Draft Regulations laid before Parliament under section 236(3) of the Employment Rights Act 1996, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2017 No. 0000

EMPLOYMENT

The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017

Made - - - -	***
Coming into force - -	*1st April 2017*

The Secretary of State, in exercise of the powers conferred by section 43FA of the Employment Rights Act 1996(**1**), makes the following Regulations.

A draft of these Regulations was laid before Parliament in accordance with section 236(3) of the Employment Rights Act 1996(**2**) and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017.

(2) These Regulations come into force on 1st April 2017.

(3) These Regulations apply in relation to reporting periods beginning on or after—

(a) 1st April 2017 for relevant prescribed persons except auditors appointed to audit the accounts of larger authorities;

(b) 1st April 2018 for auditors appointed to audit the accounts of larger authorities.

Interpretation

2. In these Regulations—

"larger authority" means a person listed in Schedule 2 to the Local Audit and Accountability Act 2014(**3**) which is not a smaller authority;

(**1**) 1996 c.18. Section 43FA was inserted by the Small Business, Enterprise and Employment Act 2015 (c.26), section 148(1) and (2).
(**2**) Section 236(3) was amended by the Small Business, Enterprise and Employment Act 2015, section 148(3)(a).
(**3**) 2014 c.2; relevant amendments to Schedule 2 are S.I. 2015/975 reg 2(2), the Deregulation Act 2015 (c.20), Schedule 13(3), paragraph 6(37), Cities and Local Government Devolution Act 2016 (c.1), Schedule 5, paragraph 37(4).

"relevant prescribed person" means a person prescribed for the purposes of section 43F of the Employment Rights Act 1996(**4**) other than—

(a) a member of the House of Commons,

(b) a Minster of the Crown,

(c) a Welsh Minister,

(d) a Scottish Minister,

(e) the European Securities and Markets Authority, or

(f) an auditor appointed to audit smaller authorities;

"smaller authority" has the meaning given by section 6 of the Local Audit and Accountability Act 2014(**5**);

"workers' disclosures" means disclosures of information made to a relevant prescribed person other than those which the relevant prescribed person has reason to believe—

(a) were not made by a worker; or

(b) were made by a worker on behalf of the worker's employer.

Annual report on disclosures of information

3.—(1) In relation to each reporting period, each relevant prescribed person must report in writing on the workers' disclosures that it has received.

(2) The reporting period is 12 months beginning on 1st April of each year.

(3) A relevant prescribed person is not required to report on disclosures that it reasonably believes do not fall within the description of matters in respect of which that person is so prescribed(**6**).

Manner of publication of report

4.—(1) The relevant prescribed person must publish the report mentioned in regulation 3—

(a) by placing the report on its website, or

(b) in such other manner as the relevant prescribed person considers appropriate for bringing the report to the attention of the public.

(2) The report must be published within 6 months of the end of the reporting period.

Content of report

5. The report must contain, without including any information in the report that would identify a worker who has made a disclosure of information, or an employer or other person in respect of whom a disclosure of information has been made—

(a) the number of workers' disclosures received during the reporting period that the relevant prescribed person reasonably believes are—

(i) qualifying disclosures within the meaning of section 43B of the Employment Rights Act 1996(**7**); and

(**4**) Section 43F was inserted by the Public Interest Disclosure Act 1998 c.23 s 1 and amended by the Enterprise and Regulatory Reform Act 2013 c. 24 Pt 2 s.18(1)(c). The persons who have been prescribed are those listed in the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014 S.I. 2014/2418 amended by S.I. 2014/3294, S.I. 2015/1407, S.I. 2015/1981 and S.I. 2016/968.

(**5**) 2014 c.2.

(**6**) The matters for which a person has been prescribed are set out in the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014 S.I. 2014/2418 amended by S.I. 2014/3294, S.I. 2015/1407, S.I. 2015/1981 and S.I. 2016/968.

(**7**) Section 43B was inserted by the Public Interest Disclosure Act 1998 c.23, s 1 and amended by section 17 of the Enterprise and Regulatory Reform Act 2013.