair dismissal claim.



Protected disclosure

There are several requirements for a disclosure to be protected.

The main requirements are:

- The information must be passed on in good faith
- There must be a reasonable belief that it shows wrongdoing, in that there has been:
 - A criminal offence
 - A failure to carry out a legal obligation
 - A miscarriage of justice
 - A health and safety risk
 - Environmental damage
 - Concealing any of the above
- It must be made to an appropriate person.

Making a disclosure

While wider disclosures can sometimes be protected, the most common and easiest route is for the disclosure to be made to the force.

Most forces have a whistleblowing policy which may provide guidance as to how a disclosure can be made. If you are thinking about passing information about wrongdoing outside the force, you should seek advice first.

Issues in practice

In order to succeed with a claim it is necessary:

- To show that there was a protected disclosure
- That this was the reason for the treatment or dismissal
- In most cases the main issue is showing that the disclosure was the reason for the treatment.

Time limits

You must take your claim to the employment tribunal within three months less one day from the unfavourable treatment complained of.

Making a complaint

If you think you are a victim of unfavourable treatment as a result of whistleblowing, you can complain to the Employment Tribunal. There is no minimum service requirement for bringing a claim. You must claim within three months less one day of the discrimination. You can make your force complete a questionnaire to help you get more information about your complaint.

If you need further assistance, in the first instance please contact your local Joint Branch Board.

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