



Review and update of Policies – 2018

Outcome requested:	Committee are asked to approve updates to the following policies and procedures: <ul style="list-style-type: none">• Standards of Business Conduct• Fraud and Corruption Policy and Response Plan• Anti Bribery and Corruption Policy• Anti Money Laundering and Criminal Finances Act Policy• Public Interest Disclosure Policy
Executive Summary:	The policies have been updated to reflect the following: <ol style="list-style-type: none">1. Standards of Business Conduct<ul style="list-style-type: none">• The current version on the Policy Zone, last approved by the Audit and Risk Committee in 2014, has been updated to reflect references to QMUL from “the College” and Appendix A references to CIPS Code of Ethics2. Fraud and Corruption Policy and Response Plan<ul style="list-style-type: none">• The current version on the Policy Zone dated 2014, has been updated to reflect references to QMUL from “the College”• Appendices containing the full disciplinary Ordinance have been removed and a reference to the policies included (removing 13 pages from this policy)3. Anti Bribery and Corruption Policy<ul style="list-style-type: none">• The current version on the Policy Zone last approved by Council 2014, has been updated to reflect references to QMUL from “the College”.• The inclusion of references to training in sections 1.5; 4.3 and 11.1 and completion of this training to be monitored by School/Institute Managers and Professional Services Directors4. Anti Money Laundering and Criminal Finances Act Policy<ul style="list-style-type: none">• The current version on the Policy Zone last approved by Council in 2014, has been updated to reflect references to QMUL from “the College”.• The incorporation of the Criminal Finances Act which came into force in September 2017• Introduced a cap on levels of cash that QMUL will receive to £10k5. Public Interest Disclosure Policy<ul style="list-style-type: none">• Changed the route for making a disclosure (normally to the Academic Registrar and Council Secretary, rather than the President and Principal) and clarified who will normally be informed.• Added clearer signposting to the Safeguarding Policy and Procedures, the Prevent duty and the Criminal Finances Act 2017.

	<ul style="list-style-type: none"> • Added signposting to external sources of advice for potential whistle blowers. • Clarified the definitions of 'detrimental treatment' and 'vexatious allegations'. • Added clarification that the policy does not form part of the contract of employment and can be amended at any time (paragraph 2.4). <p>It is also recommended to re-set the review date to 3 years for these policies/procedures, to provide consistency and alignment across the documents going forward.</p>
QMUL Strategy:	Strategic Aim 6: to achieve and sustain financial strength to enable our academic ambitions, through a balanced portfolio of activities.
Internal/External regulatory/statutory reference points:	Internal Policies and Regulations External Statutory Requirements
Strategic Risks:	11 – Sustainable income streams. 12 – Cost control, VfM and expenditure
Equality Impact Assessment:	Not required – updates to policies are minor in nature.
Subject to prior and onward consideration by:	QMSE 27 February 2018 Audit and Risk Committee 8 March 2018 Council 31 May 2018
Confidential paper under FOIA/DPA	No
Timing:	These policies are reviewed every three years unless applicable law or regulation necessitates earlier review. The policies will apply from the date of Council approval, provisionally 31 May 2018.
Author:	Janice Trounson, Deputy Finance Director Financial Controls
Date:	23 February 2018
Senior Management/External Sponsor	Joanne Jones, Finance Director



Standards of Business Conduct

Document Owner: Director of Finance~~Chief Operating Officer~~
Date Last Approved by Audit and Risk Committee~~Council~~: 14 February 2012~~28 July 2014~~
Document updated: 8 May 2014 ~~(and updated 6 June 2014)~~22 February 2018
Reviewed by QMSE: 13 May 2014~~27 February 2018~~
Reviewed by Audit and Risk Committee: 4 June 2014~~8 March 2018~~
Recommended by Finance and Investment Committee: 17 June 2014~~13 March 2018~~
Approved by Council: 8 July 2014~~12 April 2018~~
Number of Years to Next Review: 3 Years – May 2017~~April 2021~~

Contents

	Page
1	Introduction.....3
2	Responsibility of the College QMUL.....3
3	Responsibility of the Secretary to the Council3
4	Responsibility of Heads of Schools/Institutes3
5	Guiding principle in conduct of public business3
6	Principles of conduct4
7	Conflicts of interest.....4
8	Implementing the guiding principles:4
8.1	Casual gifts4
8.2	Hospitality5
8.3	Declaration of interests5
8.4	Preferential treatment in private transactions.....6
8.5	Contracts6
8.6	Favouritism in awarding contracts6
8.7	Warning to potential contractors7
8.8	Outside activities.....7
9	Appendix A: Chartered Institute of Purchasing and Supply – Code of Ethics (Courtesy of CIPS)9
9.1	Introduction9
9.2	Precepts.....9
9.3	Guidance10
10	Appendix B: Bribery Act 2010 – Summary of Main Provisions.....10
11	Appendix C: Conflicts of Interest Policy11
11.1	Introduction.....11
11.2	Application.....11
11.3	Real or implied interest.....11
11.4	Declaration12
11.5	Avoiding a conflict of interest.....12
11.6	Disciplinary action.....12
12	Appendix D: Gifts and Hospitality Policy14
12.1	Introduction.....14
12.2	Application.....14
12.3	Gifts14
12.4	Hospitality14
12.5	Honorariums and funding of travel arrangements.....15
12.6	Access to the Register.....15
13	Appendix E: Situations where a conflict of interest might arise16
13.1	Conflict of educational mission16
13.2	Conflict of research integrity17
13.3	Conflicts of financial interests18
13.4	Conflicts of commitment/Loyalty18
14	Appendix F: Seven Principles identified by the Committee on Standards in Public Life (formerly known as the Nolan Committee)20

1 Introduction

These guidelines are intended by Queen Mary University of London (~~the CollegeQMUL~~) to be helpful to all CollegeQMUL employees to explain the guiding principles relating to the conduct of business by ~~the CollegeQMUL~~. ~~The guidelines take into account the comments received during earlier discussions on the College policy for Academic staff acting in a personal capacity as Consultants, including the undertaking of Private Clinical Practice.~~

2 Responsibility of ~~the CollegeQMUL~~

~~The CollegeQMUL~~ is responsible for ensuring that these guidelines are brought to the attention of all employees and that processes and procedures are put in place for ensuring that they are effectively implemented.

3 Responsibility of the Secretary to the Council

The Secretary to the Council is responsible for providing advice (including obtaining legal advice if necessary) and assistance to staff and Heads of Schools/Institutes in complying with ~~the CollegeQMUL~~'s code of business conduct.

4 Responsibility of Heads of Schools/Institutes

Heads of Schools/Institutes are responsible for ensuring that staffs in their Schools/Institutes comply with ~~the CollegeQMUL~~'s code of business conduct.

Heads of Schools/Institutes are responsible to the President and Principal for matters relating to their own compliance with ~~the CollegeQMUL~~'s code of business conduct.

5 Guiding principle in conduct of public business

It is a long established principle that public sector bodies, which include ~~the CollegeQMUL~~, must be impartial and honest in the conduct of their business, and that employees should remain beyond suspicion. The Seven Principles identified by the Committee on Standards in Public Life are included under Appendix F.

It is an offence under the Bribery Act 2010 for an employee ~~corruptly~~ to accept any inducement or reward for doing, or refraining from doing anything, in his or her official capacity, or ~~corruptly~~ showing favour, or disfavour, in the handling of contracts (see Appendix B). It is also an offence under Money Laundering, Terrorist Funding and Transfer of Funding Regulations 201~~0~~7 to derive a pecuniary benefit, directly or indirectly in the exchange of criminally obtained money or other assets for 'clean' money or other assets. There are specific policies on Anti Bribery and Anti Money Laundering.

