

Case Note 1: Pocketing the Money

FA worked as a care assistant in an old people's home. He and some of his colleagues were worried that SM, one of the managers, might be stealing cash from the residents.

SM, who looked after their pocket money, kept a ledger of when sums were paid out. FA was fairly sure that money was recorded as being given out to particular residents when they had received none. After a while, he thought he had to raise the concern as the amount involved was adding up.

After he raised his concerns with the owners of the home, an investigation quickly found he was right and SM was dismissed and the police were called in.

Relations within the home were tense as some of SM's friends strongly objected to the whistleblowing. Within weeks, FA was suspended over allegations that he had mistreated the residents. He rang us.

We advised that he should bite his lip and deal with these allegations squarely. Although the investigation found they had no substance, the owners decided to transfer FA to another home. FA was very unhappy and rang us again.

We helped him draft a letter to the owners explaining that he wanted to stay at that home and that transferring him after he had blown the whistle would give out the wrong messages to other staff. The owners reconsidered and FA stayed at the home.

When FA rang to tell us that SM had been convicted of stealing £1400 from the residents, he said the atmosphere in the home was now much improved.

Case Note 2: Hard Men

JM was the personnel manager for a successful family-run engineering firm. To help with its expansion plans, it had recently raised investment capital.

When in the past the directors had put through the books some private work done on their own homes, JM had let it pass as it was a family business.

Two employees had recently told him that the scale of these private works was now reaching new heights. JM was worried about this and doubted that the non-executive directors the new investors had put on the Board would approve. He thought something should be done but knew that the directors had a well-earned reputation as hard men in the local community. He feared that if he said anything to the non-executive directors he would lose his job or something worse might happen. Not surprisingly, the dilemma had undermined JM's commitment to the firm. He rang us for advice.

If he wanted to stay with the firm and deal with the issue, we advised the best way was for him to raise the concern with the family directors. By referring to the fact that staff were talking about it and the risk that they might report the wrongdoing elsewhere, he could help the family see why the private works should be stopped. As this approach made his role part of the solution, it was unlikely he would be victimised.

If the malpractice continued, we would then discuss with him what other options there were. We explained that if he lost his job, he would be protected by PIDA. However, this meant he would be fully compensated - not that he couldn't be sacked. The other option was for JM to find a new job and then decide whether to raise the concern himself. Thankful for the advice, he took the second option.

Case Note 3: Witness Dismissed

JB was one of several pharmacists at a chemists in a small town. Her boss owned the shop and was himself a pharmacist. Part of his work was to claim rebates from the NHS for the drugs prescribed.

Occasionally the NHS would ring to check one of prescriptions and when her boss was not there, JB would answer. More often than not she would realise that some error had crept into the paperwork which favoured the pharmacy. She would put this right and then politely point it out to her boss. The errors kept on being made and whenever the NHS asked JB she would deal with it honestly and fairly.

One day when the boss was away two NHS investigators called in to the shop and asked to meet JB to go through some of the rebates claimed. She agreed to meet them and told her boss. After the interview, at the request of the investigators, JB made a formal statement. Again she told her boss what was happening. Some weeks later he was arrested and charged with fraud. The next day she received a letter from

his solicitors dismissing her. They claimed that if she continued to work there, her boss could also be charged with interfering with a witness. JB rang us.

We contacted the NHS prosecutors and the appropriate authorities and explained that this practice could only thwart their efforts to tackle workplace fraud. We suggested that to avoid this they should seek to attach bail conditions which would reduce the risk that witnesses would be sacked.

As to JB's case, we advised her to bring a PIDA claim and put her in touch with lawyers willing to help ensure she got proper compensation. We also advised her how to approach future employers and before long she had another job.

Case Note 5: Too Close for Comfort

AM was a residential social worker in a children's home. He grew increasingly concerned that a colleague PE seemed to have developed a close relationship with a 12 year old girl in the home. Colleagues and some of the children joked that PE was becoming rather infatuated with the girl.

During a holiday trip, AM was alarmed that PE insisted that the girl should travel in his car alone with him and that he spent a lot of time with her during the holiday. AM raised the issue with PE who just laughed it off.

On return from the holiday, AM decided with a colleague that they should raise their concerns discreetly with the Council. They were told they had a duty to report them formally. When they did, an investigation was launched and PE was given special leave and told to stay away from the home.

