

UK - New PRA/FCA whistleblowing rules take effect

Overview

A reminder that the PRA/FCA's new rules on whistleblowing published last year apply to certain regulated firms from today (7 September).

Existing legislation provides protection to individual whistleblowers from suffering detriment or loss of employment after making protected disclosures. The new rules go further and are designed to encourage whistleblowers to come forward, by setting out positive obligations for how firms should deal with reportable concerns, which is a wider category than protected disclosures and providing comfort to individuals that they will not suffer retaliation as a result of raising such concerns.

Firms were required to appoint 'whistleblowing champions' in March this year and arrangements to comply with the rules should have been introduced. The role of these champions will now be to oversee the 'integrity, independence and effectiveness' of these arrangements on an ongoing basis.

Firms are now required to have whistleblowing policies and procedures which include measures for:

- handling reportable concerns, including where the whistleblower is anonymous or has requested confidentiality;
- escalating reportable concerns, including to the FCA or PRA and ensuring that UK employees know how to do this;
- ensuring that whistleblowers do not suffer victimisation from others at the firm;
- providing feedback to a whistleblower;
- maintaining records of reportable concerns and the firm's treatment of these reports including the outcome;

Contents

Overview	1
Firms are now required to have whistleblowing policies and procedures which include measures for:	1

- expressly setting out in any settlement agreements with workers that they may make protected disclosures;
- providing training on whistleblowing, including how to raise a concern, what action may be taken and sources of external support. There are further training requirements for individuals who operate the arrangements.

The new rules apply to UK deposit takers with assets of £250m or greater (including banks, building societies and credit unions), PRA-designated firms and insurance and reinsurance firms within the scope of Solvency II and the Society of Lloyd's and managing agents.

We have designed training to help organisations meet the obligation to provide appropriate training to their workforce. This is tailored to take account of specific internal whistleblowing policies and practices. To find out more, click [here](#).

Contacts

For further information
please contact:

Jillian Naylor

Partner

(+44) 2074565486

jillian.naylor@linklaters.com

Gemma Parker

Senior PSL

(+44) 2074565720

gemma.parker@linklaters.com

Author: Gemma Parker

This publication is intended merely to highlight issues and not to be comprehensive, nor to provide legal advice. Should you have any questions on issues reported here or on other areas of law, please contact one of your regular contacts, or contact the editors.

© Linklaters LLP. All Rights reserved 2016

Linklaters LLP is a limited liability partnership registered in England and Wales with registered number OC326345. It is a law firm authorised and regulated by the Solicitors Regulation Authority. The term partner in relation to Linklaters LLP is used to refer to a member of Linklaters LLP or an employee or consultant of Linklaters LLP or any of its affiliated firms or entities with equivalent standing and qualifications. A list of the names of the members of Linklaters LLP together with a list of those non-members who are designated as partners and their professional qualifications is open to inspection at its registered office, One Silk Street, London EC2Y 8HQ or on www.linklaters.com and such persons are either solicitors, registered foreign lawyers or European lawyers.

Please refer to www.linklaters.com/regulation for important information on Linklaters LLP's regulatory position.

We currently hold your contact details, which we use to send you newsletters such as this and for other marketing and business communications.

We use your contact details for our own internal purposes only. This information is available to our offices worldwide and to those of our associated firms.

If any of your details are incorrect or have recently changed, or if you no longer wish to receive this newsletter or other marketing communications, please let us know by emailing us at marketing.database@linklaters.com.

Linklaters LLP
One Silk Street
London EC2Y 8HQ

Telephone (+44) 20 7456 2000

Facsimile (+44) 20 7456 2222

Linklaters.com