Staff will need to be aware that a breach of the provisions of these Acts renders them liable to prosecution.

6 Principles of conduct

Staffs are expected to:

- Ensure that the interests of students and/or patients remains paramount at all times
- Ensure that research work is carried out to the highest achievable standards of integrity and accepted best research practice
- Be impartial and honest in the conduct of their official business
- Use the public funds entrusted to them to the best advantage of ~~the~~ CollegeQMUL, always ensuring value for money

It is also the responsibility of staff to ensure that they do not:

- Abuse their official position for personal gain or to benefit their family or friends
- Seek advantage or further private business or other interests, in the course of their official duties

7 Conflicts of interest

Notwithstanding the principles of conduct which staff, students and all involved with ~~the~~ CollegeQMUL in whatever way are expected to follow, there may be situations whereby a conflict of interest may occur.

A working definition of a conflict of interest is: 'A conflict between the private interests and the official responsibilities of a person in a position of trust'.

The definition is not restricted to those circumstances where an individual actually betrays that trust. It can be just as damaging for the conflict to appear to exist.

The term 'conflicts of interests' as used in this document includes conflicts of duty, rights, obligations, interests and similar conflicts, whether as an individual or as a representative of ~~the~~ CollegeQMUL. Examples of situations in which this might apply are shown in Appendix D.

8 Implementing the guiding principles:

8.1 Casual gifts

Casual gifts offered by suppliers or others, e.g. at Christmas, should if possible be politely but firmly declined. Articles of low intrinsic value such as diaries or calendars need not necessarily be refused (to a level set by the Finance and Investment Committee, which is currently £25).

In cases of doubt staff should either consult their Head of School/Institute or politely decline acceptance.

If staffs receive gifts of value greater than the level currently set then they should inform their Head of School/Institute and record the details in the on-line gifts and hospitality register in accordance with the procedure in Appendix D.

8.2 Business Hospitality

Modest business hospitality of external visitors, provided it is normal and reasonable in the circumstances, e.g. lunches in the course of working visits, is acceptable.

Where hospitality is received from another organisation, and exceeds that usually expected in the course of a working visit (e.g. light refreshment or working lunch), staff should declare such hospitality or entertainment. An entry should be made in the gifts and hospitality register in accordance with the procedure in Appendix E. If in doubt they should seek the advice of their Head of School/Institute.

8.3 Declaration of interests

~~The CollegeQMUL~~ needs to be aware of all cases where an employee, or his or her close relative or associate, has a controlling and/or significant beneficial interest in a business (including a private company, public sector organisation, other employer and/or voluntary organisation), or in any other activity or pursuit, which may compete for a contract to supply either goods or services to ~~the CollegeQMUL~~.

For the purpose of this policy, a significant financial interest includes the following items received or held by the employee:

- Shares, share options, warrants and other securities and interests in a company (together referred to as 'shares')
- Payments for services e.g. consulting fees, directors fees, stipends or honoraria or payments in kind (together referred to as 'consultancy fees')
- Payments in respect of intellectual property, including licence fees, royalties and revenue sharing arrangements, except those made under ~~the CollegeQMUL~~'s Intellectual Property policies

Certain minimum thresholds apply as follows:

- Where a financial interest consists of shares, it will be treated as excluded from the definition of significant financial interest where **all** the following conditions are met:
 - The shares are held in a listed company
 - The current value of the shares does not exceed £5,000 at any time
 - It can reasonably be demonstrated that there is no relationship or connection, explicit or implicit, between the acquisition of the shares and any research to be undertaken for the company
- Where a financial interest consists of consultancy fees, it will be treated as excluded from the definition if **both** the following conditions are met:

- The consultancy fee is less than £5,000 in any twelve month period
- It can be reasonably demonstrated that payment of any fee is not related to or contingent on the award of the proposed relationship between ~~the CollegeQMUL~~ and the company (e.g. a research contract or sponsored studentship)

All ~~CollegeQMUL~~ staff should therefore declare any interests to ~~the CollegeQMUL~~, either on starting employment or on acquisition of the interest, in order that it may be known to, and in no way promoted to the detriment of ~~the CollegeQMUL~~, staff, patients or students. See Appendix C about how to declare an interest.

~~The CollegeQMUL~~ will ensure that:

- Staff are aware of their responsibility to declare relevant interests
- Registers of all such interests are maintained
- the policy, after consultation with staff, is in place. The policy includes consideration of disciplinary action to be taken if an employee fails to declare a relevant interest, or is found to have abused his or her official position or knowledge, for the purpose of self-benefit, or that of family or friends

8.4 Preferential treatment in private transactions

Individual staff must not seek or accept preferential rates or benefits in kind for private transactions carried out with companies, with which they have had, or may have, official dealings on behalf of ~~the CollegeQMUL~~ (this does not apply to concessionary agreements negotiated with companies, or by recognised staff interests, on behalf of all staff e.g. staff benefits schemes).

8.5 Contracts

All staff who are in contact with suppliers and contractors (including external consultants), and in particular those who are authorised to approve Purchase Orders, or place contracts for goods and services, are expected to adhere to professional standards as set out in the Code of Ethics of the Chartered Institute of Purchasing and Supply (CIPS), reproduced at Appendix A.

8.6 Favouritism in awarding contracts

Fair and open competition between prospective contractors or suppliers for ~~CollegeQMUL~~ contracts is a requirement of the Financial Regulations and of EC Directives on Public Purchasing for Works and Supplies. This means that:

- No private or voluntary organisation or company which may bid for ~~CollegeQMUL~~ business should be given the advantage over its competitors, such as advance notice of ~~CollegeQMUL~~ requirements. This applies to all potential contractors, whether or not there is a relationship between them and ~~the CollegeQMUL~~, such as a long running series of previous contracts
- Each new contract should be awarded solely on merit, taking into account the requirements of ~~the CollegeQMUL~~ and the ability of the contractors to fulfil them

~~The CollegeQMUL~~ will ensure that no special favour is shown to current or former employees or their close relatives or associates in awarding contracts to private or other businesses run by them or employing them in a senior or relevant managerial capacity. Contracts may be awarded to such businesses where they are won in fair competition against other tenders, but scrupulous care must be taken to ensure that the selection process is conducted impartially, and that staff that are known to have a relevant interest have no part in the selection process.

8.7 Warning to potential contractors

~~The CollegeQMUL~~ will ensure that all invitations to potential contractors to tender for ~~CollegeQMUL~~ business include a notice warning tenderers of the consequences of engaging in any corrupt practices involving employees of public bodies.

8.8 Outside activities

Opportunities exist for academic staff to be engaged in a range of activities external to ~~the CollegeQMUL~~. Many of these kinds of external activities, whether paid or unpaid, have the potential to contribute to the overall health, vitality and profile of ~~the CollegeQMUL~~ and are encouraged by ~~the CollegeQMUL~~.

~~The CollegeQMUL~~ draws a distinction between situations where an individual undertakes external activities and where a School/Institute is asked to participate in external activities.

This section of the code of business conduct applies only to the time in which the Member of Staff is acting in some way on behalf of ~~the CollegeQMUL~~ or on activities that arise from their role or position within ~~the CollegeQMUL~~, whether in a full time, part time or honorary basis. Any other activities which a Member of Staff might wish to undertake are not covered by the code of business conduct.

This section of the code of business conduct does not seek to replace existing terms and conditions of service, for example the procedures governing fees for Consultant grade medical staff.

Some external activities are an extension of ~~the CollegeQMUL~~'s academic role. Examples of this include ~~refereeing-peer review of~~ articles and grant applications, acting as an external examiner or assessor for another University, serving on editorial boards, serving on international, national or professional committees, lecturing and broadcasting, advice to sponsors of research work.

