EXPLANATORY MEMORANDUM TO

THE PUBLIC INTEREST DISCLOSURE (PRESCRIBED PERSONS) (AMENDMENT) ORDER 2026

2026 No. 478

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Business and Trade and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Kate Dearden MP, Parliamentary Under Secretary of State for Employment Rights and Consumer Protection at the Department for Business and Trade confirms that this Explanatory Memorandum meets the required standard.

2.2 Katia Bazar Rosen, Deputy Director for Strategy and International and Directorate Management Office at the Department for Business and Trade confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Ned Mazhar at the Department for Business and Trade can be contacted by email at the following address with any queries regarding the instrument ned.mazhar@businessandtrade.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This Order amends the Public Interest Disclosure (Prescribed Persons) Order 2014 ("the Prescribed Persons Order"), which was made pursuant to sections 43F and 236(5) of the Employment Rights Act 1996 ("the 1996 Act"). The Prescribed Persons Order designates the individuals and organisations ("prescribed persons") that can receive protected disclosures (whistleblowing disclosures) from workers and sets out the matters for which each person is prescribed. This Order adds six new prescribed persons, removes one, and amends the specific matters in relation to six existing prescribed persons.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction which the instrument forms part of the law of) is Great Britain.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is Great Britain.

5. Policy Context

What is being done and why?

5.1 Through this instrument, the Prescribed Persons Order is being updated to ensure that workers have appropriate avenues for making protected disclosures.

5.2 Workers are protected under the 1996 Act from retaliatory detriment and (if they are employees) dismissal if they disclose certain types of wrongdoing which are set out in section 43B of the 1996 Act, and specific conditions in the 1996 Act are met. One of those conditions is that a worker must make a whistleblowing disclosure through the proper channels. One of the ways in which to do so, is to make a disclosure to a prescribed person.

5.3 Prescribed persons include regulators (such as the Financial Conduct Authority), auditors, some Secretaries of State, and Members of Parliament. Most prescribed persons are required to report annually on protected disclosures made to them under the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017.

5.4 The Department for Business and Trade regularly reviews and amends the Prescribed Persons Order to ensure that workers have appropriate avenues to report wrongdoing. Amendments are informed by engagement with stakeholders and other government departments.

5.5 In this Order the following additions and amendments are being made:

- The Building Safety Regulator (BSR) is added as a prescribed person, which will ensure that workers can make protected disclosures to it relating to building safety and building standards. This includes disclosures relating to the BSR's building safety functions and any other activities in relation to which the Regulator has functions.
- The Creative Industries Independent Standards Authority (CIISA) is added as a prescribed person, which will ensure that workers can make protected disclosures to it relating to compliance with specific CIISA Standards. The CIISA Standards relate to minimum standards of behaviour in the UK creative industries to prevent misconduct. Protected disclosures to CIISA might therefore relate to harassment, discrimination, victimisation and risks to health or safety, in the film, television, music and theatre industries.
- The list of matters for which the Environment Agency is prescribed is amended to expand on and clarify the matters that fall within their remit. It includes acts or omissions relating to pollution control, regulating industry and waste, radioactive substances and treatment of contaminated land. The list also includes water quality and resources, the abstraction of water and flooding from rivers, reservoirs, estuaries and the sea. In addition, it includes conservation and ecology including the regulation of freshwater fisheries and migratory salmon or trout, as well as inland river, estuary and harbour navigations relating to areas over which the Environment Agency exercises functions or is appointed as Harbour Authority.
- The list of matters for which the Financial Conduct Authority (FCA) is prescribed is amended to include matters relating to the conduct of persons involved in or connected with the making of offers of relevant securities to the public, post-trade risk reduction service providers and cryptoasset businesses. This follows an update to FCA's regulatory remit including under the Public Offers and Admissions to Trading Regulations 2024 which creates a new UK framework for offering relevant securities to the public. Those Regulations also cover the admission of securities to trading (i.e. the formal process allowing a company's shares or debt (transferable securities) to be bought and sold on a recognised public exchange, such as the London Stock Exchange Main Market).

