NWSLC

NORTH WARWICKSHIRE & SOUTH LEICESTERSHIRE COLLEGE

Public Interest Disclosure (Whistleblowing) Policy & Procedure 2024 (v2)

(Incorporating the Anti-Bribery Statement)

North Warwickshire and South Leicestershire College

Clerk to the Corporation

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Public Interest Disclosure (Whistleblowing) Policy 2024(v2)

1. Introduction

1.1 The North Warwickshire and South Leicestershire College (the College) conducts its business at all times with the highest standards of integrity and honesty. It expects all its employees to maintain the same standards. It is important to the College that any fraud, misconduct or wrongdoing by its employees is reported and properly dealt with.

1.2 The College therefore encourages all individuals to raise any genuine concerns they may have about the conduct of others in the College, or in the way the College is run.

1.3 This Policy sets out how individuals may raise any concerns they have and how those concerns will be dealt with.

2. Policy Aim and Objective

2.1 The aim of this Policy is to:

i. enable and encourage employees to raise genuine concerns about possible wrongdoing at work without fear of reprisal, and to reassure employees that such matters will be dealt with seriously, effectively and internally by the College; and

ii. put in place relevant measures to support individuals using the reporting procedures.

2.2 The objective of this Policy is to facilitate this aim. By providing suitable arrangements and undertakings, individuals will feel confident that raising a concern is the right decision and that they will not experience any victimisation as a result. This Policy therefore sets out:

i. the way in which individuals may raise any concerns they have; and

ii. how those concerns will be investigated and dealt with in a timely and effective manner.

2.3 It is particularly important to state that this Policy is distinct from the College's Grievance Policy and Procedure which relates to general concerns an employee may have about their own personal circumstances. This Policy is designed to ensure that concerns about possible illegal or dangerous activities or forms of malpractice are brought swiftly to the College's attention. These may not necessarily be related to a whistleblower's area of work.

2.4 This Policy also contains an anti-bribery statement. Employees and associated persons (as defined in the statement) are expected to report any concerns regarding suspected bribery in accordance with the College's whistleblowing procedures.

3. Definitions

3.1 'Employee' means any person who undertakes to do or perform personally (or otherwise) any work or service for the College, other than a person who is genuinely self-employed.

3.2 'Detrimental treatment' includes being unfairly penalised, disciplined or subjected to any other detriment (including termination of the worker's contract, where he or she is not an employee). A worker has the right not to be subjected to any detriment by his or her employer done on the ground that he or she has made a protected disclosure. In addition, whistleblowers are protected from suffering a detriment, bullying or harassment from another worker.

3.3 'Protected disclosure' means the same as a 'qualifying disclosure'.

3.4 ‘Qualifying disclosure’ means a disclosure which is made in the public interest by a worker who has a reasonable belief that:

i. a criminal offence;

ii. a miscarriage of justice;

iii. an act creating a safeguarding risk;

iv. an act creating risk to health and safety;

v. an act causing damage to the environment;

vi. a breach of any other legal obligation; or

vii. concealment of any of the above;

is being, has been, or is likely to be, committed.

3.5 ‘Whistleblowing’ means the confidential raising of problems or concerns within the College, in accordance with the provisions of this Policy. This will include any illegal, immoral, irregular, dangerous or unethical activity under their employer's control. This can cover a broad range of matters, including mismanagement, bribery, fraud, safeguarding and health and safety failures.

4. Related Policies and Documents

4.1 Counter-Fraud and Anti-Bribery Policy;

4.2 Safeguarding and Child Protection Policy (including KCSIE);

4.3 Financial Regulations;

4.4 Gifts and Hospitality Register;

4.5 Staff Grievance Policy;

4.6 Staff Disciplinary Policy;

4.7 Staff Performance and Capability Policy;

4.8 Social Media Policy;

4.9 Comments, Compliments and Complaints Policy;

4.10 Corporation Code of Conduct;

4.11 Malpractice and Maladministration Policy;

4.12 Members Register of Interests;

4.13 Other policies and documents may be identified from time to time as circumstances change and may be added to this list.

5. Rationale

5.1 Whistleblowing is important as it encourages openness, transparency and public integrity. It is also important in respect of safeguarding, health and safety and protecting against bribery and corruption.

5.2 Implementing good practice in the context of whistleblowing will help the College to comply with relevant legislation by protecting employees, who make a protected disclosure, from dismissal and detriment short of dismissal.

