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Croner Compliance: Understanding Whistleblowing in The Workplace

Date: 6th May 2026

Run Time: Approximately 30 minutes

This session will start shortly (14:30)

The detail contained within this webinar is based on GB & Northern Ireland employment legislation.

Members in the jurisdictions of the Republic of Ireland, Jersey, Guernsey and Isle of Man are asked to please contact the Advice Service to obtain the information relevant to your jurisdiction.



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Today's Agenda

- Defining a "Protected Disclosure": What counts as whistleblowing in the modern workplace?
- The Impact of the Employment Rights Act: Key changes you need to prepare for.
- Risk Mitigation: How to handle disclosures correctly to avoid costly tribunal disputes.

Please put your questions in the chat!



Did You Know?

- Whistleblowing tribunal claims in the UK have increased significantly, more than doubling in the past year.
- There are now more protected disclosures than ever, driven by an expansion of the legal definitions surrounding what constitutes a valid disclosure.



What is meant by Whistleblowing?

- A worker raising a concern about wrongdoing when they have a reasonable belief that raising the concern is in the public interest.
- It must be made in the public interest, as opposed to addressing a personal grievance or dissatisfaction with workplace issues (e.g., disputes over pay or workload).
- To qualify as whistleblowing, the disclosure must be directed to the appropriate person or body, such as an employer, legal advisor, or prescribed authority.
- The UK law covers whistleblowing in the Public Interest Disclosure Act 1998

Protected Disclosures

- A protected disclosure is the act of reporting information, which the individual reasonably believes demonstrates wrongdoing, such as:
 - criminal offences
 - legal obligation breaches
 - miscarriages of justice
 - health and safety dangers
 - environmental damage
 - deliberate concealment of such issues.

Whistleblowing VS Complaints

- Whistleblowing involves raising concerns about wrongdoing, risks, or dangers that affect others, such as colleagues, customers, or the general public.
- Complaints can encompass broader workplace concerns that do not necessarily meet whistleblowing criteria.
- Complaints are generally raised through internal grievance procedures, often directed at line managers or HR departments.
- Whistleblowing concerns systemic issues that may have significant implications beyond the individual, while normal complaints usually focus on personal issues affecting the complainant.

Impacts of Employment Rights Act



What Changes Have Been Made?

- From **6 April 2026**, the Employment Rights Act 2025 introduced key updates to whistleblowing laws:
 - Disclosures about **sexual harassment** now qualify as a "**protected disclosure**."
 - No need to identify a legal obligation, criminal offence, or breach of health and safety to make a qualifying disclosure about sexual harassment. **They only need to believe the disclosure is in the public interest.**
 - Employees dismissed for making a protected disclosure about sexual harassment can now claim **automatic unfair dismissal**, with no minimum length of service required.
 - Workers subjected to detriment for raising concerns about sexual harassment will have **legal recourse** under whistleblowing laws.

Impacts on Employers

- Increased Risk of Tribunal Claims
- Stronger Accountability
- Policy and Process Updates
- Training Requirements
- Heightened Focus on Prevention

Sexual Harassment Considerations

- Policy Updates
- Proactive Prevention
- Third-Party Harassment
- Complaint Handling
- Enforcement Risks

Risk Mitigation



Best Practices for Handling Whistleblowing

- Provide employees with accessible, confidential and secure channels for reporting concerns.
- Ensure policies clearly outline:
 - What constitutes whistleblowing.
 - The reporting process.
 - Protections for whistleblowers.
 - Steps the employer will take to investigate concerns.

Best Practices for Handling Whistleblowing

- Train all employees, especially managers and HR staff, on:
 - Recognising whistleblowing disclosures.
 - Responding appropriately and lawfully.
 - Protecting whistleblowers from detriment
- Investigations should be thorough, impartial, and transparent, following the organisation's whistleblowing protocols.
- Keep the whistleblower informed about progress while maintaining confidentiality.

Best Practices for Handling Whistleblowing

- Reassure whistleblowers that they will not face retaliation or detriment for raising concerns in good faith.
- Regularly review whistleblowing policies and procedures to ensure they align with legal requirements and best practices.
- Implement measures to prevent wrongdoing and risks, such as anti-sexual harassment training, strong management oversight, and maintaining a safe and ethical workplace culture.

Case Study



Collins v The National Trust (ET/2507255/05)

- **Situation:** An employee disclosed concerns to the press regarding asbestos exposure at a National Trust site. The disclosure highlighted a serious health and safety risk affecting the public and workers.
- **Disclosure:** The whistleblower made the disclosure to the press, bypassing internal reporting mechanisms, due to the exceptionally serious nature of the issue and their belief it was reasonable to do so.
- **Tribunal Decision:** The Employment Tribunal determined that the disclosure qualified as whistleblowing because:
 - It was made in good faith.
 - The matter disclosed was of an exceptionally serious nature.
 - The whistleblower reasonably believed the information and allegations were substantially true.