AM contacted us when he learned that the investigation had finished and that PE would be returning to the home. He and colleagues were worried that this was not the right decision.

We advised him to contact the Council's head of child protection and explain his concerns. However, we pointed out it was the Council's job to decide what action to take and that what mattered was that the Council felt sure that PE was not a risk. We also said that the fact that PE was returning to the home did not mean that no action had been taken.

After discussing the matter with the Council, AM felt happier with its decision as he knew the Council would be keeping a watchful eye over the home and that staff would be reminded of the whistleblowing policy.

Case Note 6: Cut-throat Competition

DA had worked for 8 years as operations manager for a specialist food company. In the last year the man who founded the business had retired and his son had taken over. The son was keen to expand the firm and wanted to take on its main competitor and also see off a former colleague who had just entered the same market.

One day the son gave DA a file with all the main competitor's key client confidential information. DA was told to contact all their clients and undercut their prices. DA objected and was told that if she didn't like it, she could go. She raised her concerns at the management meeting to no avail and then decided to leave. She rang us six months later asking what she could do.

As DA had a new job, her only concern was to stop the malpractice. We discussed the various options with her, including the competition authorities and the data protection office. Our initial advice was that she should write to her former employer setting out her concerns about their misuse of a competitor's information and the risks they were taking.

During our next discussion, we realised that DA was reluctant to write such a letter and was very keen that the authorities should take action. We asked more about the nature of the market and what DA now did. It transpired that she had left the firm to join her former colleague's business which had just entered the same market. We pointed out that she had not been candid with us from the outset and discussed the options she had as a player in a competitive market. We said that her new firm's lawyers would be better able to advise her on the risks and opportunities for reporting a competitor.

Case Note 7: Charity Begins on Holiday

The Director and a senior colleague left a community resource project to take up new posts in the charity world. In replacing them the project recruited a finance officer, CM, who had much experience in the area and asked the deputy director to be acting manager until funds were obtained for a new post.

Not long after joining, CM discovered that the two former staff had drawn and signed cheques to one another for almost £1000 apiece. While these were listed as outstanding holiday pay, CM was troubled that no deduction had been made for tax or national insurance and there was no indication the payments had been authorised. To try and sort the issue out, she asked a colleague for their holiday records but was concerned that large sections had been encrusted with Tippex.

CM raised the issue with the Deputy Director and dropped him a short note to say she awaited his instructions. The next day CM was suspended for “malicious mischief resulting in danger to fellow employees; reading personnel records without prior consent; discussing these

issues with other members of staff other than the Deputy Director; and discourteous behaviour.” Two weeks later at her disciplinary hearing she was dismissed for gross misconduct. She then contacted us.

We discussed all the options with her, as to her own position and the concern.

Though she was very hurt by what had happened, she felt the project was good and was keen to stay and try to sort out its finances. If things did not improve, she would seek another job. We helped her bring an internal appeal against the dismissal explaining what had happened and mentioning the new law. This was successful and she returned to her post.

Case Note 8: Media Madness

For five years KD had helped run a Council recycling project. When her boss was on holiday, she came across several sacks of patients' records which had come from the local hospital. She rang them up and the bags were collected that day without a by-your-leave. A few odd records were left behind which KD locked away. She left a note for her boss, hoping that the hospital would send a word of thanks. None came.

A few weeks later, the project had an open day for the media. When a BBC journalist asked KD if anything interesting came through the project, she mentioned this incident. The journalist got very excited and leant on KD to show him the remaining records, emphasising the public interest. This and a promise of confidentiality overcame KD's reluctance and the journalist copied the few remaining records and ran the story on the evening news. Shamed, the hospital publicly apologised for the incident and asked the journalist for the records back. In breach of his professional rules and his promise, the journalist revealed that KD had them. The hospital complained to the

Council. When KD was suspended for gross misconduct, her immediate response was to deny her involvement. Distraught, she then rang us.

KD, who had a fine work record, liked her job and desperately feared losing it. Although she had a sound claim against the BBC and the Council if she lost her job, the strategy was to make this unnecessary. We advised her to come clean with the Council and helped write them a letter. With the support of her union and our help, the Council understood what had happened and allowed KD to keep her job.