5.3 Whistleblowing is also critical to quality control, risk management and good governance. It can benefit the College through the provision of information which highlight problems within the organisation.

5.4 Good practice can encourage employees to make a report about wrongdoing to their employer rather than to a third party. Where an individual makes an internal disclosure, this gives the employer the chance to deal with the matter before it escalates, thereby helping to avoid an embarrassing external disclosure.

5.5 Having effective arrangements for reporting concerns about wrongdoing is therefore likely to encourage the supply of information about organisational problems, deter external disclosures and help the College demonstrate it has adequate procedures in place, should it be investigated for bribery.

6. Scope of the Policy

6.1 This Policy applies to all College employees and officers. Other individuals performing functions in relation to the College, such as agency workers and contractors, are also encouraged to use it.

6.2 It is not necessary for an employee or individual to have proof that such an act is being, has been, or is likely to be committed; a reasonable belief is sufficient. An employee has no responsibility for investigating the matter, it is the College's responsibility to ensure that where necessary an investigation takes place.

6.3 The College encourages employees to raise their concerns using the procedures set out in this Policy in the first instance. If an employee is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager or the Clerk to the Corporation (the Clerk).

6.4 This Policy should **not** be used to raise employment terms and conditions issues. The College has procedures in place by which grievance, relating to employment, can be lodged or a complaint may be made under the bullying and harassment procedures. Equally, there are also complaints and disciplinary policies in place. Employees should be aware that if they decide to raise a concern related to their own employment at an Employment Tribunal, they will be required to raise this as a grievance with their employer in the first instance.

6.5 Any 'gagging order' in settlement agreements do not prevent employees from making disclosures in the public interest.

7. Further Information for Employees

7.1 **Gov.UK**

Employees may wish to review the Government's guidance for whistleblowing, to verify whether an issue is a protected disclosure or a personal grievance. This guidance can be found on the Gov.UK website at https://www.gov.uk/whistleblowing. Ideally, employees should feel able to make a disclosure to the College; however, there may be circumstances when they feel unable to do so. One way an employee may make a disclosure without losing their rights under the law, is to make a disclosure to a 'prescribed person'. Prescribed persons are mainly regulators and professional bodies but include other persons and bodies, such as MPs. A complete list of prescribed persons can be found on the Gov.UK website. https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2

7.2 **Advisory, Conciliation and Arbitration Service**

Employees can contact their trade union and / or the Advisory, Conciliation and Arbitration Service (ACAS) for guidance on whistleblowing and grievances at www.acas.org.uk.

7.3 **Protect**

There may be circumstances when employees wish to seek independent advice before raising a concern internally. The charity, Protect (formerly known as Public Concern at Work) (provides free confidential advice to workers who have concerns about wrongdoing in the workplace and can be found at https://protect-advice.org.uk/.

7.4 **NSPCC**

Where an employee feels unable to raise a safeguarding issue or feels that their genuine concerns are not being addressed, the NSPCC helpline is available. Employees can call 0800 028 0285 between 8am and 8pm, Monday to Friday or email to https://www.nspcc.org.uk/

8. Core Principles

8.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

8.2 Any matter raised under the procedures contained within this Policy will be investigated thoroughly, promptly and confidentially and the outcome of the investigation reported back to the employee who raised the issue.

8.3 No employee will be victimised for raising a matter under this Policy. This means that the continued employment and opportunities for future promotion or training of the employer will not be prejudiced because he/she has raised a legitimate concern.

8.4 Victimisation of an employee for raising a qualified disclosure will be a disciplinary offence.

8.5 Maliciously making a false allegation will be a disciplinary offence.

8.6 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, an employee should not agree to remain silent. They should report the matter to the Clerk.

8.7 If misconduct is discovered as a result of any investigation under the procedures contained within this Policy, the College's disciplinary procedure will be used, in addition to any appropriate external measures.

8.8 The confidential reporting procedure is intended primarily to cover concerns that fall outside the scope of other procedures and in some instances to provide a clear and speedy route for investigation of issues that may inform the disciplinary procedure.

8.9 Any employee who makes an allegation that turns out to be unfounded will not be penalised for being genuinely mistaken.

