

Whistleblowing, Fraud Prevention and Anti-Bribery Policy



The Link Training
Academy

Whistleblowing for employees

1. What is a whistleblower
2. Who to tell and what to expect
3. If you're treated unfairly after whistleblowing

1. What is a whistleblower?

You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always. The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public.

As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now or you believe it will happen in the near future.

Who is protected by law

You're protected if you're a worker, e.g. you're:

- an employee, such as a police officer, NHS employee, office worker, factory worker
- a trainee, such as a student nurse
- an agency worker
- a member of a Limited Liability Partnership (LLP)

Get independent advice if you're not sure you're protected, e.g. from Citizens' Advice.

A confidentiality clause or 'gagging clause' in a settlement agreement isn't valid if you're a whistleblower.

Complaints that count as whistleblowing

You're protected by law if you report any of the following:

- a criminal offence, e.g. fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, e.g. doesn't have the right insurance
- you believe someone is covering up wrongdoing

Complaints that don't count as whistleblowing

Personal grievances (eg bullying, harassment, discrimination) aren't covered by whistleblowing law, unless your particular case is in the public interest.

Report these under your employer's grievance policy.

2. Who to tell and what to expect

You can tell your employer - they may have a whistleblowing policy that tells you what to expect if you report your concern to them. You can still report your concern to them if they don't have a policy.

There are other options if you don't want to report your concern to your employer, e.g. you can get legal advice from a lawyer, or tell a prescribed person or body.

If you tell a prescribed person or body, it must be one that deals with the issue you're raising, e.g. a disclosure about wrongdoing in a care home can be made to the Care Quality Commission.

Making your claim anonymously or confidentially

You can tell your employer or a prescribed person anonymously but they may not be able to take the claim further if you haven't provided all the information they need.

You can give your name but request confidentiality - the person or body you tell should make every effort to protect your identity.

If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.

What your employer or a prescribed person will do

Your employer or the prescribed person will listen to your concern and decide if any action is needed. You may be asked for further information.

You must say straight away if you don't want anyone else to know it was you who raised the concern.

You won't have a say in how your concern is dealt with.

Your employer or the prescribed person can keep you informed about the action they've taken, but they can't give you much detail if they have to keep the confidence of other people.

A prescribed person can't help you with your relationship with your employer.

If you're not satisfied with how your employer dealt with your concern

Tell someone else (e.g. a more senior member of staff) or a prescribed person or body if you believe your concern wasn't taken seriously or the wrongdoing is still going on.

Contact the Advisory, Conciliation and Arbitration Service (Acas), the whistleblowing charity Public Concern at Work or your trade union for more guidance

3. If you're treated unfairly after whistleblowing

You can take a case to an employment tribunal if you've been treated unfairly because you've blown the whistle.

You can get further information from the Advisory, Conciliation and Arbitration Service (Acas), Citizens' Advice, the whistleblowing charity Public Concern at Work or your trade union.

If you reported your concern anonymously, you may find it harder to argue that your unfair treatment was as a result of your whistleblowing.

You must raise any claim of unfair dismissal within 3 months of your employment ending.

Fraud Prevention

The fraud prevention policy aims to set out the roles and responsibilities of staff.

The definition of fraud:

Fraud is legally defined within the fraud act 2007. For practical purposes, fraud may be defined as: "the use of deception with the intention of obtaining an advantage, avoiding an obligation, or causing loss to another party".

Example of fraud:

- Theft of any academy property by staff or any third party
- Forgery or alteration of any document
- Destruction or removal of records without appropriate authority
- Falsifying documents such as expense claims or time sheets
- Misusing time during work hours
- Disclosing confidentially information to outside parties without authority
- Falsifying accounting, funding claims or other records
- Giving or receiving bribes
- Giving an unfair advantage, personally or for family or friends.
- Completing a recruitment application stating that particular qualifications and/or membership of professional bodies are held when they are not

This list is illustrative and not exhaustive, other example of fraud also exist.

How we prevent fraud

The Link Academy recognises the importance of prevention in its approach to fraud and has in place various measures including; Denial of opportunity, effective leadership, auditing and employee screening. Fraud is minimised by effective management procedures which deny opportunities for fraud in particular financial systems and procedures which take into account the need for internal checks and internal control.

Additionally, the misuse of IT is prevented through the management of physical access to terminals and protecting systems with electronic access restrictions where appropriate.

Employee Responsibilities

The academy expects all employees to be responsible for

1. Adhering to all policies and procedures of the academy and to the extent that they are applicable to their role
2. Safeguarding the academy's assets

3. Upholding the legal, ethical and moral standards that are expected of all individuals connected to the academy.
4. Alerting management should they suspect that the possibility of fraud exists

Audit

As a subcontractor, the Academy is subject to both internal and external audits whose role in respect of fraud is to:

- Regularly review policies, procedures, prevention controls and detection processes making recommendations to improve these processes as required.
- Discuss and identify with management any areas it suspects may be exposed to fraud risk
- Help determine the appropriate responses to a suspected fraud and to support any investigation that takes place
- Facilitates learning on fraud, fraud prevention and the indicators of fraud.

Anti-Bribery

A bribe is offering, promising or providing someone with a financial or other advantage to encourage that person to perform their functions or activities improperly in order to get business, keep business or gain a business advantage for TLTA.

As an employee of TLTA you must not:

- Give a payment, gift or hospitality
- Accept payment from a third part that you know or suspect is offered with the expectation that it will obtain a business advantage for them or that business advantage will be provided by you or TLTA.

Third parties include people who perform services for you in business (or who you perform services for) such as employers, industry bodies, suppliers, manufacturers or others within the industry.

Under the UK Bribery Act 2010, bribery is punishable for individuals by up to 10 years imprisonment and if TLTA is found to have taken part in corruption we could face a fine and damage to our reputation.

Hospitality

This policy does not apply to appropriate hospitality given or received from third parties to enhance relationship as long as:

- It is not made with the intention of influencing you to give or receive a business advantage or to reward you for having done so
- It does not include cash or a cash equivalent such as vouchers
- It is appropriate in the circumstances (e.g. small gift at Christmas)
- It is given openly
- The gift or hospitality is considered proportionate and reasonable and does not give rise to any conflict of interest regarding your role at TLTA.

Invitations from third parties to hospitality events must be approved in advance. Where there is no direct business benefit to attending a hospitality event, the individual may attend but must take annual leave to do so.