Other external activities are more in the line of private consultancy work where a member of the academic staff is engaged on work in a personal capacity for an external organisation, typically an industrial or commercial firm, or in the case of the School of Medicine and Dentistry a private hospital or clinic, for private patients or for a medical or research charity or organisation. Examples might include; providing expert advice, acting as an expert witness, undertaking specialist studies, lecturing, report writing, non NHS clinical work, consultancies for the WHO or British Council or being a Director, Partner or shareholder in a commercial enterprise.

~~The CollegeQMUL~~ has long recognised external activities as being not just of personal benefit but of benefit to ~~the CollegeQMUL~~. However, there are measures that need to be put in place to ensure that the time and resources spent on external

activities does not conflict with, or otherwise impact on the discharge of CollegeQMUL related duties to student, patients, research or administration nor conflict with, or otherwise damage, any other CollegeQMUL interests. ~~The CollegeQMUL~~ recognises that there is a difference between a member of staff's personal private time, and the time which is expected by ~~the CollegeQMUL~~ to be used in the interests of students, patients, research or other CollegeQMUL activities.

Permission from the President and Principal may be given to Heads of Schools/Institutes to undertake outside activities. Heads of Schools/Institutes will similarly give approval to their staff to undertake outside activities. In both cases this is subject to the following conditions (this does not apply to occasional and limited work which may occur from time to time as described above, subject to a de minimis level of £5,000 per financial year):

- The President and Principal/Head of School/Institute being satisfied that such work will not interfere with the individual's specified CollegeQMUL duties of teaching, research and administration (and, where relevant clinical duties)
- The President and Principal/Head of School/Institute being satisfied that such work will not conflict with, or damage, CollegeQMUL interests
- Consultancies, directorships and partnerships should not normally occupy more than a set number of working days within a specified period per year as agreed with the President and Principal/Head of School/Institute
- Where the Head of School/Institute withholds permission, then the member of staff may appeal to the President and Principal

Consultancy work undertaken in conjunction with ~~the CollegeQMUL~~ is excluded from the above as being already agreed with the President and Principal/Head of School/Institute concerned.

Academic staff undertaking outside work must:

- Confirm in writing, where appropriate, that they have personal insurance cover against professional negligence (in the case of private clinical practice, they must maintain full cover by a medical defence organisation)
- Make clear in all communications with external organisations that they are acting in a personal capacity and not as an employee of ~~the CollegeQMUL~~
- Make appropriate payment to ~~the CollegeQMUL~~ for the use of CollegeQMUL resources including but not limited to: CollegeQMUL Secretarial facilities administrative services, equipment, consumables and accommodation
- Make a full declaration, if requested, to the President and Principal/Head of School/Institute of the time spent on outside work in time that would ordinarily be devoted to students, patients, research or furthering the interests of ~~the CollegeQMUL~~ during the academic year

~~Members of Staff who undertake outside activities should follow the College's Code of Practice for Outside Work that may be found on the Finance Procedures pages on the College intranet.~~

~~The CollegeQMUL~~ recognises that Members of Staff who undertake outside activities may wish to retain some or all of their fees. Request should be made within 30 days of receipt of the monies, QMUL will disburse to the individual via payroll net of appropriate tax.

Fees may however be surrendered to ~~the CollegeQMUL~~ to support academic or research activities and if surrendered will be subject to ~~the CollegeQMUL~~'s financial regulations and procedures. ~~The Member of Staff may determine where the income from External Activities is allocated.~~

9 Appendix A: From the Chartered Institute of Purchasing and Supply – Code of Ethics ~~(Courtesy of CIPS)~~

9.1 Introduction

The code ~~set out below was approved by the Chartered Institute of Purchasing and Supply (CIPS) Council on 11 March 2009, and is binding on all CIPS members of~~ ethics is as follows:-

9.2 PreceptsCode of Ethics

Ethical practice

- conduct all business relationships with respect, honesty and integrity, and avoid causing harm to others as a result of business decisions
- treat all stakeholders fairly and impartially, without discrimination or favour
- actively support and promote corporate social responsibility (CSR)
- avoid any business practices which might bring QMUL into disrepute.

Professionalism

- use procurement strategies to drive unethical practices from the supply chain
- ensure procurement decisions minimise any negative impact on human rights and the environment whilst endeavouring to maximise value and service levels
- put ethical policies and procedures in place, regularly monitored and updated, and ensure compliance
- mandate the education and training of all staff involved in sourcing, supplier selection and supplier management to professional standards
- practise due diligence in all business undertakings.

Accountability

- accept accountability and take ownership of business ethics
- foster a culture of leadership by example
- take steps to prevent, report and remedy unethical practices
- provide a safe environment for the reporting of unethical practices.

Members of the Chartered Institute of Purchasing and Supply should never use their authority or position for personal gain, and should:-

- ~~Maintain the highest standard of integrity in all business relationships~~
- ~~Reject any business practice which might reasonably be deemed improper~~
- ~~Enhance the proficiency and stature of the profession by acquiring and applying knowledge in the most appropriate way~~
- ~~Foster the highest standards of professional competence amongst those for whom they are responsible~~
- ~~Optimise the use of resources which they have influence over for the benefit of the employing organisation~~
- ~~Comply with both the letter and the intent of:~~

- ~~The law of countries in which they practice~~
- ~~Agreed contractual obligations~~
- ~~Such guidance on professional practice as may be issued by the Institute from time to time~~

9.3 Guidance

In applying these precepts, ~~members~~staff should follow the guidance set out below:

- Declare any personal interest that might affect, or be seen by others to affect, a member's impartiality in any matter relevant to their duties and to any decision making
- Ensure that information given in the course of employment is accurate
- Respect the confidentiality of information received. Never use such information for personal gain
- Strive for genuine, fair and transparent competition
- Not to accept inducements or gifts, other than items of small value, such as business diaries or calendars
- Declare the offer or acceptance of hospitality and never allow hospitality to influence a business decision
- Remain impartial in all business dealings and not be influenced by those with vested interests

Code of Professional Ethics: <https://www.cips.org/cips-for-business/supply-assurance/corporate-ethical-procurement-and-supply/corporate-code-of-ethics/http://www.cips.org/en/aboutcips/whatwedo/codeofprofessionalethics/>

10 Appendix B: Bribery Act 2010 – Summary of Main Provisions

The Bribery Act 2010 came into force on 1 July 2011, and applies to all individuals working at all levels and grades for ~~the CollegeQMUL~~, including consultants, agency staff, volunteers, interns, agents, sponsors, or any other person associated with ~~the CollegeQMUL~~ wherever situated, and applies to both home and overseas.

A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage which is illegal, unethical, a breach of trust or the improper performance of a contract. Corruption is the misuse of entrusted power for personal gain.

Acts of bribery or corruption are designed to influence the individual in the performance of their duty and induce them to act dishonestly. Inducements can take the form of gifts, fees, rewards, jobs, internships, examination grades, favours or other advantages.

It is an offence under the Bribery Act 2010 to:

- Promise or offer a bribe, or to give an advantage

- Request, agree to receive or accept a bribe, or accept an advantage
- Bribe a foreign public official
- In addition it is a corporate offence to consent to or connive in the commission of a bribery offence by anyone associated with ~~the CollegeQMUL~~ in respect of business carried out on behalf of ~~the CollegeQMUL~~.

