

Whistleblowing In The UK

26 Sep 2019 Syedur Rahman.

With the Financial Conduct Authority cleared of handling a whistleblower's information unlawfully, Syedur Rahman of Rahman Ravelli briefly outlines the UK law on whistleblowing.

The Financial Regulators Complaints Commissioner has rejected allegations that the Financial Conduct Authority (FCA) unlawfully passed a whistleblower's information to third parties and failed to protect their data.

The complainant had said that transcripts from whistleblowing interviews with the FCA were supplied to other parties and the regulator's enforcement team without their permission.

But in a final report, Complaints Commissioner Antony Townsend said the FCA considered the passing on of the complainant's information to its enforcement team to be necessary as it was addressed as a data protection issue. He found no evidence of unlawful activity by the FCA.

The complainant had said they were "fobbed off" by the FCA because they did not come forward with their complaints about the transcript distribution closer to the time of their initial whistleblowing. But the FCA told the Commissioner that the complainant could have come forward in 2015-16 and not waited longer than the usually allotted 12-month time frame. The Commissioner ruled that the FCA decision on the time frame was correct as the complainant did not provide any reason why they did not come forward sooner after the initial whistleblowing.

London Office
36 Whitefriars Street
London
EC4Y 8BQ
+44 (0)203 947 1539
enquiries@rahmanravelli.co.uk

Midlands Office
3 Brindley Place
Birmingham, West Midlands
B1 2JB
+44 (0) 121 827 7985

Northern Office
Roma House, 59 Pellon Lane
Halifax, West Yorkshire
HX1 5BE
+44 (0)1422 346 666

Rapid Response Team
24 Hour Emergency Contact
0800 559 3500
Fax +44 (0)1422 430 526
DX16001 HX1

The whistleblowing involved a number of issues including alleged criminality and regulatory actions with regard to a number of individuals.

In the UK, whistleblowing is governed by the Public Interest Disclosure Act 1998. Unlike in the US, there are no monetary rewards in the UK for whistleblowing. But the Act, which came into effect in July 1999, allows employees to raise genuine concerns about misconduct and malpractice without receiving penalties such as dismissal or victimisation or denial of promotion, facilities or training opportunities. The Act covers almost all employees in the public, private, and voluntary sectors.

Certain types of disclosures qualify for protection if they are made in good faith. These are disclosures relating to:

- A criminal offence
- Failure to comply with legal obligations
- A miscarriage of justice
- Danger to health or safety of any individual
- Damage to the environment

Further reading: Corporate Fraud and Whistleblowing.

This article was also featured on Lexology and can be viewed [here](#).



Syedur Rahman
Legal Director
syedur.rahman@rahmanravelli.co.uk
+44 (0)203 910 4566

London Office
36 Whitefriars Street
London
EC4Y 8BQ
+44 (0)203 947 1539
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Syedur Rahman is a Legal Director at Rahman Ravelli with a great depth of experience in top-level global investigations and corporate crime. Legal guides have highlighted his achievements in the fields of worldwide asset tracing and recovery, high-stakes commercial and financial disputes and cross-border investigations.

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