8.10 Particular instances of misconduct or wrongdoing may relate to:

i. any unlawful act, whether criminal or a breach of civil law;

ii. maladministration, as defined by the Local Government Ombudsman;

iii. breach of any statutory Code of Practice;

iv. breach of, or failure to implement or comply with the Financial Regulations, Standing Orders and Managing Public Money;

v. breach of contract;

vi. any failure to comply with appropriate professional standards;

vii. fraud, corruption, dishonesty or the abuse of public funds;

viii. actions which are likely to cause physical danger to any person, or to give rise to a risk of significant damage to property;

ix. sexual or physical abuse of students or members of staff;

x. loss of College income;

xi. abuse of power, or the use of the College's powers and authority for any unauthorised or ulterior purpose;

xii. discrimination in employment or in the provision of education;

xiii. any other matter which cannot be raised under any other procedure;

xiv. an attempt to cover up any of the above.

8.11 The above list is not exhaustive and further advice can be taken from Protect or ACAS, (see paragraphs 6.2 and 6.3 above) if an employee is unclear as to whether the use of this Policy is appropriate to their particular circumstances.

8.12 Where an employee wishes to make a disclosure about possible misconduct by a colleague, Manager or Corporation Member, or about a health and safety issue, they should follow the Public Interest Disclosure (Whistleblowing) Procedure. All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the College's safeguarding regime and know that such concerns will be taken seriously.

8.13 Where an employee wishes to make an allegation about safeguarding issues concerning a child, young person or vulnerable adult, they should follow the procedures laid down in the Safeguarding and Child Protection Policy in the first instance. If an employee feels that their concerns are not being appropriately addressed, they should then make a disclosure under this Policy. Further general guidance can be found at https://www.gov.uk/whistleblowing

The NSPCC whistleblowing helpline is also available for staff who do not feel able to raise concerns regarding child protection failure internally or who feels their concerns are not being addressed https://www.gov.uk/government/news/home-office-launches-child-abuse-whistleblowing-helpline

8.14 Where an employee wishes to make a disclosure about possible misconduct by the Clerk, they should follow the procedures associated with this Policy but should assume that the references are to the Chair of the Audit Committee instead of the Clerk.

9. Equality Analysis

9.1 By virtue of the provisions of the Equality Act 2010, the College has a duty to have due regard to the need to:

i. eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;

ii. advance equality of opportunity between people of different groups;

iii. foster good relations between people from different groups.

9.2 In implementing this Policy and associated procedures, the College will actively take these aims into account as part of its decision making process and will demonstrate how this has been undertaken.

9.3 Where necessary a full equality impact assessment will be undertaken.

10. Data Protection Impact Assessment

10.1 Data Protection Impact Assessments (DPIA) are an essential part of the College's accountability obligations under the UK GDPR. Conducting a DPIA is a legal requirement for any type of processing, including certain specified types of processing that are likely to result in a high risk to the rights and freedoms of individuals. Under UK GDPR, failure to carry out a DPIA when required may leave the College open to enforcement action

10.2 A DPIA, relating to any relevant areas within this Policy and Procedure, will therefore be undertaken to enable the systematic analysis, identification and minimisation of data protection risks and to demonstrate how the College complies with its data protect obligations.

11. Implementation, Monitoring and Review

11.1 The Chief Executive has responsibility for this Policy and for ensuring that:

i. appropriate procedures are in place and are implemented;

ii. any concerns and any action taken are reported to the Corporation; and

iii. all College employees are aware of their rights and duties under the Public Interest Disclosure Act.

11.2 The Corporation has overall responsibility for this Policy and for monitoring and evaluating its implementation and impact.

11.3 The Clerk will, after the procedures associated with this Policy have been followed, report to the Audit Committee the substance of each disclosure made, the procedure followed and the outcome. The Chair of the Audit Committee may, at his/her discretion and in the light of such reports, recommend to the Corporation changes to the procedures contained within this Policy, always taking care to ensure details of the case remain as confidential as may be appropriate.

11.4 This Policy will be reviewed every three years and updated, as applicable, to ensure that it remains appropriate in the light of any relevant changes to the law, organisational policies or contractual obligations.

Public Interest Disclosure (Whistleblowing) Procedure 2024

1. Disclosure

1.1 Any employee knowing or suspecting that a Corporation Member, another employee, a contractor or any other person connected with the College is responsible for malpractice or misconduct as outlined in paragraphs 7.10. 7.12 7.13 and 7.14 of this Policy, must use these procedures.

1.2 Under no circumstances should an employee suspecting malpractice or misconduct make the matter public. Such an action may itself be considered to be misconduct and expose the employee concerned to disciplinary action.

1.3 The procedure to be followed is to contact the Clerk, possibly via another member of staff or their trade union representative and arrange a meeting. The Model Whistleblowing Form included within these procedures may be used.