~~The CollegeQMUL~~ has a zero tolerance policy towards bribery and corruption and is committed to the highest level of openness, integrity and accountability, both in letter and spirit. The penalties for these offences are severe and can mean up to 10 years imprisonment for the individuals responsible. In addition, if ~~the CollegeQMUL~~ is found to have connived in or consented to acts of corruption undertaken in its name, the penalties include personal liability for senior managers and an unlimited fine, together with significant reputational damage for ~~the CollegeQMUL~~ and could result in other Governmental-related consequences, such as debarment from public (government) tendering.

~~The CollegeQMUL~~ Anti Bribery and Corruption Policy can be found on the Policy Zone

<http://www.arcs.qmul.ac.uk/policy/index.html>

11 Appendix C: Conflicts of Interest Policy

11.1 Introduction

Any member of staff with a real or implied interest is responsible for making a declaration of the interest prior to any decision being made, which they might be in a position to influence.

11.2 Application

The conflict of interest policy applies to all ~~CollegeQMUL~~ funds and to all activities of ~~the CollegeQMUL~~.

11.3 Real or implied interest

An interest real or implied may arise in a number of ways, for example, a professional or personal interest in a supplier who is bidding for a contract.

An implied interest concerns matters, which are not clear cut, for example, where a member of staff has worked previously for a potential supplier and thus might possibly have information or to be in a position to influence unfairly a decision to award an order or contract.

CollegeQMUL staffs have a responsibility for informing their Head of School/Institute of any real or implied interest.

11.4 Declaration

The Head of School/Institute should consider the matters declared to him/her by the member of staff and determine whether the matter reported represented a real or implied interest.

If in the view of the Head of School/Institute, there is a real conflict of interest then the matter must be disclosed using the CollegeQMUL's standard declaration of interest form as attached.

If the conflict affects a Head of School/Institute, then he/she should report the matter to the President and Principal who will then decide whether there is a conflict of interests.

The declaration form must be submitted to the Secretary to the CollegeQMUL Registrar.

The Secretary Registrar to the CollegeQMUL will keep a register of all conflicts of interest declared.

11.5 Avoiding a conflict of interest

Members of CollegeQMUL staff who declare an interest must take appropriate action to ensure that the conflict of interest is avoided as far as possible (e.g. by resigning from a tender selection/assessment panel).

If it is not possible for a conflict of interest to be avoided (e.g. in the case of the purchase of a specialised item of equipment where the number of suppliers is limited), then the member of staff must not place him/herself in the position of sole responsibility for decision making.

11.6 Disciplinary action

The CollegeQMUL's financial regulations allow for disciplinary action to be taken against CollegeQMUL Staff that knowingly fail to declare a conflict of interest.

Conflict of Interest Declaration

Please complete this form, hand to your Head of School/Institute who will pass it to the Secretary of ~~the College~~QMUL

Name: _____ School/Institute: _____

Title: _____ Extension Number: _____

Matter in which there is a conflict of interest:

Signed: _____ Dated: _____

Passed to Head of Department/Division on: _____

Passed to the Secretary of ~~the College~~QMUL
on: _____

Form received by the Secretary to ~~the College~~QMUL's Office
on: _____

Entered in Register on: _____

Action taken to remove conflict of interest:

Signed: _____ Dated: _____

12 Appendix D: Gifts and Hospitality Policy

12.1 Introduction

Any member of staff who is offered a gift should normally try and refuse it unless it is of a value of less than that set by the Finance and Investment Committee from time to time.

Any member of staff who is offered hospitality in excess of what would normally be expected to be provided by ~~the CollegeQMUL~~ should normally try and refuse it.

Where gifts and hospitality cannot be avoided then the member of staff should be aware of ~~the CollegeQMUL~~'s procedures on accepting them and declaring gifts and hospitality.

12.2 Application

The gifts and hospitality policy applies to all ~~CollegeQMUL~~ Council members, staff and individuals representing ~~the CollegeQMUL~~ in any way.

12.3 Gifts

Staff should be aware that it is ~~CollegeQMUL~~ policy not to accept gifts wherever possible. However, minor items of a value less than the level set by the Finance and Investment Committee from time to time (currently £25) can be accepted. Gifts accepted of a value above this level should be declared to the Head of School/Institute and recorded in the gifts and hospitality register which can be found on ~~the CollegeQMUL~~ intranet here:

<https://webapps2.is.qmul.ac.uk/gifts/edit-gift.action?id=0&type=gift>
<https://webapps.is.qmul.ac.uk/gifts/index.action>

The Head of School/Institute is responsible for ensuring that staff complete the Gifts and Hospitality register expeditiously. The information from the register will be passed on to the Director of Finance.

12.4 Hospitality

In normal circumstances it is accepted that staff would travel to other institutions and be provided with reasonable hospitality. This might include light refreshments, a working lunch or evening meal.

When travelling, staff may be reimbursed for the cost of an evening meal on production of a receipt in accordance with ~~CollegeQMUL~~ travel and ~~subsistence expenses~~ policies.

It is not however, acceptable that ~~CollegeQMUL~~ staffs are put in a position to be influenced into making a decision on behalf of ~~the CollegeQMUL~~ as a result of excessive hospitality.

In order to avoid having been seen to be influenced CollegeQMUL staff should be open about the hospitality that they receive, be it from a Supplier, another Institution, a Learned Society or another public sector body.

Openness involves the disclosure of invitations to attend functions, dinners or other events where the cost would exceed that normally expected to be provided by the CollegeQMUL.

Members of staff should ensure that their Head of School/Institute is aware of their being invited to such functions. The Head of School/Institute should consider whether the invitation would represent an undue influence and should be formally recorded in the CollegeQMUL's gifts and hospitality register which can be found on the CollegeQMUL intranet here

<https://webapps2.is.qmul.ac.uk/gifts/edit-gift.action?id=0&type=gift>
<https://webapps.is.qmul.ac.uk/gifts/index.action>

If in the view of the Head of School/Institute, the hospitality on offer would represent an undue influence then he/she should ensure that the Secretary-Registrar to the CollegeQMUL is informed of the donor of the hospitality, the date and venue and who attended. This should be actioned through the completion of the Gifts and Hospitality register by the member of staff concerned. The information from the register will be passed on to the Director of Finance.

12.5 Honorariums and funding of travel arrangements

Under certain circumstances the granting of honorariums and/or the sponsorship of travel arrangements by suppliers, especially pharmaceutical or research orientated companies can be seen as an inducement to influence future decision making.

CollegeQMUL procedures require that all such honorariums and sponsorships should be disclosed fully to the Head of School/Institute and recorded in the Register of Gifts and Hospitality which can be found on the CollegeQMUL intranet here

<https://webapps2.is.qmul.ac.uk/gifts/edit-gift.action?id=0&type=gift>
<https://webapps.is.qmul.ac.uk/gifts/index.action>

12.6 Access to the Register

It is CollegeQMUL policy that the Register of Conflicts of Interest, and Register of Gifts and Hospitality are open for inspection by members of Council, Senior Management and staff of the CollegeQMUL.

13 Appendix E: Situations where a conflict of interest might arise

13.1 Conflict of educational mission

CollegeQMUL employees who are involved in educating, training, supervising or directing the work of students (“Education”), should ensure that the education they provide is appropriate to the Student.

~~The CollegeQMUL~~ has a primary objective to educate and train students. Special care must be taken to ensure that the choice of a student’s research project and the direction of research is not, and does not appear to be influenced by, their supervisor’s financial interests.

Whilst the following refer to research students, many of the same points are also applicable to junior members of academic staff and research assistants.

Conflicts and their management

As a general rule ~~the CollegeQMUL~~ should not seek to enrol a student where:

- The student receives support from (i.e. is sponsored by) a company in which the proposed academic supervisor has a significant financial interest
- Where the results arising from, or IP generated in the course of the research project are related to the research activities of a company in which the supervisor has a significant financial interest

~~The CollegeQMUL~~ believes that such situations are very difficult to monitor and that both the supervisor and ~~the CollegeQMUL~~ are vulnerable to allegations that the student’s research (and advice given on other issues) was directed in a way that was not in the student’s best interests.