Key Takeaways

- This case demonstrates that whistleblowing protections can extend to disclosures made outside of the organisation (e.g., to the press), provided certain conditions are met:
 - The issue must be exceptionally serious.
 - The whistleblower must reasonably believe the information is true.
 - Disclosure must not be for personal gain.
- It highlights the importance of employers maintaining robust whistleblowing policies to encourage internal reporting and addressing such concerns before external disclosures occur.

Summary

- From 6 April 2026, whistleblowing protections have been expanded to include disclosures about sexual harassment.
- Employers must ensure that their whistleblowing policies explicitly cover sexual harassment and provide clear reporting mechanisms for such concerns.
- Failure to address these disclosures properly could result in claims of automatic unfair dismissal or detriment.
- Employers must ensure that all individuals under their management understand their rights and protections under whistleblowing laws.
- With sexual harassment now qualifying as a protected disclosure, the risk of tribunal claims for automatic unfair dismissal or detriment has increased.

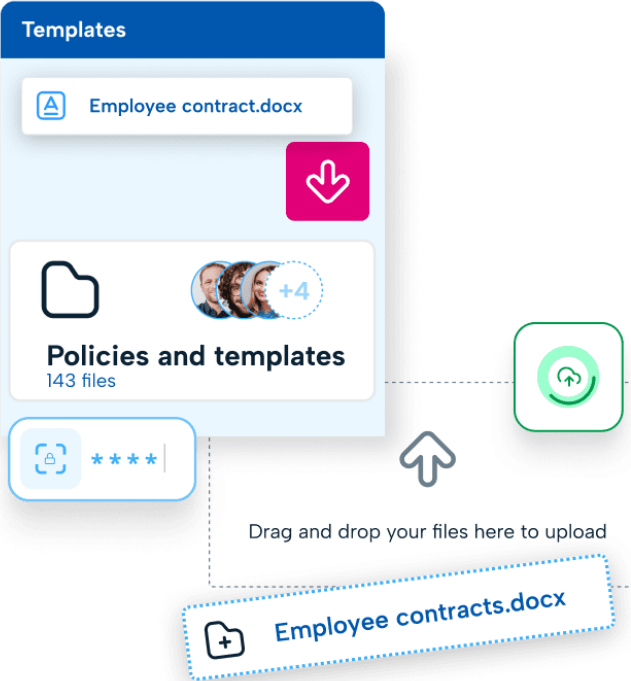
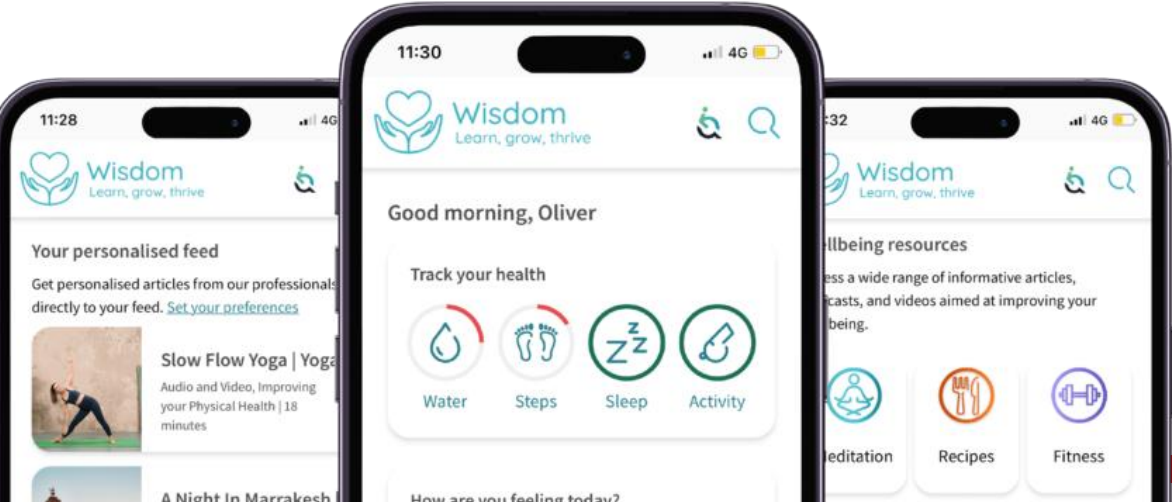
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Thank you!

Any questions



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