

2013 No. 2213

TERMS AND CONDITIONS OF EMPLOYMENT

**The Public Interest Disclosure (Prescribed Persons)
(Amendment) Order 2013**

<i>Made</i>	- - - -	<i>4th September 2013</i>
<i>Laid before Parliament</i>		<i>5th September 2013</i>
<i>Coming into force</i>		
<i>for the purpose of articles 1, 2, 3, and 5 to 8</i>		<i>1st October 2013</i>
<i>for the purpose of article 4</i>		<i>6th April 2014</i>

The Secretary of State, in exercise of the powers conferred by sections 43F and 236(5) of the Employment Rights Act 1996(a), makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2013.

(2) This article and articles 2, 3, and 5 to 8 come into force on 1st October 2013 and article 4 comes into force on 6th April 2014.

Amendments to the Public Interest Disclosure (Prescribed Persons) Order 1999

2. The Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999(b) is amended in accordance with articles 3 to 8.

3. In the entry relating to the Audit Commission for England and Wales(c) and auditors appointed by the Commission to audit the accounts of local government, and health service, bodies, in the first and second columns after “bodies” insert “(including local policing bodies, and the chief constables and Commissioner of Police of the Metropolis appointed under the Police Reform and Social Responsibility Act 2011(d))”.

4. In the entry relating to the Civil Aviation Authority(e), in the second column, after “Compliance with the requirements of civil aviation legislation, including aviation safety” insert “and aviation security”.

(a) 1996 c. 18. Section 43F was inserted by the Public Interest Disclosure Act 1998 (c. 23), section 1.

(b) S.I. 1999/1549. The Schedule to that Order was substituted by S.I. 2003/1993; there are other amending instruments and any relevant amendments are detailed elsewhere in the footnotes in this Order.

(c) The Audit Commission continues in existence by virtue of section 1 of the Audit Commission Act 1998 (c. 18).

(d) 2011 c. 13. Chief Constables of England and Wales were established by section 2 of the Police Reform and Social Responsibility Act 2011 and the Commissioner of Police of the Metropolis was established by section 4 of that Act.

(e) The Civil Aviation Authority continues in existence by virtue of section 2 of the Civil Aviation Act 1982 (c. 16).

5. In the entry relating to the Scottish Social Services Council(a), in the second column, after “Council” insert “under the Regulation of Care (Scotland) Act 2001”.

6. After the entry relating to the Children’s Commissioner for Wales(b) insert the entries set out in table 1 in the Schedule to this Order.

7. After the entry relating to the Rail Regulator(c) insert the entries set out in table 2 in the Schedule to this Order.

8. In the entry relating to Healthcare Improvement Scotland(d), delete the entry in the second column and insert—

“Matters relating to—

- (a) furthering the improvement in the quality of health care (within the meaning of section 10A of the National Health Service (Scotland) Act 1978); and
- (b) any activities not covered by (a) in relation to which Healthcare Improvement Scotland has functions.”

Jo Swinson

Parliamentary Under Secretary of State for Employment Relations and Consumer Affairs
4th September 2013 Department for Business, Innovation and Skills

(a) The Scottish Social Services Council was established by section 43 of the Regulation of Care (Scotland) Act 2001 (asp 8).
(b) The Children’s Commissioner for Wales was established by section 72 of the Care Standards Act 2000 (c. 14).
(c) The Rail Regulator was appointed under section 1 of the Railways Act 1993 (c. 43) and replaced with the Office of Rail Regulation by the Railways and Transport Safety Act 2003 (c. 20). By virtue of section 16 and Schedule 3, paragraph 4 of the Railways and Transport Safety Act 2003, the reference to the “Rail Regulator” in S.I. 1999/1549 is to be treated as a reference to the “Office of Rail Regulation”.
(d) Healthcare Improvement Scotland was established by section 10A of the National Health Service (Scotland) Act 1978 (c. 29), which was inserted into that Act by the Public Services (Reform) Scotland Act 2010 (asp 8), section 108. The entry for Healthcare Improvement Scotland was inserted by S.I. 2011/2581 as a substitute for the entry relating to the Scottish Commission for the Regulation of Care.

SCHEDULE

Articles 6 and 7

Table 1

<i>First Column</i>	<i>Second Column</i>
<i>Persons and descriptions of people</i>	<i>Description of matters</i>
General Chiropractic Council(a).	<p>Matters relating to—</p> <ul style="list-style-type: none"> (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.
General Dental Council(b).	<p>Matters relating to—</p> <ul style="list-style-type: none"> (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.
General Medical Council(c).	<p>Matters relating to—</p> <ul style="list-style-type: none"> (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.
General Optical Council(d).	<p>Matters relating to—</p> <ul style="list-style-type: none"> (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.
General Osteopathic Council(e).	<p>Matters relating to—</p> <ul style="list-style-type: none"> (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.