1.4 If the allegation concerns the Clerk, the employee should contact the Chair of the Audit Committee. (In the following paragraphs, where the word 'Clerk' is used, it may be interpreted as referring to the Chair of the Audit Committee in the appropriate circumstances).

1.5 Different procedures cover allegations of abuse of children, young people and vulnerable adults and should be used in such cases.

1.6 The name and contact details of the Clerk will be available on the College website.

1.7 Generally, all communications between the employee making the allegation and the College, on the subject of the allegation, will be to the employee's home address.

1.8 Model Whistleblowing Form:

i. The legislation protecting individuals who make a protected disclosure applies not only to employees but also to any person who undertakes to do or perform personally (or otherwise) any work or service for the employer, regardless of the nature of the contractual relationship between them.

ii. While there is no set method through which an employee must make a protected disclosure, it is good practice to provide a form for him or her to set out the disclosure. This allows the College to identify an issue as a formal public interest disclosure before invoking its whistleblowing procedure.

iii. The form also has the advantage of prompting an employee to provide details of his or her concerns, such as examples of the dates and times of when the wrongdoing is alleged to have taken place, and what action the employee would like to see taken. The form may prompt the employee to think about whether or not the issue is serious enough to warrant invoking the whistleblowing procedure in the first place and allow the College to distinguish between a genuine public interest disclosure and a personal grievance that would be better dealt with under its grievance procedure.

iv. The form is also designed to allay any concerns that the employee may have, that individuals implicated in the wrongdoing, (for example, his or her line manager) will be involved in the investigation.

2. Initial Interview

2.1 The Clerk will arrange an interview with the employee making the allegation. The interview will be arranged at a time and place which will ensure confidentiality and may therefore be held away from College premises.

2.2 Where the employee making the allegation agrees, this interview will take place in the presence of a witness. The employee may be accompanied by a friend, who may be a work colleague, trade union representative or other person. The friend should not be a legal representative unless notice is given, to enable the Clerk to be accompanied by a legal representative, should the Clerk so choose.

2.3 The Clerk will ensure that a full note of the interview is made. The Clerk will provide the employee making the allegation with a copy of the note within five clear working days of the interview. The Clerk will invite the employee making the allegation to clarify any matter or record a disagreement with the note. The Clerk will then ask the employee making the allegation to sign a copy of the note and return it.

2.4 Within five clear working days of the interview the Clerk, will write to the employee making the allegation:

i. acknowledging that the allegation has been received;

ii. providing the note of the initial interview;

iii. giving an estimate of how long it will take to provide a final response;

iv. outlining whether any initial enquiries have been made;

v. clarifying whether further investigations will take place, and, if not, why not;

vi. where an investigation is to be made, indicating how it will be dealt with and where possible who the investigating officer will be.

3. Investigation

3.1 Where there appears to be some substance in the disclosure, the Clerk will arrange for an investigation into the allegation to be undertaken by an independent person, having informed the Chief Executive, except where:

i. the disclosure suggests criminal activity may be involved, in which case paragraph 4.1.i of this procedure will apply; or

ii. the allegation concerns weak management rather than malpractice.

In this case, the Clerk will report the matter to the Chief Executive and will inform the employee making the allegation that the matter will be handled through the normal line management structure. (If the allegation concerns the Chief Executive, the Clerk will inform the Chair of the Corporation).

3.2 The nature of the investigation and the person undertaking the investigation will depend on the type of allegation. The Clerk may, at his/her discretion and after taking advice from the Chief Executive, ask the College's auditor to conduct the investigation.

4. Action

4.1 Where the investigation shows there is a prima facie case for taking some action, the following will apply:

i. If the Clerk suspects that a criminal offence has taken place, he/she will inform the police, having taken advice as necessary. In this case, any internal investigation will be postponed until the police investigation and any criminal proceedings which may arise, have been completed.

ii. Otherwise, the action to be taken at the end of the investigation will be covered by other College policies and procedures, (for example the Disciplinary Policy) and will not be dealt with here.

5. Response

5.1 The length of time over which the investigation will be carried out will vary but should be as short as is consistent with a thorough approach. If the investigation is prolonged, the Clerk will report to the employee making the allegation at regular intervals.

5.2 At the end of the investigation, the Clerk will, as far as is possible and with due regard to third party rights, inform the employee making the allegation of the outcome. If the decision is that no action be

taken, either because the allegation has not been made out or it concerns weak practice, (see paragraph 1.3.1ii of the procedure), the reasons for this decision will be made known to the employee making the allegation.

