

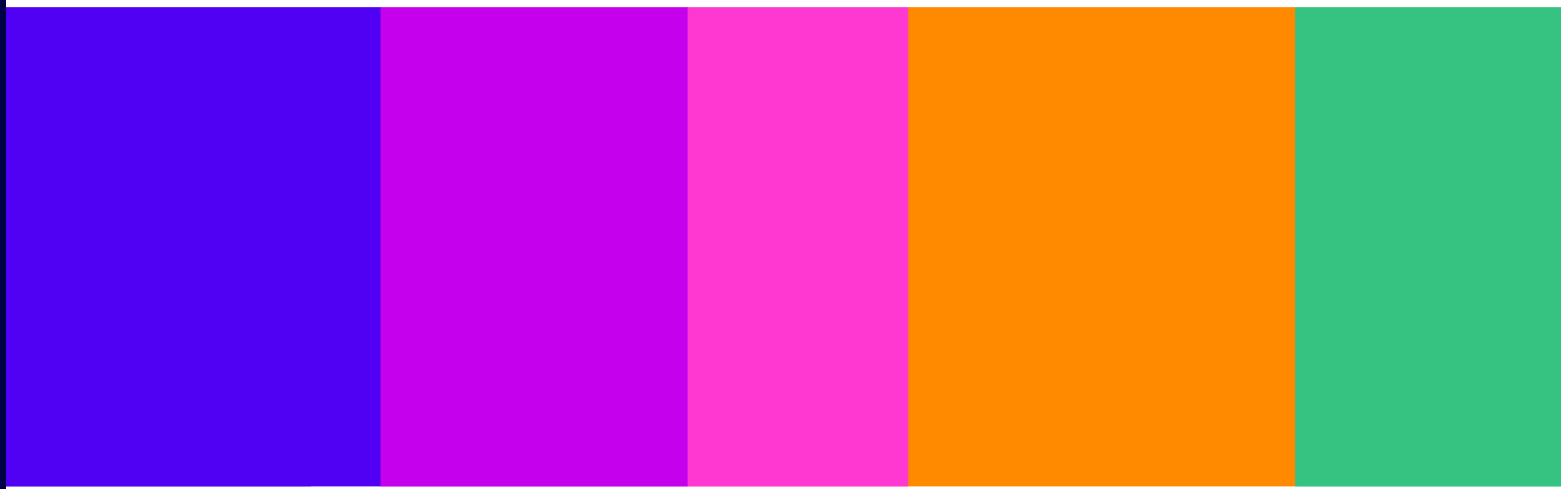
Annual whistleblowing report 2023-24

Ofcom's approach to managing external whistleblowing disclosures and a summary of disclosures in 2023-24

[Welsh version available](#)

Report

Published 27 September 2024



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1. Overview

Background

Ofcom is the regulator and competition authority for the UK communications industries. We regulate fixed-line and mobile telecoms, TV, radio, online services, postal services, UK-established video-sharing platforms and the airwaves used by wireless devices.

We are independent of Government and the companies we regulate, and our duties are set out in statute, making us accountable to Parliament.¹

Our principal duty is 'to further the interests of citizens in relation to communications matters, and to further the interests of consumers in relevant markets, where appropriate by promoting competition'.²

About this report

This is Ofcom's third standalone report on whistleblowing disclosures made to Ofcom as the relevant 'Prescribed Person'³. Ofcom has been designated as the 'Prescribed Person' for whistleblowing disclosures on matters relating to:

- the provision of electronic communications networks and services and the use of the electromagnetic spectrum;
- broadcasting and the provision of television and radio services;
- video sharing platforms;
- online safety;
- postal services;
- media ownership and control; and
- competition in communications markets

This report covers the number of whistleblower disclosures we have received for the period from 1 April 2023 to 31 March 2024, as well as any cases that were carried forward from the previous year.

Ofcom has reported annually on the number of whistleblowing disclosures since the beginning of the 2014-15 financial year in the Ofcom Annual Report and Accounts.

¹ Ofcom operates under a number of Acts of Parliament including the Communications Act 2003, the Wireless Telegraphy Act 2006, the Broadcasting Acts 1990 and 1996, the Digital Economy Acts 2010 and 2017 and the Postal Services Act 2011.

² Section 3(1) Communications Act 2003.

³ [The Public Interest Disclosure \(Prescribed Persons\) Order 2014 \(legislation.gov.uk\)](#)

2. Background

Obligations under the Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 (“PIDA”)⁴ provides legal protection to employees who disclose information in the public interest from being dismissed or penalised by their employer. Ofcom is a ‘Prescribed Person’ under PIDA, which means that individuals may benefit from the PIDA protections by making their whistleblowing disclosure (“WD”) to Ofcom on matters relating to (a) the provision of electronic communications networks and services and the use of the electromagnetic spectrum; (b) broadcasting and the provision of television and radio services; (c) media ownership and control; and (d) competition in communications markets. Individuals may also benefit from the PIDA protections by making their WD to Ofcom on other matters within Ofcom’s remit e.g., postal services and video-sharing platforms (VSPs). We discuss the wider disclosure provisions under PIDA on page 4. Ofcom has no role in deciding whether the PIDA protections apply (this would be a matter for an Employment Tribunal) and does not become involved in the employment aspects of WDs.

