



Whistleblowing Policy and Procedure 2025- 2027

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. If you have a complaint about your own personal circumstances, then you should follow the 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.
- 3.4 This may include:

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- 3.4.1 suspected criminal activity, such as bribery and corruption and the facilitation of tax evasion;
- 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 the facilitation of tax evasion or a breach of the College Charter. This 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. 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.
- 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.

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- 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 the College’s Anti-Bribery Policy and associated 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 If you are concerned about any form of malpractice, suspected fraud and or suspected corruption within the College, you should normally raise the issue with your line manager. If you feel you cannot tell your line manager, for whatever reason, you should raise the issue with the Clerk to the Corporation or the Director of People Services.
- 5.2 A concern can be raised by telephone, in person or in writing. It is preferable if it is made in writing. Although you are not expected to prove the truth of your concern beyond doubt or provide evidence, you will generally need to provide, as a minimum, details of the nature of the concern and why you believe it to be true, and the background and history of the concern (giving relevant dates where possible).
- 5.3 You may wish to consider discussing your concern with a colleague or trade union supporter before raising it formally under this policy; but remember that once you have raised a concern formally (alone or with a colleague), in the interests of everyone involved, this is a confidential process.

6. RESPONDING TO CONCERNS RAISED

- 6.1 Askham Bryan College is committed to ensuring that all disclosures raised will be dealt with appropriately, consistently, fairly and professionally. We will arrange a meeting as soon possible to discuss the concern raised. You may bring a colleague or trade union supporter to any meeting that takes place. The companion must respect the confidentiality of the disclosure and any subsequent investigation. We may ask you for further information about the concern raised, either at this meeting or at a later stage.
- 6.2 After the meeting, we will decide how to respond. Usually this will involve making internal enquiries first; but it may be necessary to carry out an investigation at a later stage which may be formal or informal depending on the nature of the concern raised. External investigators may be brought in where necessary. We will endeavour to complete investigations within a reasonable time.
- 6.3 We will keep you informed of the progress of the investigation carried out and when it is completed and give you an indication of timings for any actions or next steps that we will take; but we cannot inform you of any matters which would infringe any duty of confidentiality owed to others.

7. CONFIDENTIALITY

- 7.1 All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support. Also in some instances, if the matter being reported is sufficiently serious, it may need to be reported to the Corporation; but your confidentiality will be respected. Likewise, if the matter needs to be reported to the Local Authority Designated Officer (or “LADO”) where there are serious safeguarding concerns. Please refer to the College’s Safeguarding Policy for further guidance.
- 7.2 We hope that all staff will feel able to voice their concerns openly. Although a concern may be raised anonymously, we encourage you give your name when reporting your concern whenever possible. If this is not done, it will be much more difficult for us to protect your position or to give feedback on the outcome of investigations. Concerns that are expressed completely anonymously are also much less powerful and are difficult to investigate.

8. PROTECTION AND SUPPORT FOR THOSE RAISING CONCERNS

- 8.1 Any report or recommendations by whoever is investigating the matter will not identify you as the source of the allegation, unless you otherwise consent in writing or unless there are grounds to believe that you have acted maliciously.
- 8.2 Any documentation (including computer files and discs) kept by the College relating to the matter will be kept secure, so that as far as practicable only the Clerk to the Corporation and or Director of People Services, as appropriate, and their administrative support, will have access to it. As far as practicable, any documentation prepared by the Clerk to the Corporation and or Director of People Services will not reveal your identity as the discloser of information under this procedure, except where:
- where the College is under a legal obligation to do; or
 - where the information is already in the public domain; or
 - on a strictly confidential basis to the College’s Legal and Compliance Adviser; or
 - on a strictly confidential basis to a professionally qualified external lawyer for the purpose of obtaining legal advice.
- 8.3 Where you involve a local trade union representative or work colleague in this procedure, you will be under an obligation to use all reasonable endeavors to ensure that the representative or work colleague keeps this matter strictly confidential save, as permitted under this procedure, as required by law or until such time as it comes into the public domain.
- 8.4 The College will not (and it will use all reasonable endeavors to ensure that its employees do not) subject you to any detriment, on the grounds of your disclosure of information under this procedure. No member of staff must threaten or retaliate against an individual who has raised a concern and the College will not tolerate any such harassment or victimisation. Any person involved in such conduct may be subject to disciplinary action and in some cases will be liable to a claim for compensation brought against them personally.

