

# Four cases from our files

## Averting a fiddle

Maz was a manager for a large company that serviced equipment in the homes of a national charity. On return from holiday, her team told Maz that her boss had showed them how to fiddle the billing system so the charity would be charged for twice as much work as had actually been performed. Maz's team thought that this was wrong.

Maz called PCaW for advice. She said doing nothing was not an option, but she had no idea who to talk to or what to say and was worried about going above her boss with whom she worked well. We advised her that she was just passing on the concern of her team. We checked with her that the company had a whistleblowing policy.

Because her staff had told her their concern, Maz was expected to follow it up and, as it involved her boss, we suggested she go to the Operations Manager (OM) who was the senior contact on the whistleblowing policy. As Maz was worried that her boss might find out, we told her that she could tell him what she was doing.

The OM made clear such a fiddle was unacceptable and assured Maz that she and her team would not be at risk. After an investigation the OM accepted the boss's assurance that he had been in error and asked Maz if she could rebuild a good relationship with him. Maz thought she could, but asked us first as she said her staff would expect some sanction on her boss. We checked Maz had no suspicion such a fraud was taking place, and explained that she and her team had put down a strong marker.

Months later Maz rang to say she had rebuilt a good relationship with her boss, her team was going well and there was no suggestion of any scams. She said this was all a direct result of the advice she'd received from PCaW.

## Where's the beef?

Alan delivered meat to London schools and rang to say he had been dismissed and threatened with an injunction for raising concerns that the meat was not kept in a fridge; recycled meat was delivered to schools and food was left out overnight in summer.

We drafted a reply for him to send to the lawyers:

*"Thank you for your letter. I would be grateful if you could go back to your clients as it contains some important errors. First, I raised my concerns many times with managers and senior managers and I can prove this. Secondly, I honestly don't think I have said anything that was untrue - my concerns about the hygiene of the vans and the dangers they and company practices cause the food we deliver to schools are genuine and well-founded.*

*I have sought legal advice and I will be bringing a claim for unfair dismissal as all these disclosures are protected under the Public Interest Disclosure Act. My internal disclosures are protected under section 43C, my disclosure to environmental health officers under 43F and my disclosure to the catering company and the school under 43C and 43G. (Please note I have had no contact with the other school you mention for over eight months - maybe someone else is trying to put this problem right as well).*

*My understanding is that the secrecy clauses in the handbook and my contract are overridden by the Public Interest Disclosure Act. I am confident that when you know the facts you will agree that all my disclosures are protected and that if you had a child at the school you would be grateful to me for raising this matter. I hope you will not seek an injunction against me but if you do please show the court this email and refer it to section 43J of the Act."*

While the letter worked in halting any injunction, Alan and all his colleagues lost their jobs when the catering company suspended orders while it investigated. Though the legal teams agreed Alan had a strong PIDA claim, the firm closed down before his claim got underway. This meant there was no way PIDA could help Alan as, under current rules, there was no-one from whom he could get any compensation the tribunal awarded.

### Ghost trainer

Tim co-ordinated training for an NHS Trust. He was concerned that his boss was hiring a friend of his to deliver training on suspicious terms which were costing the Trust over £20,000 a year. More courses were booked than could be needed and the friend was always paid when a course was cancelled. Though Tim asked his boss to get a credit note as happened with other training contracts, he never did. Tim also couldn't understand why the friend was paid for training sessions delivered by NHS staff.

One day when the boss was out, Tim saw the friend enter the boss' office and leave an envelope. His suspicions aroused, Tim peeked inside and saw that it was filled with £20 notes, amounting to some £2,000. Unsure what to do, Tim called Public Concern at Work.

Tim said his boss had lots of influence in the Trust and he was unsure who to tell, particularly as the Trust was being restructured and none of the directors were secure in their posts. Tim also recognised that the cash in the envelope was so brazen that there could be an innocent explanation.

We said the options were going to a director of the Trust or to the NHS Counter-Fraud Unit. Either way, we advised Tim to stick to the facts and focus on specific suspect arrangements and payments. We also said he should avoid the temptation to investigate the matter himself. Tim said he felt much better and would decide what to do over the holiday he was about to take.

On his return, he waited a few months until two key projects had been completed. Then he raised his concerns with a director at the Trust, who called in NHS Counter Fraud. Tim's suspicions were right: his boss and the trainer pleaded guilty to stealing £9,000 from the NHS and each received 12 month jail terms suspended for two years.

### Making a meal of it

Jo was an award-winning manager for a well known chain. She enjoyed her work and valued the company's ethics. Then a new divisional manager (DM) arrived, who did things his own way. He told the managers they and not their teams should fill in the staff satisfaction surveys as this would boost their bonuses. Jo thought this wrong and, following company policy, reported her concern to Compliance in the US. They said they would investigate and promised Jo confidentiality. The next she heard was the DM was telling other managers she had reported him. Stressed, Jo went sick and was asked to a meeting with the Head of HR. She contacted PCaW.

We ran through how the legal protection could help, explained that blanket promises of confidentiality were undeliverable and said she had done nothing wrong.

At the meeting, Jo was told she shouldn't rock the boat as the DM was a high flyer, and it was suggested she take more time off. Jo rang the US to ask what was happening and they appointed their own investigators. They met with Jo and said her claim stood up.

Two weeks later Jo was called to a meeting to explain two incidents: one a year old and the other that occurred on her day off work. We advised Jo to stay calm, warning that they were trying to set her up. At the meeting Jo was told she would get a final written warning. As she left the meeting, the DM was outside and she gave him a piece of her mind. She was then suspended.

She asked us to put her in touch with litigation lawyers who helped her bring a PIDA claim. At the door of the tribunal, her case was settled for over £100,000.

We advised Jo to be open with her job applications and she now has another good job and is studying law in the evenings. She has no regrets and still values her former company, commenting that its ethics had been hijacked by one individual. Jo says she doubted she would have coped without the counselling and support we had provided.