Ofcom has a number of obligations as a Prescribed Person⁵, including an annual reporting obligation, and the requirement to act in a manner that preserves the confidentiality and anonymity of the individual making the disclosure. Often, a whistleblower will want to protect their identity because they feel vulnerable raising the issue with their employer; or perhaps they have already raised the issue internally and they consider that it has not been handled appropriately.

About information we receive

Information about whistleblowing is available on the Ofcom whistleblowing web page⁶ and whistleblowers can make disclosures to Ofcom through an online web form⁷ or by writing to the following address:

Consumer Contact Team (Whistleblowing)
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Whistleblowing disclosures help us regulate the sectors within our regulatory remit. The information we receive can provide valuable information about the relevant organisations and the industry sectors in general. This could influence future policy decisions and/or could also lead to an enforcement investigation.

We have various options as how to respond to information provided by whistleblowers. Upon receiving a disclosure from a whistleblower, we will make an initial assessment of whether the

⁴ [Public Interest Disclosure Act 1998 \(legislation.gov.uk\)](#)

⁵ Prescribed Person - Department for Business, Energy & Industrial Strategy – [Schedule 1 of Public Interest Disclosure \(Prescribed Persons\) Order 2014/2418](#)

⁶ [Ofcom-whistleblowing procedure for making a disclosure](#)

⁷ [Ofcom-whistleblowing procedure for making a disclosure](#)

disclosure raises concerns about a company's compliance with its regulatory or competition obligations that Ofcom should investigate further, in line with our Enforcement Guidelines⁸.

There are a range of possible steps/outcomes. We may:

- **seek to gather further information** before reaching a decision on whether to investigate. This may involve contacting the organisation or individual that is the subject of the allegations. We would not disclose the whistleblower's identity or contact details without their consent.⁹
- **address the allegations without opening a formal investigation.** This may involve writing to the organisation or individual to remind them of any relevant regulatory requirements. In other cases, we can use the information provided by a whistleblower to support other projects and monitoring activities.
- **pass whistleblower information to a more appropriate regulator,** for example if the behaviour relates to a sector Ofcom doesn't regulate.
- **decide not to investigate further.** Ofcom is not legally required to investigate every disclosure received. When deciding whether to investigate, we consider how well we are using the resources at our disposal to protect the public interest.
- **decide to open an investigation.** We would follow the normal procedures set out in our Enforcement Guidelines, which include publishing an opening notification on our website. We may decide to open an investigation where we consider the information provided raises credible concerns about a company's compliance with its regulatory or competition obligations.

We do not offer advice to whistleblowers about what protection is offered to them. Whilst we cannot offer legal advice, there are other sources of support, such as:

- [Protect](#), the whistleblowing charity
- [ACAS](#)
- [Citizens Advice](#)
- Whistleblower's own trade union, if you are a member.

The whistleblowing provisions under PIDA protect any 'worker' who makes a 'protected disclosure' of information, from being dismissed or penalised by their employer because of the disclosure. This is enforceable through an Employment Tribunal. Ofcom cannot determine whether a disclosure qualifies for protection or intervene in employment relations. Whistleblowers are advised to seek advice from one of the bodies mentioned above if they have any specific concerns. Whistleblowers may also seek legal advice from a suitably qualified person, such as a solicitor.

We will treat any information given to us sensitively and responsibly. We will restrict knowledge of a whistleblower's identity to a very small number of people, and we would not divulge that information unless we were legally obliged to do so, for example by a judge in a court of law. But even if we do our utmost to protect a whistleblower's identity, we cannot guarantee anonymity, as an employer may identify them independently.

⁸ [Ofcom Enforcement Guidelines](#).

⁹ We cannot guarantee anonymity, as an employer may independently identify a whistleblower.

3. Whistleblowing disclosures

Summary of the 77 disclosures we received in 2023-24:

- 77 whistleblower disclosures
- 3 of these potential disclosures were passed to another Prescribed Person
- 0 wider disclosures

Of the 77 whistleblower disclosures:

- 4 were carried forward from the previous year; and were still being assessed at the end of the year;
- 10 were still being assessed at the end of the year;
- 67 were closed during 2023-24; and
- 0 enforcement investigations were carried out as a result of a disclosure in 2023-24.

There were no wider disclosures received, or closed, in 2023-24.

