



SCCRC Whistleblowing Annual Report 2019-20

The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017

Whistleblowing “Whistleblowing” is the term used when a worker passes on information concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

To be covered by whistleblowing law, the disclosure must be a ‘qualifying disclosure’. This is any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show that one or more of the following has occurred, is occurring or is likely to occur:

- A criminal offence (this may include, for example, types of financial impropriety such as fraud);
- a breach of a legal obligation;
- a miscarriage of justice;
- danger to the health or safety of any individual;
- damage to the environment; or
- the deliberate covering up of wrongdoing in the above categories.

Anyone who makes a “qualifying disclosure” is entitled under the Employment Rights Act 1996 and the Public Interest Disclosure Act 1998 not to suffer any detriment as a result of making the disclosure.

Under the Public Interest (Disclosure) Order 2014 the Chief Executive of the SCCRC is listed as a “prescribed person” to whom potential “whistleblowers” may report to if they feel either that it would be inappropriate to make the disclosure to their employers, or they have made such a disclosure but they feel that their employers are not addressing the matter. Any such disclosure to the SCCRC should relate to the “description of matters” applying to the SCCRC – i.e., “actual or potential miscarriages of justice”. In such circumstances the Commission can choose to use its own statutory powers to investigate and review the allegation that a miscarriage of justice may have occurred.

During 2019-20 the Commission received no qualifying disclosures under the Public Interest (Disclosure) Order 2014