



Bulletin 160

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**WHISTLE BLOWING –
REGULATORS MAY BE INFORMED OF ALLEGATIONS OF MALPRACTICE**

Further to its consultation exercise in 2009, the Government has confirmed that as of 6 April 2010, where a claim contains an allegation of whistle blowing the Tribunal will have the power to send copies of the ET1 (or relevant extracts from it) directly to the appropriate statutory regulator who will then decide whether to investigate the allegations.

However, the claim will only be forwarded to the relevant regulator if the claimant specifically consents by ticking a 'yes' box on the ET1 claim form.

Practical Tips

Whilst on the face of it these new powers are designed to increase compliance with regulatory requirements, in practice they are potentially open to abuse by employees.

The prospect of having to deal concurrently with both a tribunal claim and a regulatory investigation is likely to make settling a whistle blowing claim before it has been issued a more commercially attractive option for employers.

Employers can protect themselves against the increased exposure to regulatory intervention by implementing an effective whistle-blowing policy that encourages internal reporting.

Please contact us if assistance is required in drafting such a policy or if advice is required in relation to any whistle blowing issues.

If you require any specific advice in connection with the material contained in this bulletin, or on any other Employment Law issues, please contact: Paul Chamberlain in Manchester on 0161 836 8864, Andrew Cross in Liverpool on 0151 600 3062 or Kevin James in Preston on 01772 229847.

If you no longer wish to receive the bulletin please let us know by return e-mail to helen.calvert@brabnerscs.com

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