

## How to make a disclosure

By law (the Public Interest Disclosure Act 1998), you can make a whistleblowing disclosure to one of the following:

- your employer or another person who is responsible for the wrongdoing
- a legal adviser
- government ministers – this only applies if you work for a statutory body
- a prescribed person or body
- any other person or body, for example, the police or media – there must be a good reason to, or it must be related to an 'exceptionally serious failure'

You must also make sure your disclosure is made with 'reasonable belief' and is:

- a qualifying disclosure
- in the public interest

[Find out more about what you can whistleblow about](#)

## Deciding who to make a disclosure to

When making a disclosure, it's good practice to consider the list in order. But there might be cases when you do not want to go to your employer first.

You will have to meet more requirements if you make a disclosure to someone further down the list. The only exception to this is legal advisers, who you can speak to at any time.

For example, if you had a health and safety concern, you could make a disclosure to your employer. If the problem is not resolved, you could then make the same disclosure to the Health and Safety Executive which is a prescribed body.

You might have to give reasons for who you made the disclosure to if the case reaches an employment tribunal.

You can skip people in the list if you think it's not appropriate to disclose to them. But you should consider every option first.

For example, other workers made disclosures to your employer. As a result, they were threatened by managers who they exposed in the disclosures. You might decide you have no choice but to skip disclosing to your employer.

### Your employer

You should consider making the disclosure to your employer first. In most cases this will mean your concerns are dealt with quickly and by the best person.

You should make it as clear as possible to your employer that you're making a disclosure. You could do this by:

- following the process in your organisation's whistleblowing policy, if there is one

- writing a letter to the most appropriate person in your organisation stating that you're making a disclosure – this might be a line manager or someone named in your organisation's whistleblowing policy

Your disclosure does not need to be in writing. For example, you could make a disclosure to your employer in a private meeting. However it's better to put it in writing so you have evidence that you made the disclosure. This could be a letter or an email.

## Another person who is responsible for the wrongdoing

You can make a disclosure to another person other than your employer. You must reasonably believe that the wrongdoing relates to their conduct.

For example, you've been working with a contractor company who you believe is responsible for a health and safety breach. If you wanted to whistleblow, you could make the disclosure to them instead of your employer.

Even though you did not make the disclosure to your employer, you would still be protected by whistleblowing law if they:

- dismissed you because you made the disclosure
- subjected you to detriment because you made the disclosure

[Find out more about the law on whistleblowing](#)

## A legal adviser

Your disclosure will be protected if you make it to a legal adviser while you're getting legal advice.

A legal adviser will not be protected if they make a disclosure about something they have learnt when giving legal advice.

## A government minister

A disclosure you make to a government minister will be protected if you work for a:

- government-appointment organisation
- non-departmental public body

You can do this either directly or through departmental officials.

## A prescribed person or body

In some cases you might need to make a disclosure to an official person or body who has responsibility for your concerns. For example:

- a commissioner
- an auditor
- a regulator
- a government authority

Some of these official bodies are known as a 'prescribed person or body'. It's easier to be protected as a whistleblower if you raise a concern with them.

You must make sure that you have picked the correct prescribed person or body to get the most protection. For example, you can disclose breaches of health and safety regulations to the Health and Safety Executive or an appropriate local authority.

It's also important to follow the instructions given by the prescribed person or body on how to make a disclosure. For example, they could ask you to fill out a form or call a specific number.

[Find out more about the list of prescribed people and bodies on GOV.UK](#)

## Any other person or body related to an exceptionally serious failure

In very rare circumstances you might want to make a disclosure to another person or body about a failure which is exceptionally serious.

There's no legal definition of what an exceptionally serious failure is. It would be up to a court or employment tribunal to decide whether it was reasonable for you to make the disclosure.

You must have reasonable belief that:

- you would be subject to a detriment by your employer
- the detriment would be because you disclosed to your employer or to another prescribed person

You will not be protected if you make a disclosure for personal gain. For example, if you sold your story to a newspaper.

If you think your situation involves an exceptionally serious failure, you should consider:

- [getting legal advice](#)
- [contacting Protect](#) – a UK whistleblowing charity which offers free legal advice

## How you can make a disclosure

You should put your disclosure in writing. This could be in an email or a letter.

Some prescribed persons or bodies will also have a number you can call to make a disclosure.

In your disclosure you could include:

- the background and reason behind the concern
- whether you've already raised the concern with anyone else and their response
- any relevant dates

You could also include any relevant evidence, for example documents, photographs, videos or samples. However it's important to remember that it's not your responsibility to gather evidence. If you take documents or pass them to someone outside your organisation, you might be in breach of your contract or other laws.

## Raising a grievance

It's usually not good practice to make a qualifying disclosure through a grievance to your employer. This is because grievance procedures are not designed to address these sorts of concerns. You might also lose some confidentiality if you raise your concern this way.

However, a grievance can be a qualifying disclosure. If you're raising a grievance you should state that your grievance includes a disclosure.

## If you cannot disclose to anyone on the list

If you feel that you cannot make a disclosure to any of the above people or bodies, you should consider:

- [getting legal advice](#)
- [contacting Protect](#)
- [talking to your MP or MSP](#) – they might be able to give advice on who to raise your concern with

## Get more advice and support

If you have any questions about whistleblowing you can contact:

- [the Acas helpline](#) – for more advice on whistleblowing, dismissal and detriment
- [Protect](#) – a UK whistleblowing charity which offers free legal advice
- [the National Guardian's Office](#) – for advice on speaking up in the NHS