

**2015 No. 1407**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Public Interest Disclosure (Prescribed Persons)  
(Amendment) Order 2015**

<i>Made</i> - - - -	<i>23rd June 2015</i>
<i>Laid before Parliament</i>	<i>26th June 2015</i>
<i>Coming into force</i> - -	<i>21st July 2015</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 43F of the Employment Rights Act 1996(a).

**Citation and Commencement**

1. This Order may be cited as the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2015 and comes into force on 21st July 2015.

**Amendment to the Public Interest Disclosure (Prescribed Persons) Order 2014**

2. In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014(b), insert the entry set out in the following table in the appropriate columns, after the entry for Secretary of State for Business, Innovation and Skills—

<i>First Column</i>	<i>Second Column</i>
<i>Persons and descriptions of people</i>	<i>Description of matters</i>
Secretary of State for Education.	Matters relating to the following educational institutions in England— (a) a maintained school (as defined in section 20(7) of the School Standards and Framework Act 1998(c)); (b) a maintained nursery school (as defined in section 22(9) of the School Standards and Framework Act 1998(d)); (c) an independent educational institution (as defined in section 92(1) of the Education and Skills Act 2008(e)(f)) entered on a register of independent educational institutions kept under section 95 of the Education and Skills Act 2008;

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- (a) 1996 c. 18. Section 43F was inserted by section 1 of the Public Interest Disclosure Act 1998 (c. 23). Section 43F(1)(a) was amended by section 18(1)(c) of the Enterprise and Regulatory Reform Act 2013 (c. 24).
- (b) S.I. 2014/2418, to which there are amendments not relevant to this Order.
- (c) 1998 c. 31.
- (d) Section 22(9) was amended by Schedule 2, paragraphs 10(1) and (2) of Part 1, S.I. 2010/1158.
- (e) 2008 c. 25.
- (f) An Academy school is an independent school (section 1A of the Academies Act 2010 as inserted by section 53(7) of the Academies Act 2011 (c. 21)).

- (d) a school approved under section 342 of the Education Act 1996(a) (non-maintained special schools);
  - (e) a pupil referral unit (as defined in section 19(2B) of the Education Act 1996(b));
  - (f) an alternative provision Academy (as defined in section 1C(3) of the Academies Act 2010(c));
  - (g) a 16-19 Academy (as defined in section 1B(3) of the Academies Act 2010(d));
  - (h) a sixth form college (as defined in section 91(3A) of the Further and Higher Education Act 1992(e));
  - (i) a special post-16 institution (as defined in section 83(2) of the Children and Families Act 2014).
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23rd June 2015

*John Nash*  
Parliamentary Under Secretary of State  
Department for Education

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014 (“the 2014 Schedule” and the “2014 Order”).

Part IVA (Protected Disclosures) of the Employment Rights Act 1996 (“the 1996 Act”) provides protection for workers who suffer a detriment or are dismissed as a result of blowing the whistle by making a qualifying disclosure in accordance with any of sections 43C to 43H of the 1996 Act. (‘Qualifying disclosure’ has the meaning given in section 43B of the 1996 Act.)

The broad effect of the 2014 Order, taken with section 43F of the 1996 Act, is that a worker potentially protected by the provisions of the 1996 Act will be protected by the 1996 Act if he or she makes a qualifying disclosure to a person prescribed in the 2014 Order reasonably believing that the failure disclosed is in the public interest and falls within the matters in respect of which that person is prescribed and that the information disclosed, and any allegation contained in it, are substantially true. The 2014 Schedule lists the prescribed persons and the matters in respect of which they are prescribed for the purposes of section 43F.

This Order amends the 2014 Schedule to make the Secretary of State for Education a prescribed person in respect of matters relating to the educational institutions in England specified in article 2 of this Order.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.

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- (a) 1996 c. 56. Section 342 was substituted by Schedule 30, paragraph 82 of the School Standards and Framework Act 1998. Section 342(1) was amended by section 142(2), (3)(a), (3)(b) of, and Schedule 2 to, the Education and Skills Act 2008 and by Schedule 3, paragraphs 1 and 37 of Part 1 of the Children and Families Act 2014 (c. 6). Section 342(5) was amended by section 142(2), (4) of the Education and Skills Act 2008. Section 342(5A) and (5B) was inserted by section 143(1), (2) of the Education and Skills Act 2008. There is an amendment to section 342(6) that is not relevant for this Order.
  - (b) Section 19(2B) was inserted by regulation 2 of S.I. 2007/1507 and was amended by Schedule 2, paragraph 7(1), (2) of Part 1 of S.I. 2010/1158.
  - (c) 2010 c. 32. Section 1C was inserted by section 53(7) of the Education Act 2011 (c. 21).
  - (d) Section 1B was inserted by section 53(7) of the Education Act 2011.
  - (e) 1992 c. 13. Section 91(3A) was inserted by Schedule 8, paragraphs 1, 13(1), (3) of the Apprenticeship, Skills, Children and Learning Act 2009 (c. 22).

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