- 8.5 If you believe that you have suffered such treatment, you should inform the Clerk to the Corporation or Director of People Services immediately. If the matter is not dealt with to your satisfaction, you should raise it formally using the College's Grievance Policy and Procedure.
- 8.6 If you wish the Clerk to the Corporation or Director of People Services to take action in relation to such complaints, you may be asked to consent in writing to Clerk to the Corporation or Director of People Services revealing your identity for the purposes of any such action.

9. PROTECTION AGAINST DISCIPLINARY ACTION

- 9.1 No disciplinary action will be taken against you on the grounds of a disclosure made by you in accordance with this procedure.
- 9.2 This will not prevent the College, however, from bringing disciplinary action in cases where there are grounds to believe that a disclosure has been made maliciously or vexatiously (or where an external disclosure is made in breach of this procedure without reasonable grounds or otherwise than to an appropriate public authority).

10. PUBLIC INTEREST DISCLOSURE ACT 1998

- 10.1 The Public Interest Disclosure Act 1998 also protects whistleblowers from detrimental treatment by the College in the event of a "qualifying disclosure" (see section 3.4 of the Whistleblowing Policy) which was raised by the employee without malice, in good faith, and reasonably believing it to be true, provided:
- that they made a disclosure;
 - that they followed the correct disclosure procedure; and
 - that they can demonstrate, through evidence, that as a result, they were dismissed or suffered a detriment as a result of making the disclosure.

11. RAISING YOUR CONCERN EXTERNALLY (EXCEPTIONAL CASES)

- 11.1 If, having followed this procedure, you are not satisfied with the further steps (if any) decided upon or the outcome of any such steps, or if, for any reason, you feel that you cannot raise the matter internally, and you reasonably believe the information and any allegations are substantially true, the law recognises that it may be appropriate for you to raise the matter with another prescribed person, such as a regulator (e.g. Ofsted/Department for Education/Education and Skills Funding Agency) or professional body or an MP. A list of the relevant prescribed people and bodies for this purpose and the areas for which they are responsible is available from Protect (formerly known as Public Concern at Work) (see section 6., Further Information and Contacts, below, for further) and on the GOV.UK website at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

- 11.2 Please note that a prescribed person is unlikely to investigate a complaint without an individual first having made a complaint to the College and exhausting the

College's own internal complaints procedure first, before referring the matter to them.

- 11.3 You may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

12. FURTHER INFORMATION AND CONTACTS

- 12.1 If you have any queries about the application of this policy, please contact the Director of People Services or the Clerk to the Corporation in the first instance.

- 12.2 Relevant regulators may include:

Name of regulator	Contact details
Her Majesty's Chief Inspector of Education, Children's Services and Skills (Further Education)	The Chief Inspector, Ofsted Piccadilly Gate Store Street, Manchester, M1 2WD Tel: 0300 123 3155 Email: whistleblowing@ofsted.gov.uk
Office for Students (Higher Education)	For general enquiries call 0117 931 7317 or email notifications@officeforstudents.org.uk Please also see https://www.officeforstudents.org.uk/for-students/understanding-students/notifications/ for more contact options
Secretary of State for Education	Ministerial and Public Communications Division, Department for Education Piccadilly Gate Store Street, Manchester, M1 2WD Tel: 0370 000 2288 Website: www.gov.uk/contact-dfe
The Health and Safety Executive	Tel: 0300 003 1647 Online form: www.hse.gov.uk/contact/concerns.htm

Protect – Speak up, stop harm (formerly known as Public Concern at Work) is the UK's leading whistleblowing charity and a useful source of further information and advice at <https://protect-advice.org.uk/> It also provides a free helpline offering confidential advice on 020 3117 2520 or you can email them at <https://protect-advice.org.uk/contact-protect-advice-line/>

NB please note this is not an exhaustive list.

13. RELATED DOCUMENTS

Staff Code of Conduct
Dignity at Work Policy
Staff Grievance Policy and Procedure

14. RELEVANT LEGISLATION

Public Interest Disclosure Act 1998
Fraud Act 2006
Bribery Act 2010

15. DOCUMENT HISTORY

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