One approach to the management of this conflict situation is to identify an alternative member of academic staff, with no significant financial interest, to act as the student’s supervisor.

However, it is also to the student’s advantage to be supervised by the member of staff with the greatest expertise and in a very few circumstances this may require that a student is supervised by a staff member with a significant financial interest in the sponsoring organisation. In these circumstances permission should be sought from the Head of School/Institute and the interest reported to the Secretary of ~~the CollegeQMUL~~.

Increasingly students themselves start businesses whilst still at university. No member of staff, who is in a position to judge the quality of that student’s work, or to evaluate the student in any way, should take any financial stake or hold a formal position in such a student run, owned or controlled venture whilst the student is enrolled at ~~the CollegeQMUL~~.

13.2 Conflict of research integrity

CollegeQMUL employees should maintain the highest standards of scientific integrity in the conduct of research.

The complete, objective and timely dissemination of new findings through publications is essential for research integrity. In this context, publication means any means of dissemination of research findings, including publication in a journal, information placed on the web, conference presentations or any other kind of scientific communication.

The potential for personal gain must not jeopardise nor appear to jeopardise the integrity of research activities, including the choice of research, its design, the interpretation of results, or the reporting of such results.

Conflicts and their management

Conflicts of interest can arise in a number of situations, for example:

- The researcher has a significant interest in the company sponsoring the research, this being exacerbated if the value of the researcher's financial interest may be affected by the outcome of the research
- The researcher is an inventor of patents whose value might be affected by the outcome of the research
- The researcher holds a position in an enterprise that may wish to restrict or otherwise manage adverse research findings for commercial reasons

The preservation of research integrity must be largely dependant on self regulation through the promotion of a climate of high ethical standards. However, where a researcher has, or appears to have a conflict of interest (because for example he/she has a significant financial interest in a research sponsor), integrity in designing, conducting and reporting the research may be insufficient to protect the researcher and the CollegeQMUL from suspicion and consequent reputational damage. In such cases researchers should take special measures to put themselves beyond suspicion.

Where any member of staff has a conflict of interest they should:

- before the research project is accepted, inform their Head of School/Institute about the conflict, who may declare the interest to the Secretary of the CollegeQMUL
- play no part whatsoever in the negotiation of the financial terms of the research contract
- at the time of submission of a publication to a journal, comply with any conflict of interest policy of the relevant journal
- make a similar form of disclosure on all other forms of publication

Conflicts of this kind should be managed or avoided in a number of ways:

- By declining the opportunity to undertake the research
- By arranging to have the work carried out by an independent investigator
- By appointing a co-investigator who has control over the design and analysis of the research and its results

In the case of clinical research, researchers should also comply with the appropriate Ethics Committee.

13.3 Conflicts of financial interests

CollegeQMUL employees have a responsibility to respect and promote the financial interests of ~~the CollegeQMUL~~. Staff and all associated with ~~the CollegeQMUL~~ should:

- Receive appropriate financial benefits from the provision of research, including consultancy and other services conducted through ~~the CollegeQMUL~~
- Receive appropriate benefits from the commercialisation of its intellectual property
- Receive appropriate financial benefits from the use of other resources and assets, including equipment, technical staff, facilities
- Make responsible use of its financial resources in accordance with the financial regulations

Conflicts and their management

A CollegeQMUL employee's relationship with another organisation may create financial responsibilities to that organisation, which conflict with his or her financial responsibilities to ~~the CollegeQMUL~~.

Such potential conflicts can be managed in a number of ways, including:

- Seeking formal permission from the Head of School/Institute, which would involve describing the nature of the relationship, and if necessary, it being reported to the Secretary of ~~the CollegeQMUL~~ in accordance with the Conflicts of Interest Policy (Appendix C)
- Contracts with external organisations, including their financial terms, being negotiated by the appropriate department, with the employee playing no part whatsoever in such negotiations
- Disclosing all inventions or other IP generated by an individual as part of (for example) a private consultancy
- Where CollegeQMUL employees provide consultancy services, providing them through ~~the CollegeQMUL~~
- Where any goods or services are to be purchased from a business in which an employee has any significant financial interest, then such interests should be declared to the Director of Resources

13.4 Conflicts of commitment/Loyalty

CollegeQMUL employees and individuals associated with ~~the CollegeQMUL~~ owe a primary commitment to ~~the CollegeQMUL~~. Membership of Committees, Boards, Advisory Groups (e.g. External Appointments) infers an obligation (and sometimes a statutory duty) to act in the best interests of the external body. These duties may overlap with the duties and obligations as employees or representatives of ~~the CollegeQMUL~~.

Conflicts and their management

- ~~Rules Staff applying should seek HR advice before~~ the acceptance of external appointments and the conduct of non academic work, including limits on the amount of time ~~as specified in the Code of Practice for Outside Work~~ committed.
- The scheduling of commitments to such external bodies should be such that they do not result in significant rescheduling of lectures, tutorials or other supervisory or management duties

In all circumstances the employee must disclose in writing and discuss any potential conflicts with their Head of School/Institute:

- Prior to the commencement of such a commitment
- When circumstances change in such a way that result in changes to that conflict (either as a result of changes to the employee's responsibilities at ~~the CollegeQMUL~~, changes in the relationship between the external company and ~~the CollegeQMUL~~, or changes in the level of commitment to the external body). This can present a significant challenge since circumstances often change gradually and with little formality. It is nevertheless important, for the staff member's own protection, that the Head of School/Institute is informed, in advance, of any changes to the relationship

14 Appendix F: Seven Principles identified by the Committee on Standards in Public Life (formerly known as the Nolan Committee)

1. Selflessness

Holders of public office should act solely in terms of the public interest.

They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

2. Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

3. Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

4. Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

5. Openness

Holders of public office should be as open as possible about all the decisions and actions that they take.

They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

6. Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

7. Leadership

Holders of public office should promote and support these principles by leadership and example.



Fraud and Corruption Policy and Response Plan

Document Owner: Director of Finance

Date Last Approved by Council: ~~8 July 2014~~ 24 June 2010 –

Document updated: ~~8 May 2014~~ 21 February 2018

Reviewed by QMSE: ~~13 May 2014~~ 27 February 2018

Reviewed by Audit and Risk Committee: ~~4 June 2014~~ 8 March 2018

Recommended by Finance and Investment Committee: ~~17 June 2014~~ 13 March 2018

Approved by Council: ~~8 July 2014~~ 12 April 2018

Number of Years to Next Review: 3 Years – ~~May 2017~~ April 2021 –

Contents

1	Introduction	3
2	Public Service Values.....	3
3	The CollegeQMUL's policy	4
4	What is fraud?	4
5	What is corruption?	5
6	Computer misuse.....	5
7	Confidentiality	5
8	Responsibilities	6
9	The Fraud Response Plan	6 ⁷
10	Appendix A – Procedure for reporting possible fraud or malpractice	11
11	Appendix B: Seven Principles identified by the Committee on Standards in Public Life (formerly known as the Nolan Committee)	12 ¹¹
12	Appendix C – Ordinance B – Staff of the College	13 ¹²

1 Introduction

- 1.1 This document details ~~the College's~~ Queen Mary University of London (QMUL) policy and response towards detected or suspected acts of fraud or corruption whether relating to employees, council members, contractors or external bodies. ~~The College~~QMUL has Financial Regulations and Financial Procedures, available on the QMUL intranet, which are designed to reduce the possibility of illegal acts occurring.
- 1.2 In addition to the Financial Regulations and the Fraud and Corruption Policy and Response Plan, the following policies are available on the QMUL intranet:
- Scheme of Delegation of Financial Authority
 - Anti Bribery and Corruption
 - Anti Money Laundering
 - Standards of Business Conduct
 - Public Interest Disclosure (Whistle-blowing)
- 1.3 ~~The College~~QMUL is a public sector organisation and one of the basic principles governing its actions is the proper use of public and donated monies.