(a) The General Chiropractic Council was established by section 1 of the Chiropractors Act 1994 (c. 17).
 (b) The General Dental Council continues in existence by virtue of section 1 of the Dentists Act 1984 (c. 24).
 (c) The General Medical Council continues in existence by virtue of section 1 of the Medical Act 1983 (c. 54).
 (d) The General Optical Council continues in existence by virtue of section 1 of the Opticians Act 1989 (c. 44).
 (e) The General Osteopathic Council was established by section 1 of the Osteopaths Act 1993 (c. 21).

General Pharmaceutical Council(a).

Matters relating to—

- (a) the registration and fitness to practise of a member of a profession regulated by the Council; and
- (b) any activities not covered by (a) in relation to which the Council has functions.

Health and Care Professions Council(b).

Matters relating to—

- (a) the registration and fitness to practise of a member of a profession regulated by the Council; and
- (b) any activities not covered by (a) in relation to which the Council has functions.

Nursing and Midwifery Council(c).

Matters relating to—

- (a) the registration and fitness to practise of a member of a profession regulated by the Council; and
- (b) any activities not covered by (a) in relation to which the Council has functions.

Table 2

<i>First Column</i>	<i>Second Column</i>
<i>Persons and descriptions of people</i>	<i>Description of matters</i>

Police and Crime Panels(d).

Matters relating to—

- (a) any complaint about the conduct of a relevant office holder, within the meaning of section 31 of the Police Reform and Social Responsibility Act 2011; and
- (b) any report made in accordance with section 114 of the Local Government Finance Act 1988(e) or section 4 or 5 of the Local Government and Housing Act 1989(f) in relation to the elected local policing body for the Police and Crime Panel's area.

(a) The General Pharmaceutical Council was established by article 4 of the Pharmacy Order 2010 (S.I. 2010/231).
(b) The Health Professions Council was established by article 3 of the Health and Social Work Professions Order 2001 (S.I. 2002/254) and renamed the Health and Care Professions Council by section 214 of the Health and Social Care Act 2012 (c. 7).
(c) The Nursing and Midwifery Council was established by article 3 of the Nursing and Midwifery Order 2001 (S.I. 2002/253).
(d) Police and Crime Panels are established under section 28 and 32 of the Police Reform and Social Responsibility Act 2011.
(e) 1988 c. 41; section 114 was amended by the Local Government and Housing Act 1989 (c. 42), Schedule 5, paragraph 66, Police and Magistrates' Courts Act 1994 (c. 29), Schedule 4, paragraph 34 of Part 1, Greater London Authority Act 1999 (c. 29), section 130, Criminal Justice and Police Act 2001 (c. 16), Schedule 7, paragraph 1 of Part 5(1), S.I. 2002/808, Police Reform and Social Responsibility Act 2011, Schedule 16, paragraph 188 of Part 3, Localism Act 2011 (c. 20), Schedule 25, paragraph 1 of Part 32.
(f) 1989 c. 42; section 4 was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 161, and Schedule 14, paragraph 1, S.I. 1995/789, Local Democracy, Economic Development and Construction Act 2009 (c. 20), Schedule 6, paragraph 81, Police Reform and Social Responsibility Act 2011, Schedule 16, paragraph 201 of Part 3. Section

Elected local policing bodies.

Matters relating to any report made in accordance with section 114 of the Local Government Finance Act 1988 in relation to—

- (a) the chief constable for the elected local policing body's area; or
 - (b) where the elected local policing body is the Mayor's Office for Policing and Crime^(a), the Commissioner of Police of the Metropolis.
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5 was amended by the Local Government etc. (Scotland) Act 1994, Schedule 14, paragraph 1, Police and Magistrates' Courts Act 1994, Schedule 4, paragraph 35 of Part 1, Greater London Authority Act 1999, section 132, Local Government Act 2000 (c. 22), Schedule 5, paragraph 24, S.I. 2001/2237, S.I. 2002/808, Local Government Act 2003 (c. 26), section 113, Public Services Ombudsman (Wales) Act 2005 (c. 10), Schedule 6, paragraph 24, Local Government and Public Involvement in Health Act 2007 (c. 28), Schedule 12, paragraph 1 of Part 14, Marine and Coastal Access Act 2009 (c. 23), Schedule 14, paragraph 13, and Schedule 22, paragraph 1 of Part 4, Police Reform and Social Responsibility Act 2011, Schedule 16, paragraph 202 of Part 3, Local Government (Wales) Measure 2011 (c. 4), section 95.

(a) The Mayor's Office for Policing and Crime was established by section 3 of the Police Reform and Social Responsibility Act 2011.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999 (“the 1999 Schedule”).

The Employment Rights Act 1996 (“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.) Section 43F of the 1996 Act provides that a qualifying disclosure will be protected if it is made to a prescribed person and relates to matters in respect of which that person is prescribed. The 1999 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 1999 Schedule in three ways: to reflect changes made to policing governance arrangements in England and Wales by the Police Reform and Social Responsibility Act 2011; to add health and social care professional regulatory bodies to the list of prescribed persons and amend existing entries for certain health and social care regulators; and to expand the description of matters in respect of which the Civil Aviation Authority is prescribed.

An Impact Assessment has not been produced for this instrument as there will be no quantifiable impact on business, charities or voluntary bodies.

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