



## Employee - Whistleblowing Checklist

### Introduction

If you are worker, and believe that you may have been subject to detriments or dismissal as a result of making 'protected disclosures', this checklist will help you to consider the issues and to provide me with the necessary information to (a) assess your case and (b) represent you promptly and effectively.

In basic terms, the law sets out to protect all kinds of workers from unfair treatment for raising concerns which are in the public interest.

### Time is important

It is important to act promptly. If you are considering a claim this must be started by contacting ACAS within **3 months**. If you continue to work without saying anything, this could be seen as an acceptance of the treatment or damage your credibility.

Most claims require a worker to provide the basic facts from which a tribunal may infer that the treatment is connected with the disclosures you have made. Employers may try to hide the real reasons for the treatment so the more clear we can be about the facts, the better chances you will have.

### More detail

At the end of this checklist, is some explanatory information about the Law with questions relating to your particular type of case.

### About me

I am a specialist employment law solicitor with over 20 years' experience and have dealt with every type of discrimination claim. I have a very good success rate; most of my cases settle. My network includes some very good barristers who may be needed.

Employment disputes can be stressful so I aim to get all the facts together and put a simple and strong case to your employer. The main aim should be to protect your career (either with your current employer) or in terms of making sure that you can find another job quickly.

My approach is to help employees try to resolve problems themselves informally and if that doesn't work a grievance. I will write to your employer as your solicitor if necessary and take over communications.

You can read more about me on the other pages on this site such as the press page.

I am authorised and regulated by the **Solicitors' Regulation Authority** who can be contacted at: [www.sra.org.uk](http://www.sra.org.uk)



### Instructing me

Please complete this form and email it to [gordon@gtelaw.co.uk](mailto:gordon@gtelaw.co.uk) copying in [andreea@gtelaw.co.uk](mailto:andreea@gtelaw.co.uk) together with clean copies of any relevant documents in date order.

My terms and conditions will be set out in a client care letter which I will e-mail to you.

### Contacting me

If you need to speak to me urgently, my contact details are:

**Mobile:** 07527 261 926

**Landline:** 0207 247 7190

**Email:** [gordon@gtelaw.co.uk](mailto:gordon@gtelaw.co.uk)

### Your details

Name: Click here to enter text.

Address: Click here to enter text.

Private mobile (not work): Click here to enter text.

Home line: Click here to enter text.

Private email (not work) address: Click here to enter text.

### Your job

Job title: Click here to enter text.

Start date: Click here to enter text.

Still employed? Yes/no

If dismissed, your leaving date: Click here to enter text.

Yearly pay (gross): £ Click here to enter text.

Month pay (take home): £ Click here to enter text.

Other benefits/shares/health insurance etc.

Type of benefit	Value	Comment




**Details of your job title and a brief description of your role:**

**About your employer**

What does your employer do? [Click here to enter text.](#)

Website details: [Click here to enter text.](#)

How many people does it employ? [Click here to enter text.](#)

**Documents**

Please indicate which documents you have or which you may need to request (for example, from your employer)

<b>Document</b>	<b>In your possession/with employer</b>	<b>Relevance</b>
Contract of employment		
Equal opportunities policies		
Emails		
Letters		
Attendance notes/diaries		
Medical documents		
Other		

**Immediate steps**

As well as looking at the legal issues, you need to think about practical ways of dealing with the problems.

- ✓ Speaking to your employer informally (but keep a written note)
- ✓ Keep a diary of key events and dates
- ✓ Visit your GP- if you are suffering stress
- ✓ Collect all the relevant evidence
- ✓ Look for alternative career options
- ✓ Put your concerns in writing
- ✓ Raising a grievance



- ✓ Consider requesting a ‘protected conversation’ (to discuss settlement)
- ✓ Quantifying the value of any potential claim
- ✓ Make sure that any communications with me are secure (e.g.: emails/mobile)

### **Preparing your witness statements**

You will provide the main statement but there may be other people who can comment on specific events and issues. It would be very helpful if you would start the process by sending me a Word document listing what has happened in date order with numbered paragraphs.

Where possible, the statement should refer to the relevant documents.

The most important part of your statement will be specific details:

- What happened
- When it happened
- Why it might be discriminatory
- Is there evidence: documents or witness (including your evidence) to back you up?