- The Independent Football Regulator (IFR) is added as a prescribed person, which will ensure that workers can make protected disclosures to it relating to the IFR's statutory functions as set out in the Football Governance Act 2025.
- The Keeper of the Registers of Scotland is removed as a prescribed person as it is no longer responsible for the matters for which it is prescribed (matters relating to the collection of land and building transaction tax in Scotland). To note Revenue Scotland is already a prescribed person in relation to devolved taxes, which includes tax charged on transactions involving interests in land.
- The Law Society is added as a prescribed person, which will ensure that workers can make protected disclosures to it regarding persons or bodies regulated by the Law Society, such as authorised persons (e.g. solicitors) and recognised bodies (e.g. law firms) among others. Prescribing the Law Society includes prescribing any duly constituted committee of the Law Society and any body (including any wholly owned subsidiary), or person exercising delegated powers of the Law Society, including the Solicitors Regulation Authority. Protected disclosures can therefore be made directly to the Solicitors Regulation Authority, to whom the Law Society has delegated its regulatory and disciplinary powers and duties.
- The list of matters for which the Office of Communications (Ofcom) is prescribed is amended to add matters relating to Ofcom's other functions which are not already covered by the list at sub-paragraphs (a) to (g) of the existing entry. This would include, for example, Ofcom's functions relating to premium rate services and certain consumer-related matters.
- The list of matters for which the Scottish Social Services Council (SSSC) is prescribed is amended to reflect the current workforce registered with the SSSC. Over the years, different types of workers have been added to SSSC's register and the updated wording reflects the current registered workforce in accordance with the Regulation of Care (Scotland) Act 2001.
- The list of matters for which the Secretary of State for Energy Security and Net Zero is prescribed is amended to include fraud and other misconduct relating to energy and climate schemes and programmes administered, funded or sponsored by the Department.
- The Secretary of State for Science, Innovation and Technology is added as a prescribed person, which will ensure that workers can make protected disclosures to the Department for Science, Innovation and Technology regarding fraud and other misconduct related to science and innovation schemes and programmes administered, funded or sponsored by the Department.
- The list of matters for which the Secretary of State for Transport is prescribed is amended so they can receive protected disclosures regarding the delivery and inspection of local government active travel schemes funded by the Department for Transport (DfT). DfT through its executive agency Active Travel England, is responsible for overseeing active travel schemes, which are infrastructure projects (designed to support walking, wheeling, or cycling) delivered by local government through DfT funding.
- The Security Industry Authority (SIA) is added as a prescribed person, which will ensure that workers can make protected disclosures to it regarding offences under the Private Security Industry Act 2001, whether an individual or business is fit and proper for the purpose of holding a licence or obtaining approval from the SIA, and conduct which may undermine the regulation of security operatives and approved providers of security industry services.

What was the previous policy, how is this different?

5.6 The Prescribed Persons Order, which is amended regularly, lists the prescribed persons to whom a worker can make a protected disclosure. This instrument amends that list of prescribed persons to ensure that it is up to date and reflects their current functions. This is necessary to reflect the changes in the remit of some existing prescribed persons and to add new bodies to ensure that workers have appropriate avenues to make protected disclosures.

6. Legislative and Legal Context

How has the law changed?

6.1 Part IVA of the 1996 Act provides employment protection for workers who make certain disclosures of information. The 1996 Act defines the categories of disclosure which qualify for protection (a "qualifying disclosure"). This includes disclosures that the worker reasonably believes are in the public interest and tend to show wrongdoing including, for example, environmental damage or a miscarriage of justice. The 1996 Act also defines the circumstances in which such qualifying disclosures will be protected. Section 43F of the 1996 Act provides that one type of protected disclosure is where the worker makes the qualifying disclosure to a person prescribed by an order made by the Secretary of State. To be a protected disclosure, the worker must reasonably believe that the information disclosed and any allegation within it, are substantially true and reasonably believe that the subject-matter of the disclosure (the wrongdoing) falls within the description of matters in respect of which the person has been prescribed.

6.2 The Prescribed Persons Order was made pursuant to section 43F of the 1996 Act and includes a Schedule of prescribed persons and the descriptions of matters for which they are prescribed.

6.3 This Order amends the Schedule to the Prescribed Persons Order as detailed in this Explanatory Memorandum. This will help workers qualify for employment protections when disclosing information relating to matters covered by the six new prescribed persons and six existing ones.

6.4 The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 sit alongside the Prescribed Persons Order. These regulations were made under section 43FA of the 1996 Act and impose an obligation on relevant prescribed persons (defined in regulation 2) to report annually on the workers' disclosures they have received.

Why was this approach taken to change the law?

6.5 The prescribed persons and the matters for which they are prescribed are set out in the Prescribed Persons Order, and amendments are required to ensure the list of prescribed persons and the description of matters remain up to date. This is necessary to reflect the changes in the remit of existing bodies and to add new bodies.

7. Consultation

Summary of consultation outcome and methodology

7.1 Consultation is not a prerequisite for the Secretary of State to exercise their power to make this legislation.

7.2 The relevant bodies and sponsoring government departments were each consulted and agreed that it was appropriate for the amendments in relation to their various entries to be made and for the new bodies to be listed as prescribed persons.

8. Applicable Guidance

8.1 The Government has guidance on whistleblowing for employees[1], employers[2] and prescribed persons[3] and the full list of prescribed persons with relevant details[4] is set out on GOV.UK. The list of prescribed persons will be updated once the instrument comes into effect.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been produced for this instrument as no significant impacts on the private, public or voluntary sectors are foreseen.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the legislation does not create any regulatory requirements for these bodies.

9.3 The legislation does not significantly impact small or micro businesses. The legislation does not impose additional burdens on business and therefore there is no need to minimise the impact of the legislation on small businesses.

9.4 The impact on the public sector is limited to the extent to which the prescribed bodies may receive disclosures of information from workers who might not otherwise have made them, had that body not been prescribed.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is for the Department for Business and Trade to continue to regularly review the list of prescribed persons in the Prescribed Persons Order to ensure that it remains relevant and up to date. At the time of the next review, the efficacy of the changes made by this legislation will be considered.

10.2 This instrument does not include a statutory review clause as it only seeks to amend the existing legislation prescribing persons for the purposes of receiving protected disclosures from workers.

[1] https://www.gov.uk/whistleblowing
[2] https://www.gov.uk/guidance/whistleblowing-guidance-for-employers
[3] https://www.gov.uk/guidance/whistleblowing-for-prescribed-persons
[4] https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to the negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").