5.3 If the employee making the allegation is not satisfied with the Clerk's decision on the matter of the allegation made or believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of 'prescribed persons or bodies' to whom qualifying disclosures may be made. A list of 'prescribed persons or bodies' can be found by following the link:

https://www.gov.uk/government/publications/whistleblowing-guidance-for-prescribed-persons

6. Safeguards

6.1 Harassment or Victimisation

i. The College recognises that the decision to report a concern can be a difficult one to make not least because of fear of reprisal from those responsible for the malpractice. The College will not tolerate harassment or victimisation in any form and will take action and put in place support measures to protect employees who raise a concern. Disciplinary procedures are already in place to address any potential attempts at harassment or victimisation.

ii. It is accepted by the College that employees may feel concerned that by raising areas of concern, their future careers may be detrimentally affected. This will not be the case and those raising concerns in the public interest may be assured that those concerns will be treated with the utmost respect and will play no part in future decisions related to an employee's progress or promotion.

iii. If an employee who raises a concern is already the subject of disciplinary, redundancy or similar procedures, confidential reporting will not halt these procedures, but every effort will be made on the part of the investigating officer to ensure that the issues are not inter-related or connected in any way.

6.2 Confidentiality

All efforts will be made to protect an employee's identity when they raise a concern and do not want their name to be disclosed; however, it must be appreciated that the investigation process may reveal the source of the information and a written statement by the employee may be required as part of the evidence, especially if the next step is a police investigation and prosecution.

6.3 Anonymous Allegations

i. The College accepts that employees will raise genuine concerns that are based on factual evidence or direct observation. With this in mind, employees are encouraged to put their names to any allegation. Concerns expressed anonymously are much less powerful and far more difficult to investigate and prove, however, they will be considered at the College's discretion.

ii. In deciding whether to investigate an anonymous allegation, it will be necessary to consider the seriousness of the allegation, its validity and whether evidence can be obtained in order to proceed with an investigation. In making this consideration the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources in the face of a denial from the accused person(s).

6.4 Untrue Allegations

i. If employees make an allegation without personal gain, which is based on evidence, observation or a series of unexplainable instances, but it is not confirmed by the investigation, no action will be taken against that employee who will be fully supported after the event. If, however, employees make malicious or vexatious allegations, disciplinary action may be taken.

ii. Equally, if malicious allegations are made against the employee, the College will ensure that the employee is fully supported, and that appropriate disciplinary action is taken against the person making the malicious allegations.

7. Disclosure by the Clerk Concerning Corporation Conduct

7.1 The role of the Clerk includes advising on proper procedure and, if necessary, intervening when he/she feels the Corporation is acting inappropriately or beyond its powers.

7.2 There may be occasions when the Clerk's advice is being inappropriately disregarded or over-ruled, putting the proper conduct of the College at risk. (The Clerk will, of course, always seek an independent second opinion before giving advice which is likely to be contentious and will therefore be confident that the advice given is reliable).

7.3 The College's Standing Orders summarise the actions the Clerk should take if he/she feels that the College is acting inappropriately or beyond its powers.

7.4 The Clerk must make every effort to resolve the difficulty through the avenues available, including ensuring that their concerns are properly understood and have been adequately considered by those involved. This will be best achieved in the first instance by ensuring that:

i. the reasons for the concern have been put in writing and sent by the Clerk to the Corporation Chair and the Chief Executive;

ii. the Chair of the Audit Committee has been informed if the issue is relevant to that Committee's terms of reference;

iii. the Clerk has reported her/his concerns to a meeting of the relevant Committee or to the full Corporation and asked for this to be recorded in a publicly available minute;

