

Responding to a disclosure

As an employer, whistleblowing can help you:

- identify risks and potential wrongdoing
- take action on issues within your organisation

There are several things you should do if someone makes a whistleblowing disclosure.

Handling a disclosure might seem complicated and take a lot of time. But it can help resolve problems early and stop them from getting worse.

Follow the right process

It's important to make sure that you:

- handle any whistleblowing complaint fairly and consistently
- follow any process your organisation has for whistleblowing
- keep the identity of the whistleblower confidential

If your organisation has a whistleblowing policy

If you have a whistleblowing policy, you should make sure:

- it's followed whenever a whistleblowing complaint is made
- that workers know about the policy and any procedure to follow
- that all line managers and HR staff are fully trained and up to date with the latest procedures
- you regularly review your processes to check they are effective

If there is no whistleblowing policy

If your organisation does not have a whistleblowing policy you should put one in place as soon as possible.

If you wait until a whistleblowing complaint is made, you might not be as prepared as you could be to handle it. In some cases you might also miss the opportunity to deal with the situation.

Creating a policy could help you:

- better recognise whistleblowing disclosures
- handle them in a fairer and more consistent way
- identify the ways workers can raise concerns safely outside of their line managers
- reassure your workers that you will listen to and protect whistleblowers

If your organisation has handled a disclosure effectively in the past, you could use that to:

- help decide how to manage any disclosures in the future
- help create a whistleblowing policy

[Find out more about having a whistleblowing policy](#)

If someone raises a grievance

If someone raises a grievance, you should follow the correct grievance procedure.

If you think a grievance might contain a whistleblowing disclosure, you should check with the person who raised it.

If they are making a disclosure as well as raising a grievance, you might need to follow both the grievance procedure and whistleblowing procedure.

Someone might try to make a disclosure but raise a grievance by mistake. If this happens, you should check there is nothing in their complaint they want to address through a grievance procedure. If there is not, you should confirm this in writing, for example, in a letter or email. You should explain the grievance procedure has ended and been replaced by your whistleblowing procedure.

[Find out more about a formal grievance procedure](#)

If the concern is a personal problem

You might find someone's concern is a personal problem and does not fall within whistleblowing law. You should still try and find a way to resolve it.

Before dealing with the problem another way, make sure the concern is not whistleblowing.

If you think the concern is not a whistleblowing disclosure, explain this to the person who raised it. This is so they can make their disclosure to someone else if they still think it is whistleblowing.

[Find out more about dealing with a problem raised by a worker](#)

Take the disclosure seriously

Always take whistleblowing disclosures seriously.

If you have a policy, follow the correct procedures and:

- listen to any concerns that your workers have raised
- consider what evidence might be available to support the concern
- reassure the whistleblower that you will keep their identity confidential
- reassure the whistleblower they will not suffer any detriment for raising concerns
- try and answer any questions the whistleblower has and explain why you cannot answer them if not
- keep the whistleblower informed about the progress of any investigation into their disclosure
- provide feedback to the whistleblower after any investigation, explaining if action has been taken

You should also train managers on whistleblowing procedures and how to respond to disclosures.

Make sure the whistleblower does not experience detriment

You must not cause a worker 'detriment' if they make a disclosure. Detriment means someone experiences one or both of the following because they made a disclosure:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- they experience [bullying](#)
- they experience [harassment](#)
- their employer turns down their training requests without good reason
- they are overlooked for promotions or development opportunities
- their employer reduces their hours without good reason

Vicarious liability

If someone is bullied or harassed because they made a disclosure, this could be detriment. An employment tribunal court might treat it as if carried out by:

- the employer
- the person who carried out the bullying or harassment
- both the employer and the person

This could make you responsible for their actions. This is known as 'vicarious liability'.

It could also be vicarious liability if someone is bullied or harassed by a person who does not work with them. For example, a family member of the employer or a contractor.

[Find out more about vicarious liability](#)

Non-disclosure agreements

As an employer, you might use a non-disclosure agreement (NDA) to stop someone who works for you from sharing information.

By law, having a non-disclosure agreement in place cannot stop someone from whistleblowing.

[Find out more about non-disclosure agreements](#)

Get more advice and support

If you have any questions about whistleblowing you can contact:

- [the Acas helpline](#) – for more advice on whistleblowing and resolving problems at work
- [Protect](#) – a UK whistleblowing charity which offers free legal advice and supports employers to develop best practice whistleblowing arrangements
- [the National Guardian's Office](#) – for advice on speaking up in the NHS

Acas also offers [tailored support for employers](#) to address specific challenges in an organisation.