2 Public Service Values

- 2.1 It is a long established principle that public sector bodies, which include ~~the College~~QMUL, must be impartial and honest in the conduct of their business, and that employees should remain beyond suspicion. The Seven Principles identified by the Committee on Standards in Public Life are included under Appendix B.
- 2.2 There are three fundamental public services values underpinning the work of ~~the College~~QMUL namely:
- Accountability: Everything done by those who work in the organisation must be able to withstand public and parliamentary scrutiny.
 - Probity: Absolute honesty and integrity should be applied in dealing with students, patients, assets, staff, suppliers and customers.
 - Openness: ~~The College~~QMUL's activities should be sufficiently public and transparent to promote confidence between ~~the College~~QMUL and its students, staff and the public.

3 ~~The CollegeQMUL~~'s policy

- 3.1 In accordance with the public service values ~~the CollegeQMUL~~ is absolutely committed to maintaining an honest, open and well-intentioned atmosphere within its working environment. It is therefore committed to the elimination of wrong doing within its sphere of operation and to the rigorous investigation and taking any action required in such cases.
- 3.2 ~~The CollegeQMUL~~ considers that this policy covers all persons involved with or working at ~~the CollegeQMUL~~ in whatever way. whether a full time or part time member of staff, a person with an honorary appointment, an undergraduate or postgraduate student or somebody visiting ~~the CollegeQMUL~~ for whatever reason.
- 3.3 ~~The CollegeQMUL~~ wishes to encourage anyone having reasonable suspicions of suspected or actual fraud or malpractice to report them to their Line Manager or the Director of Finance.
- 3.4 It is ~~the CollegeQMUL~~'s policy that no employee should suffer as a result of reporting reasonably held suspicions. For the purposes of this policy "reasonably held suspicions" shall mean any suspicion other than those, which are groundless and raised maliciously.

4 What is fraud?

- 4.1 Fraud is a type of theft. To commit fraud is to deprive by deceit. The two essential elements of fraud are:
 - a. deception or concealment
 - b. deprivation or loss to the victim
- 4.2 Deception or concealment may be achieved in many ways, the most common of which are:
 - a. unauthorised input, alteration, destruction, suppression or misappropriation of data or other records;
 - b. inappropriate transactions with suppliers (e.g. resulting from undisclosed favours received/expected);
 - c. deliberate misrepresentation of facts or manipulation of management information or company records including personal expenses.
- 4.3 Deprivation or loss may arise indirectly from the deception as well as directly, and occurs:
 - a. if the person deceived is deprived of funds or assets; or
 - b. if the person deceived fails to receive funds or assets which would, but for the fraud, have been received.
- 4.4 This policy covers all fraud committed by members of ~~the CollegeQMUL~~ in their capacity as members, and in particular:
 - a. fraud against ~~the CollegeQMUL~~; and
 - b. fraud against third parties in their dealings with ~~the CollegeQMUL~~
- 4.5 This policy also covers all fraud committed against ~~the CollegeQMUL~~ by persons other than members of ~~the CollegeQMUL~~.

- 4.6 Fraud is distinct from accidental error or negligence. Fraud may involve one or several people, from either within or outside of an organisation, in collusion with each other. Fraud may also include elements of corruption.

5 What is corruption?

- 5.1 The dishonest offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person.
- 5.2 Corruption involves two or more people.
- 5.3 ~~The College~~QMUL Anti Bribery and Corruption Policy is available on the QMUL intranet.

6 Computer misuse

- 6.1 Fraud or corruption can be, and increasingly is being, carried out using computers. Deception by altering computer records or creating false records is just as much fraud as the falsification of paper documents and signatures.
- 6.2 Misuse of computers and their programs, whether fraudulent or not, is specifically covered by the Computer Misuse Act 1990. A person is guilty of an offence if they access a computer, program or data which they are not authorised to access and/or they cause unauthorised modification to the contents of the computer such that the operation or access to the computer program is hindered. Unauthorised access with intent to commit a serious criminal offence, including fraud, is also an offence under the Act and carries a greater penalty. An offence is only committed if the person has intent and knowledge at the time of the act.
- 6.3 In many cases, falsification of computer records will be both fraud and computer misuse.

7 Confidentiality

- 7.1 Employees must not disclose any information about any suspected fraud or malpractice to anyone except their Line Manager, the Director of Finance and any other person nominated by the Director of Finance.
- 7.2 Employees must not make available any documentation concerning the case under review to anybody not falling within paragraph 7.1. If information must be released the express permission of the President and Principal or the Director of Finance is required.
- 7.3 If the matter has been referred to the Police, documents must only be released to the Police via the Director of Finance.
- 7.4 Under no circumstances should an employee communicate with the press, radio or to another third party about a suspected act of fraud or corruption or [a similar] irregularity.
- 7.5 ~~The College~~QMUL has a policy on Whistleblowing, which offers guidance to College staff on the handling of allegations made by staff members relating to the running of ~~the College~~QMUL or the activities of colleagues within the institution (referred to as 'whistleblowing'). The policy is based on the Public Interest Disclosure Act 1998, which sets out in detail when 'disclosures' by staff are protected by the Act. A copy of the Public Disclosure (Whistle-blowing) Policy is available on the QMUL intranet.

8 Responsibilities

8.1 ~~The College~~QMUL is responsible for:

- developing and maintaining effective, visible controls to prevent fraud e.g. separation of duties, proper authorisation of expenditure
- producing a clearly defined and publicised Fraud & Corruption Policy & Response Plan, which applies to everybody in ~~the College~~QMUL and encourages open reporting of concerns
- taking appropriate legal and or disciplinary action against perpetrators of fraud and taking disciplinary action against supervisors where supervisory failures have contributed to the commission of fraud.

8.2 ~~College~~QMUL Managers are responsible for:

- identifying the risks to which systems and procedures are exposed
- developing and maintaining effective controls to prevent and detect fraud
- ensuring that controls are reviewed, updated and complied with.

8.3 ~~College~~QMUL staff are responsible for:

- acting with propriety in all ~~College~~QMUL activities. This includes the handling and use of any funds associated with ~~the College~~QMUL, dealing with Contractors or Suppliers or any other aspect of ~~College~~QMUL business.
- ensuring that they do not receive gifts, hospitality or benefits of any kind from a third party, which might be seen to compromise their decision making or integrity or the integrity of ~~the College~~QMUL. ~~The College~~QMUL Standards of Business Conduct are available on the QMUL intranet – refer to Appendix D – Gifts and Hospitality Policy.
- communicating their concerns to their Line Manager or the Director of Finance.
- ensuring confidentiality about the matter under review.

8.4 The Director of Finance is responsible for directing and controlling fraud investigations. He/she may delegate this to Internal Audit, External Audit or some other suitable person.

9 The Fraud Response Plan

9.1 Initial discussions

9.1.1 An employee should discuss his/her suspicions as soon as possible with their Line Manager and the Director of Finance in the first instance.

9.1.2 This assumes that the Line Manager/Director of Finance is not the subject of any allegations. He/she must inform the Director of Finance of any information or documentary evidence they hold supporting their suspicions as soon as possible. If the Line Manager is the subject of any allegations then the employee should go directly to the Director of Finance.