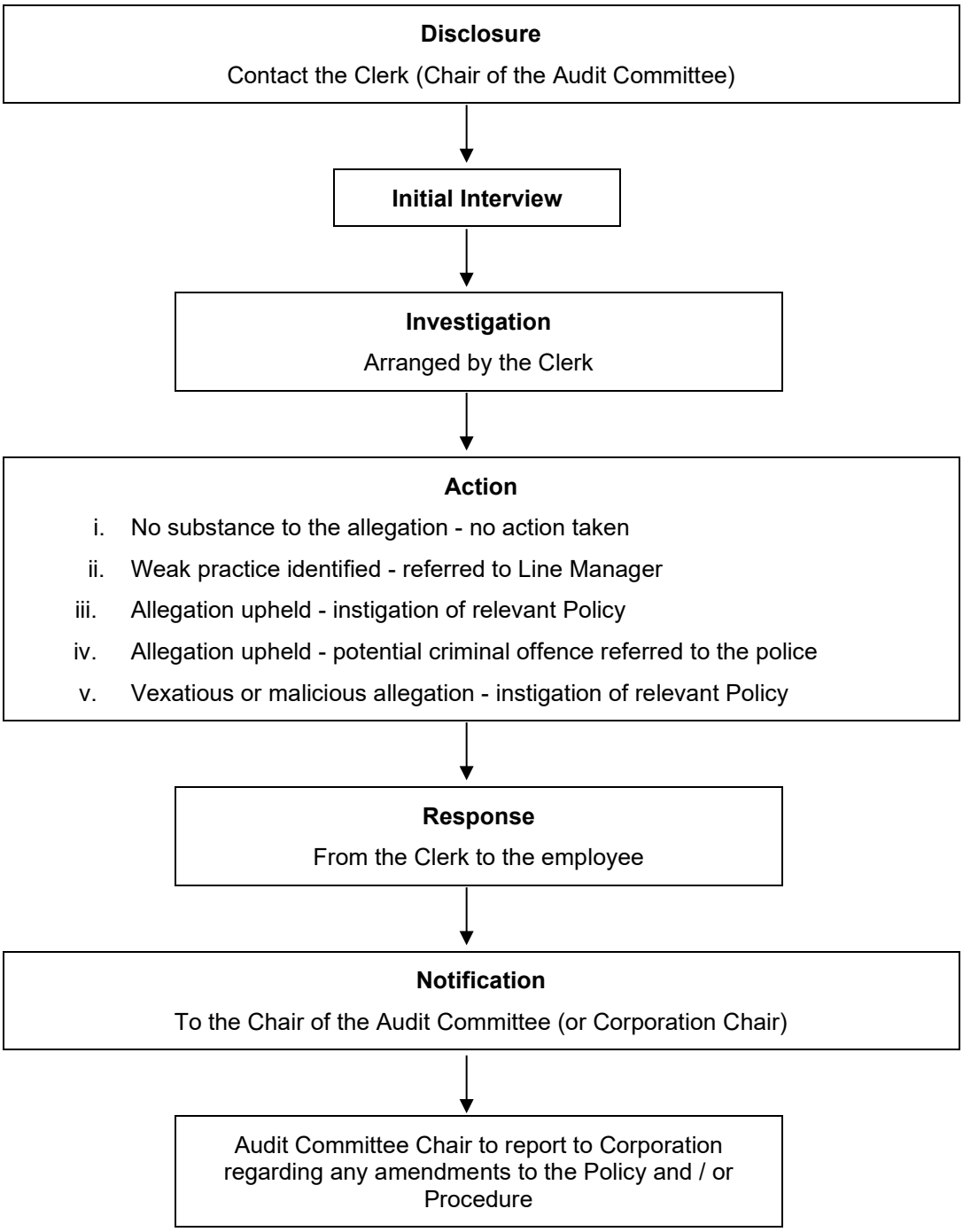
iv. The College's external auditors have been informed.

7.5 If there is no resolution the Clerk and the Corporation will obtain legal advice as to whether the Corporation is acting inappropriately or beyond its powers. As the College solicitor is unlikely to act in both roles, either the Clerk or the Corporation will seek advice from an independent solicitor at the College's expense.

7.6 In the unlikely event that this sequence of steps fails to resolve the issue, and if the Clerk and his/her legal adviser are of the view that the Corporation is still acting inappropriately or beyond its powers, the Clerk will make a formal recommendation to the Corporation Chair and the Chief Executive that they seek the advice of the relevant Funding Body. On receipt of the formal recommendation, the Corporation Chair and the Chief Executive shall write to that Funding Body seeking its advice. The Corporation Chair and the Chief Executive shall report that advice and its implications to the Corporation.

7.7 Where the Corporation accepts that where the Clerk has followed the procedures outlined above and has acted in the public interest (i.e. not for personal gain or from personal motives) the Corporation will ensure that measures will be taken to ensure that no harassment or victimisation takes place against the Clerk and that these matters will not be the grounds for disciplinary action.

