

Whistleblowing Policy HR20

Equality Impact Assessment: Askham Bryan College recognises the importance of the Equality Act 2010 and its duties under the Act. This document has been assessed to ensure that it does not adversely affect staff, students or stakeholders on the grounds of any protected characteristics.

1. POLICY STATEMENT

- 1.1 The College takes allegations of, and actual, malpractice, fraud and or corruption within the College, very seriously.
- 1.2 This Policy is designed to promote, throughout the College, a culture of openness and a shared sense of integrity by inviting all employees to act responsibly in order to uphold the reputation of the College and maintain public confidence.
- 1.3 The College encourages open communication from all those who work for us and the College wants everyone to feel secure about raising concerns, which people are free to do at any time.

2. SCOPE

- 2.1 This policy applies to anyone who wants to raise a concern.
- 2.2 This policy does not form part of any contract of employment and we may amend it at any time.

3. WHAT IS WHISTLEBLOWING?

- 3.1 There is a difference between whistleblowing and raising a grievance.
- 3.2 A “grievance” is a complaint that generally relates to an individual’s own employment position or personal circumstances at work. This policy does not set out the procedure that applies to general grievances. If you have a complaint about your own personal circumstances, then you should follow HR10 Staff Grievance Policy and procedure.
- 3.3 “Whistleblowing” is the disclosure of information which relates to suspected malpractice, fraud or corruption or other wrongdoing relating to the running of the College or to the work-related activities of members of staff of the College, which could threaten students, staff, third parties or the public generally.

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3.4 This may include:

3.4.1 suspected criminal activity, such as bribery and corruption and tax evasion facilitation; but which may also include situations where the College's safeguarding responsibilities may be compromised, and issues which may compromise the College's legal obligations and responsibilities under HM Government's *Prevent* strategy to combat extremism;

3.4.2 danger to health or safety of any individual;

3.4.3 miscarriages of justice;

3.4.4 damage to the environment;

3.4.5 failure to comply with any legal obligation or professional or regulatory requirements including those in relation to bribery or fraud and corruption and tax evasion facilitation or a breach of the College Charter; also, a failure on the part of the College to adequately respond to safeguarding concerns;

3.4.6 administrative malpractice (financial or non-financial);

3.4.7 academic or professional malpractice (including, for instance, violation of intellectual property rights or failure of integrity in research);

3.4.8 improper conduct or unethical behaviour;

3.4.9 unauthorised disclosure of confidential information;

3.4.10 suppression or concealment of any of the above matters,

all of which are "qualifying disclosures" under the Public Interest Disclosure Act 1998 (see below).

3.5 A "whistleblower" is therefore a person who raises a genuine concern in good faith relating to any of the above.

4. DEFINITIONS

4.1 "Fraud" for the purpose of this policy means "wrongful or criminal deception intended to result in financial or personal gain". This can include fraud by false representation, fraud by failing to disclose information, fraud by abuse of position, making or supplying articles for the use in fraud, participating in fraudulent business, either of a sole trader or a company and or obtaining services dishonestly, where an individual has undertaken, or intends to undertake, actions in order to obtain gain for him/herself or another, or cause loss to another, or expose another to risk of loss. For further, see the Fraud Act 2006, sections 1 – 11.

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- 4.2 “Corruption” for the purpose of this policy refers to an individual who has given or obtained advantage through means which are illegitimate, immoral, and/or inconsistent with their duty to the College or the rights of others. Examples include accepting bribes or incentives during procurement processes, and or seeking to influence others.
- 4.3 “Bribery” for the purposes of this policy means “giving bribes”, “receiving bribes”, “bribing a Foreign Public Official” and or “failure of commercial organisations to prevent bribery”, with “a bribe” itself being defined as “dishonestly persuade (someone) to act in one's favour by a gift of money or other inducement”. See also FIN19 Bribery Policy and FIN20 Bribery Act 2010 Guidance for further.
- 4.4 “Malpractice” for the purpose of this policy refers to actions which may be: (a) illegal, improper, or unethical; (b) in breach of a professional code; (c) possible maladministration, fraud or misuse of College funds; or (d) acts which are otherwise inconsistent with the Staff Code of Conduct.

5. RAISING A WHISTLEBLOWING CONCERN

- 5.1 See HR20A Whistleblowing Procedure.

6. RELATED DOCUMENTS

HR20A Whistleblowing Procedure
HR10 Staff Grievance Policy
HR10A Staff Grievance Procedure

7. RELEVANT LEGISLATION

Public Interest Disclosure Act 1998
Fraud Act 2006
Bribery Act 2010

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