9.1.3 If the suspicion involves another Director, a Head of Department/School/Institute or a member of ~~the President and Principal's Steering~~Queen Mary Senior Exective Group then the employee must contact the Director of Finance. If the allegation involves the Director of Finance, then the President and Principal should be informed. A flowchart is included as Appendix A to illustrate the reporting process. In the absence of the Director of Finance, arrangements for another member of staff to act as a deputy will be made.

9.2 Log of incidents

9.2.1 The Director of Finance will keep a log of all reported suspicions including those dismissed as groundless. It will contain details of actions taken and conclusions reached. Details of all entries in the log will be forwarded to the President and Principal at least quarterly. The Audit and Risk Committee will review the log at least annually.

9.2.2 Significant matters will be discussed by the Audit and Risk Committee who will report such information as is necessary to retain Confidentiality to Council.

9.3 Immediate action

9.3.1 Where it would not prejudice any subsequent investigation, whether internal or external, the Director of Finance must take immediate action to end any losses and remedy any control weaknesses.

9.3.2 This might involve:

- the suspension of the employee(s) at the start of the investigation;
- securing the employee(s) desk contents and office, preferably with the employee present. They may wish to be represented by a Line Manager or Union Official;
- recovering the employee(s) office and desk keys;
- ensuring that the employee(s), if suspended, leaves the premises immediately and does not have the opportunity to remove/destroy any potential evidence;
- securing accounting, policy and other records including computer files and back up relevant computer data;
- cancelling the employee(s) network and other systems access rights;
- checking all current and future payments to the employee(s) during the course of the review;
- advising work colleagues of the suspension of the individual(s) and that no contact should be made with him/her/them until further notice. All contact should be through the Director of Finance.

- 9.3.3 Any College QMUL assets in the possession of the employee(s) should be retrieved as soon as possible.
- 9.3.4 If it is suspected that a computer has been used or tampered with, then instructions must be given to preserve the computer and its data.

9.4 Control improvement

- 9.4.1 In committing fraud against the College QMUL it is likely that existing weaknesses in existing controls will have been exploited. In order to prevent recurrence, it is essential that these weaknesses are fully understood by the College QMUL and addressed. The following actions must be taken by the Director of Finance:
- isolate the underlying control weaknesses. Each weakness should be quantified in terms of its contribution to the fraud and the risk of recurrence if not addressed;
 - agree effective solutions with the appropriate manager; and
 - document the above in a report and action plan.

9.5 Informing HEFCE, Audit and the Police

- 9.5.1 The Director of Finance will consider the need to inform HEFCE, Internal and External Audit, Police and other bodies.
- 9.5.2 The Memorandum of assurance and accountability between HEFCE and institutions ~~HEFCE Audit Code of Practice (HEFCE 98/28 paragraphs 14-15)~~ requires HEIs to notify the HEFCE Chief Executive; auditors and chairs of audit committee and Council of any material adverse change including significant fraud (> £25k), or impropriety or major accounting (July 2017/08 paragraph 57) breakdown ~~attempted, suspected or actual irregularity where:~~
- ~~• the sums involved are, or potentially are, in excess of £10,000;~~
 - ~~• the particulars of the fraud are novel, unusual or complex; and~~
 - ~~• there is likely to be public interest because of the nature of the fraud or the people concerned.~~
- 9.5.3 HEFCE's Audit Service will not investigate a fraud or irregularity in an individual HEI, but they can be consulted for advice and will in the case of novel, unusual or complex frauds seek to ensure that similar instances do not happen in other HEIs.
- 9.5.4 The Director of Finance may inform Internal and External Audit of any suspected fraud or irregularity and the actions taken to investigate the matter and to remedy any control weaknesses.

The Director of Finance may instigate an internal investigation of the matter or refer the matter directly to the Police. Properly organised investigations conducted by members of staff or auditors with a working knowledge of the College QMUL's processes, would be of great assistance to any subsequent police enquiry. Liaison with the Police may begin as soon as the issues involved are identified. The Director of Finance will ensure that lines of communication are established with the Police.

9.5.5 It should be noted that the Police's priorities and decision to take up a case differ from that of ~~the CollegeQMUL~~, with obtaining sufficient reliable evidence to obtain a criminal prosecution being their main objective rather than recovery of any losses to ~~the CollegeQMUL~~.

9.5.6 The decision to involve the Police will include the following considerations:

- prosecution of the perpetrator(s) through criminal action. A successful prosecution can often assist recoveries via the civil court;
- potential seriousness of the malpractice involved;
- whether the malpractice is fraudulent;
- amount of available reliable evidence;
- involvement of organisations outside of ~~the CollegeQMUL~~
- the need to take deterrent action; and
- adverse publicity.

9.6 Involvement of a member of ~~CollegeQMUL~~ Staff

9.6.1 When the suspected fraud or irregularity involves an employee or employees, then the Director of Human Resources must be involved by the Director of Finance at the earliest opportunity. Consideration should be given to suspension of the employee(s), with pay, at the start of the investigation. This is for the protection of the employee(s) as much as to ensure objectivity during the course of any subsequent investigation.

9.7 Disciplinary action

9.7.1 The Director of Human Resources must be involved with any case involving a member of staff. ~~The CollegeQMUL~~'s Personnel Policies must be followed during the course of any disciplinary actions. Disciplinary action may be undertaken by ~~the CollegeQMUL~~ whether or not any prosecution has or is due to take place.

~~9.7.2 A copy of the relevant College Ordinance is attached as Appendix C, which is also available on the QMUL intranet.~~

9.8 Internal investigations

9.8.1 Any internal investigation should be carried out with great care and with due consideration of the possibility of future criminal proceedings. An internal investigation may be carried out by ~~CollegeQMUL~~ Staff, Internal Audit or consultants with relevant experience. Advice may be obtained from HEFCE, External and Internal Audit as to the selection of an appropriate person or organisation to undertake an internal investigation.

9.8.2 In order to maximise the effectiveness of fraud investigations, it is crucial that clear objectives are set at the earliest opportunity. Whilst these are driven to an extent by the Fraud and Corruption Policy and Response Plan, each fraud will require a unique response. At the highest level the objectives will be one, or any combination, of the following:

- a. to establish the facts;
- b. to prevent repetition and deter others; and

- c. the recovery of funds.

9.9 External bodies

- 9.9.1 If the suspected fraud or malpractice concerns an external body such as a supplier, partner organisation or funding body then the procedures outlined above should be followed excluding the steps of informing the Director of Human Resources.
- 9.9.2 In the case of contractors, ~~the CollegeQMUL~~ may have a clause in the agreement between ~~the CollegeQMUL~~ and the Contractor allowing for the examination of records supporting payments claimed on behalf of the contractor, for example - time records, expense records and so on. The Director of Finance may decide whether ~~the CollegeQMUL~~ should ask under the terms of any agreement to inspect these records.
- 9.9.3 Following the investigation, the Director of Finance will determine whether or not he/she wishes to continue trading or otherwise with the external body concerned.