8. Confidential Reporting Procedure - Internal Procedures Flowchart



9. Model Whistleblowing Form

Making a Public Interest Disclosure (Whistleblowing)
Guidance This form is intended for use by any individual working for North Warwickshire and South Leicestershire College, (including contractors, agency workers and volunteers) who wishes to raise an issue about wrongdoing. This form should be used to report wrongdoing within the College, (for example, financial irregularities or health and safety concerns), rather than to raise a personal grievance (for example, if you would like to make an allegation of bullying or harassment or are complaining that your contract of employment has been breached). If you are unsure about whether your concerns are best dealt with under the College's Whistleblowing Policy or Grievance Procedure, please read the Whistleblowing Policy, which provides examples of the issues that should be reported using this form. If, having read the Whistleblowing Policy, you remain unsure about which procedure to use, please consult the Clerk for further advice. Once you have submitted this form, the whistleblowing procedure will be invoked. This will result in an investigation, which will not involve anyone, (for example, your line manager) you may have implicated below. In certain circumstances, you can request that your concerns be kept anonymous. Where possible, the organisation will respect a request for anonymity, but cannot guarantee that it will be able to do so. This form should be completed and delivered to the Clerk in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

Formal Public Interest Disclosure (Whistleblowing)	
Employee's name:	
Employee's job title:	
Employee's department:	
Date:	
Does your public interest disclosure relate to your line manager?	Yes / No

Summary of disclosure:
Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.

Individuals involved:	
Please provide the names and contact details of any people involved in your concerns, including witnesses.	
Outcome requested:	
Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.	
Declaration:	
I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the organisation taking disciplinary action against me.	
Form completed by:	
Signature:	
For completion by the organisation:	
Date form received by the organisation:	
Name of recipient and job role:	
Signature:	

Anti-Bribery Statement 2024

1. Introduction

1.1 The Bribery Act 2010 introduced a new, clearer regime for tackling bribery. This anti-bribery statement sets out the College's policy for dealing with bribery or suspected bribery, namely the prohibition of any form of theft, fraud, bribery or corrupt practices, whether covered directly by the Bribery Act 2010 or not.

1.2 The College is committed to maintaining an honest, open and constructive culture so as to best fulfil its objectives. It is therefore committed to the elimination of theft, fraud, bribery and corruption, to the rigorous investigation of any such allegations and to taking appropriate action against wrong doers, including possible criminal prosecution.

1.3 The overall aims of this statement are to:

i. assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly;

ii. set out the College's responsibilities in terms of the deterrence, prevention, detection and investigation of bribery and corruption;

iii. ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following:

- criminal prosecution;
- civil prosecution;
- internal / external disciplinary action (including professional/regulatory bodies).

1.4 All employees should be aware that theft, fraud, bribery and corruption will normally be regarded as a serious disciplinary offence which will be addressed in accordance with the College's Disciplinary Policy and associated procedures.

2. Definitions

2.1 'Bribery' means the taking of an inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages. A bribe might be taken in order to gain any commercial, contractual or regulatory advantage for the College's in a way which is unethical or for personal advantage, pecuniary, or otherwise, for the individual or anyone connected with the individual.

2.2 'Corruption' means the offering or acceptance of inducements, gifts, favours, payment or benefit-in-kind which may influence the action of any person. Corruption does not always result in a loss. A corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another. It is a common law offence of corruption to bribe the holder of a public office and it is similarly an offence for the office holder to accept a bribe.

2.3 'Employees' include College staff, Members, volunteers, temporary workers, consultants and contractors.

3. Rationale

3.1 Bribery is a criminal offence for both individuals and commercial organisations and can be punished with imprisonment of up to 10 years or unlimited fines.

3.2 The College will not commit an offence of failing to prevent bribery, if it can show that it had 'adequate procedures' in place to prevent bribery.

4. Scope

4.1 This statement applies to all College employees regardless of position held, as well as those acting on behalf of the College, including Members, other volunteers, temporary workers, consultants, contractors, and/or any other parties who have a business relationship with the College.

4.2 This statement will be brought to the attention of all employees and Members and will form part of the induction process for new staff.

4.3 The College has procedures in place that reduce the likelihood of theft, fraud, bribery or corruption occurring. These include Standing Orders, Financial Regulations, documented policies and procedures, including whistleblowing and a system of internal control (including Internal and External Audit) and risk assessment.

5. Core Principles

5.1. The College operates a zero tolerance attitude in respect of theft, fraud, bribery and corruption.

5.2 All employees and Members have a personal responsibility to protect the College from theft, fraud, bribery or corruption, are responsible for maintaining the highest standards of business conduct and are expected to behave honestly and with integrity.