Your statement should stick to the facts and avoid opinions. Just say what happened from your perspective.

I will then finalise this in *draft* format.

### **Other statements**

If other people will back you up, please provide their details:

Name & address	Job Title	What they will say	Private contact details

### **Assessing the legal issues**

Once you have completed and returned this questionnaire with any relevant documents, I will help you decide whether or not you have a claim.

### **The stages of establishing a ‘whistle blowing’ case**

#### **Stage 1- Have you made a “protected disclosure?”**

You must have made a disclosure of information which, in your reasonable belief, tends to show that one of following has occurred, is occurring, or is likely to occur (please tick which relate to you):

- A criminal offence



- A breach of any legal obligation
- A miscarriage of justice
- Danger to the health and safety of any individual
- Damage to the environment
- The deliberate concealing of information about any of the above

### **Stage 2- Public Interest Requirement-**

A disclosure will only be a qualifying disclosure if you reasonably believed that it was "in the *public* interest" rather than in your own interest (the law used to protect employees who were complaining about their own situation- for example in relation to a breach of their contract).

*Detail: (why did you believe that the disclosure was in the public interest?)*

[Click here to enter text.](#)

### **Stage 3- Internal disclosures protected**

The person you made the disclosure to is important. Normally, it should be to your employer but in some circumstances, workers are protected if they go to another person such as: responsible third parties. Where the worker reasonably believes a third party (such as a client or supplier) is responsible for the wrongdoing, they can report it to that third party without telling the employer.

There are a list of responsible people who are relevant which includes: HMRC, the Health and Safety Executive and the Office of Fair Trading. Government Ministers. Workers employed by a person or body appointed under statute can report matters to the relevant minister.

Wider disclosure can be appropriate if you believe the information is substantially true and you do not act for personal gain (e.g.: selling your story).

Unless the matter is "exceptionally serious", you must have already disclosed it to the employer or a prescribed person, or believe that, if you did, evidence would be destroyed or you would suffer reprisals. Disclosure to that person must also be reasonable.

*Detail: (please set out how you reported the protected disclosures: to whom the disclosure was made, how it was made and when you did it. If it was not to your employer please explain why you didn't tell them first).*

[Click here to enter text.](#)



### **Guidance for whistleblowers: staying within the law**

Genuine concerns about illegal, unethical or dangerous practices should usually be raised internally in the first instance. Check if the employer has a whistleblowing policy. Ask for the concern to be treated confidentially.

Information can be given to a statutory regulator (or other "prescribed person") without telling the employer.

Wider disclosure is more difficult to justify. In practice, disclosure to the media will only be protected in exceptional cases, and only if no payment is received for the story

Some employers also provide a confidential whistleblowing helpline or a procedure.

### **Unfair dismissal**

The dismissal (including constructive dismissal) of an employee will be automatically unfair if the reason, or principal reason, is that they have made a protected disclosure (section 103A, ERA 1996; see *When is a disclosure protected?*). The same applies to selection for redundancy.

*Detail: (please give details of why you feel that your dismissal was caused by blowing the whistle)*

[Click here to enter text.](#)

There is no qualifying minimum period of service, and tribunals are not restricted by the usual upper limit on compensation. Whistleblowing claims are sometimes used tactically for this reason.

### **Unlawful detriment**

It is unlawful for an employer to subject one of its workers to a detriment (including threats, disciplinary action, loss of work or pay, or damage to career prospects) on the ground that they have made a protected disclosure (section 47B(1), ERA 1996; see *When is a disclosure protected?*). The concept of a "worker" in the whistleblowing legislation is broad and includes, among others, agency workers, freelance workers, seconded workers, homeworkers and trainees, as well as employees.

The act of a fellow worker in subjecting a whistleblower to a detriment is now treated as having been done by the employer. The employer will have a defence if it took all reasonable steps to prevent the detrimental treatment

*Detail: (please list the relevant details of any detriment: relocation, unjustified discipline, demotion etc.)*

Date	What happened?	Who was involved?	Is there any evidence to confirm what happened?	Comment




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### Notes

**Is there anything else you want to discuss with your legal team?**

Click here to enter text.