Types of whistleblowing disclosures

Whistleblower disclosures to Prescribed Persons

In order for a disclosure to a Prescribed Person to be protected, the worker making the disclosure must reasonably believe that both:

- the wrongdoing falls within the remit of the Prescribed Person in question; and
- the information disclosed and any allegation contained in it are substantially true.¹⁰

Wider disclosures

In order for a wider disclosure to be accepted, the worker making the disclosure will also need to show (amongst other things), that they have previously disclosed substantially the same information to their employer or to a Prescribed Person, or they reasonably believed that they would have otherwise suffered a detriment or that material evidence would have been destroyed.¹¹

The list of matters for which Ofcom is a Prescribed Person does not cover all of Ofcom's regulatory functions.

Prior to 4 January 2023 postal services and VSPs were not covered by the scope of the Prescribed Person designation for Ofcom, until an amendment to secondary legislation came into force on 4 January 2023¹² and similarly prior to 27 December 2023 online safety services were not covered by the scope of the Prescribed Person designation for Ofcom until an amendment to secondary legislation came into force on 27 December 2023¹³. We accepted whistleblowing complaints in

¹⁰ <https://www.legislation.gov.uk/ukpga/1998/23/section/1>

¹¹ <https://www.legislation.gov.uk/ukpga/1998/23/section/1>

¹² [The Public Interest Disclosure \(Prescribed Persons\) \(Amendment\) \(No. 2\) Order 2022 \(legislation.gov.uk\)](#)

¹³ [The Public Interest Disclosure \(Prescribed Persons\) \(Amendment\) Order 2023 \(legislation.gov.uk\)](#)

respect of such matters (postal services, VSPs and online services) under PIDA’s wider disclosure provisions until the respective dates. After these respective dates we accepted these disclosures as whistleblower disclosures.

Whilst the assessment criteria Ofcom must undertake to accept a wider disclosure is different, the protection offered by Ofcom in terms of confidentiality and anonymity is the same as a whistleblower disclosure made to Ofcom in its role as a Prescribed Person. Also, the protections under PIDA for the whistleblower are the same for a wider disclosure as for a disclosure to a Prescribed Person.¹⁴

Number of whistleblower disclosures

Ofcom received 77 whistleblower cases in 2023-24:

- 77 whistleblower disclosures fell within Ofcom’s scope as a Prescribed Person;
- 0 wider disclosures fell outside Ofcom’s immediate scope as a Prescribed Person; and
- 3 of these potential whistleblower disclosures were passed to another Prescribed Person.

Protected disclosures

Protected disclosures by action taken

In 2023-24, we received seventy-seven whistleblower disclosures and closed sixty-seven. After an initial assessment, most of these cases were closed without requiring engagement with the whistleblower’s employer. Ten whistleblower disclosures were still being assessed as of 31 March 2023.

Table 1: Action taken for whistleblower disclosures.

Whistleblower disclosure case	Action taken	Whistleblowing disclosures by action taken
Open cases	Ongoing enquiries	10
	Ongoing Enforcement Investigation	0
Closed cases	No contact with employer – no action required	26
	Direct contact with employer – no further action after Initial Assessment	3
	Direct contact with employer – further action taken after Initial Assessment but no enforcement action	0
	Active monitoring	35
	Enforcement Investigation – no regulatory breach found	0

¹⁴ To be treated as a ‘protected disclosure’ under PIDA, whistleblowing disclosures (whether they are made to a Prescribed Person and under PIDA’s wider disclosures provisions), will need to qualify for protection. Qualifying disclosures are defined in section 43B of PIDA (<https://www.legislation.gov.uk/ukpga/1998/23/section/1>).

Whistleblower disclosure case	Action taken	Whistleblowing disclosures by action taken
	Enforcement Investigation – regulatory breach found	0
	Referred elsewhere	3
TOTAL		77

Protected disclosures by industry sector

Of the seventy-seven protected whistleblower disclosures we received in 2023-24, thirty-seven originated from the postal sector, thirty originated from the communications sector, three from the broadcasting sector, three in other categories and one from spectrum. Three were referred elsewhere.

Table 2: Whistleblower disclosures by sector.

	Whistleblowing disclosures by sector
Broadcasting	3
Communications	30
Competition Law	0
Spectrum	1
Online Safety	0
Post	37
Video Sharing Platforms	0
Other	3
Referred elsewhere	3
TOTAL	77

Number of wider disclosures

We received no wider disclosures in 2023-24.

Number of whistleblower disclosures passed to another Prescribed Person

We received three whistleblower disclosure in 2023-24 that we identified as being appropriate to pass onto another Prescribed Person.

4. Conclusion

Whistleblowing disclosures can be an important source of information that supports our principal duty “to further the interests of citizens and consumers in relation to communications matters, where appropriate by promoting competition.”¹⁵

The postal sector remained the largest area where we received whistleblower disclosures in the 2023-24 financial year, and this was closely followed by communications services.

This report shows that during the 2023-24 financial year we carried out a number of assessments on whistleblower disclosures but did not open an enforcement investigation or take specific action against an employer. However, we use the information provided to make more informed policy decisions, and, where appropriate, take wider enforcement action.

¹⁵ Ofcom’s Plan of Work 2024–25, 26 March 2024, [Ofcom’s Plan of Work 2024-25](#), para 2.1.