5.3 In the event that a member of staff becomes suspicious that theft, fraud, bribery or corruption is being committed, they are fully authorised to take immediate action to prevent further loss to the College or to secure evidence. Any such action should be reported to senior management. Where such action or reporting is not possible the Whistleblowing Policy should be used to report the matter.

5.4 If it subsequently becomes clear that those suspicions and actions were ill founded, then the College will not discipline the member of staff concerned, unless it is considered that the action was motivated by personal animosity.

5.5 Individuals must not communicate directly with any member of the press, media or any other third party about a suspected act of theft, fraud, bribery or corruption, but should address any such concerns in accordance with the Whistleblowing Policy.

5.6 All gifts, payments or any other contribution received, whether in cash or in kind, shall be documented, regularly reviewed, and properly accounted for.

5.7 The College will procure goods and services ethically and transparently with the quality, price and value for money determining the successful supplier/contractor, not by receiving (or offering) improper inducements and in line with MPM.

5.8 The College prohibits employees and associated persons from offering, giving, soliciting or accepting any bribe in any way, or to give, or be perceived to have given, a financial or other advantage to any person, (whether a UK or foreign public official, political candidate, party official, private individual, private or public sector employee or any other person) in order to induce that person to perform his/her functions or activities improperly.

5.9 The College may, in certain circumstances, be held responsible for acts of bribery committed by intermediaries acting on its behalf such as subsidiaries, clients, business partners, contractors, suppliers, agents, advisors, consultants or other third parties. The use of intermediaries for the purpose of committing acts of bribery is therefore prohibited.

5.10 Facilitation payments are prohibited under the Bribery Act like any other form of bribe. They shall not be given by The College or its employees in the UK or any other country.

5.11 This statement is not intended to prohibit appropriate corporate entertainment and / or hospitality undertaken in connection with The College's business activities, provided the activity is customary under the circumstances, is proportionate, and is properly recorded / disclosed as set out in the Financial Regulations.

6. Counter Fraud, Bribery and Corruption Policy

6.1 The College operates a zero tolerance attitude in respect of fraud, bribery and corruption.

6.2 In the event that a member of staff becomes suspicious that fraud, bribery or corruption is being committed, they are hereby fully authorised to take immediate action to prevent further loss to the organisation, or to secure evidence. Any such action must however be reported to senior management in accordance with this policy **immediately** thereafter. If it subsequently becomes clear that those suspicions and actions were ill founded, then the organisation will not discipline the member of staff concerned, unless it is considered that the action was motivated by personal animosity.

6.3 Due attention should be paid to the Employee Disclosure (Whistle blowing) Policy.

6.4 The Accounting Officer, members of the Executive, and the - Chief Operating Officer & Deputy Chief Executive are authorised to refer matters to the Police.

6.5 All suspicions or instances of fraud or corruption shall be reported to the Chief Operating Officer & Deputy Chief Executive.

6.6 No member of staff shall take or offer a bribe or allow them to be placed in such a position where such an act may be suspected. Where a bribe is offered or suspected of having been offered, it shall be reported immediately to the Chief Operating Officer & Deputy Chief Executive for consideration of further action under the Bribery Act 2010, in accordance with this policy.

6.7 The College, its Internal Auditor and, where appropriate, its external auditor must report to the regulator's Accounting Officer, copied to the relevant chief auditor, without delay, serious weaknesses, significant frauds, major accounting and other control breakdowns of which they are aware. A serious weakness would be one which may result in a significant fraud or irregularity and may include cases of irregularities in expenditure which could lead to suspicions or fraud. Significant fraud is usually where one or more of the following factors are involved:

i. the sums of money are in excess of £10,000;

ii. the particulars of the fraud are novel, unusual or complex;

iii. there is likely to be great public interest because of the nature of the fraud or the people involved.

6.8 For all amounts the Chief Operating Officer & Deputy Chief Executive will coordinate an appropriate investigation, reporting the details to the Accounting Officer, members of the Executive, and the Audit Committee.

6.9 In carrying out an investigation the Response Plan included in Appendix 2 of the Financial Regulations should be followed.

6.10 Each and every instance of theft, damage, fraud or corruption will have its own set of circumstances. The procedures included in Appendix 2 of the Financial Regulations are provided as a standard outline for the management of such incidents. It is accepted that variations may sometimes be necessary. Staff are therefore authorised to work to their best endeavours, seeking advice and support at all times, to reach the best outcome for the organisation.