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## **REDUCTION OF MAXIMUM AWARD AND WHISTLEBLOWING UPDATE**

### **Drop in Annual Compensation Limit**

The annual review of compensation limits has resulted in a reduction to the maximum compensatory award limit.

From 1st February 2010, the maximum compensatory award will drop from £66,200 to £65,300.

A week's pay (for basic award and redundancy pay purposes) remains the same at £380.

The revisions made will take effect when the event giving rise to the entitlement to compensation or other payment occurs on or after 1 February 2010.

### **Whistleblowing: Meaning of 'Disclose Information'**

The EAT has handed down its decision in *Cavendish Munro v Geduld*, which is authority for the proposition that:-

- to make a 'protected disclosure' the employee must disclose information about a situation, i.e. by conveying facts; simply making an allegation is insufficient. The EAT illustrated the distinction by hypothetical examples in a hospital scenario: 'The wards have not been cleaned for the past two weeks' discloses information; whereas saying 'You are not complying with Health and Safety legislation' is an allegation.
- the EAT explained that there is distinction between 'disclosing' and 'communicating' information even though a disclosure can be made to a person already aware of information.

This case would suggest that a letter from the claimant's solicitor to the respondent complaining about his treatment - and provoking his dismissal - did not contain a disclosure, and therefore there was no protected disclosure.

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