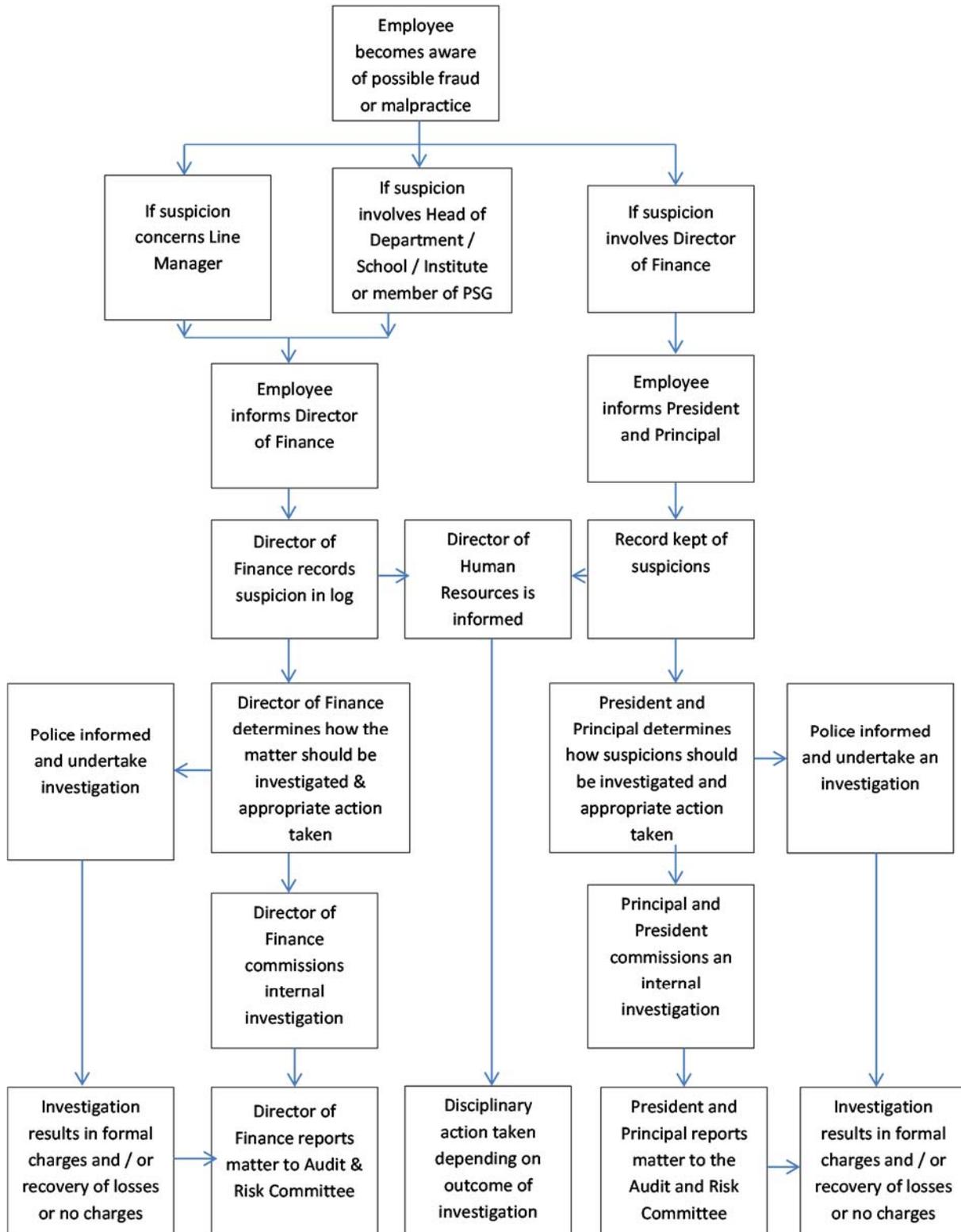
9.10 Recovery of loss

- 9.10.1 The possibility of recovering a loss must be considered as part of any investigation, including taking civil action where appropriate. Where recovering a loss is likely to require a civil action, it will be necessary to seek legal advice. ~~CollegeQMUL~~ procedures for taking legal advice should be followed.

9.11 Review events with Police

- 9.11.1 If the case has been handed to the Police, then the Director of Finance will maintain close liaison with the police to monitor the progress of the case, to keep ~~the CollegeQMUL~~ apprised of any issues arising and ensure that any necessary support required is available.

10 Appendix A – Procedure for reporting possible fraud or malpractice



11 Appendix B: Seven Principles identified by the Committee on Standards in Public Life (formerly known as the Nolan Committee)

1. Selflessness

Holders of public office should act solely in terms of the public interest.

They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

2. Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

3. Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

4. Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

5. Openness

Holders of public office should be as open as possible about all the decisions and actions that they take.

They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

6. Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

7. Leadership

Holders of public office should promote and support these principles by leadership and example.

~~12 Appendix C – Ordinance B – Staff of the College~~

~~Contents~~

- ~~• A General Principles~~
- ~~• B Definitions~~
- ~~• C Construction and Application~~
- ~~• D Dismissal; and the Constitution of Hearing, Appeal and Grievance Panels~~
- ~~• E Dismissal by reason of redundancy~~
- ~~• F Disciplinary procedures for members of staff~~
- ~~• G Removal for incapacity on health grounds~~
- ~~• H Fixed term contracts~~
- ~~• I Probationary appointments~~
- ~~• J Dismissal for other substantial reason~~
- ~~• K Dismissal from non-substantive offices~~
- ~~• L Clinical Staff~~
- ~~• M Appointed Teachers of the University of London~~
- ~~• N Grievance procedure~~
- ~~• S Schedule 1~~

~~Section A: General Principles~~

- ~~A1 — This Ordinance establishes the framework of procedures relating to dismissal, discipline and grievance procedures, and related matters. Detailed procedures are laid down in associated Codes of Practice or Policies, the approval of which shall be the responsibility of Council, following negotiations with the recognised trade unions.~~
- ~~A2 — The Council has resolved that, as far as possible, all members of staff of the College should enjoy equal terms and conditions of service that should reflect best practice in employment law.~~
- ~~A3 — The Council has therefore passed this Ordinance to apply to all staff that have a contract of employment with the College.~~

~~Section B – Definitions~~

- ~~B1 — For the purpose of ensuring Academic Freedom “Academic members of staff” shall include all staff whose contract of employment requires them to be personally responsible for the intellectual content of elements of teaching and/or research at the College.~~
- ~~B2 — For all other employment purposes, Academic Staff shall include members of staff whose contract of employment shows that they are employed on “Academic” or “Research and Analogous” terms and conditions.~~
- ~~B3 — “Academic related members of staff” shall include all staff whose contract of employment shows that they are employed on “Professional” terms and conditions. [For the avoidance of doubt, staff employed in Professional Grades 1 to 4 on Support Staff terms and conditions are not counted as academic related staff; but staff employed at Professional Grade 4 on academic related terms and conditions before 1st January 2008 will be employed on “Professional” terms and conditions and will be counted as academic related staff.]~~
- ~~B4 — “Support staff” shall include all staff whose contract of employment shows that they are employed on “Support Staff”, “Nursery Staff” or “Security Staff” terms and conditions. [For the avoidance of doubt, Technical Staff on Technical Grade 5 and above are~~

~~counted as Support Staff and not as academic-related staff.]~~

~~B5 — “Heads of School, Institute, and Department” shall include the heads of those organisational units specified in the Ordinances Part A and those Officers as shall be determined from time to time by the Principal.~~

~~B6 — “Member(s) of staff” shall include those staff referred to in A2 and A3 of the General Principles.~~

~~B7 — “The Principal” refers to the Principal or any officer of the College delegated by him to undertake any or all of the Principal’s functions as specified in this Ordinance or its related Codes of Practice.~~

~~B8 — For the purpose of these Ordinances, “dismissal” shall have the same meaning as in section 95 of the Employment Rights Act 1996.~~

~~B9 — Dismissal by reason of redundancy for the purpose of Section E and H of these Ordinances has the same meaning as in section 139 of the Employment Rights Act 1996.~~

Section C – Construction and Application

~~C1 — These Ordinances will override any provision in any contract, term or condition of employment which is inconsistent with them, whether dated before or after the commencement of these Ordinances, but —~~

~~[1] these Ordinances shall not affect the validity of any compromise agreement under section 203 of the Employment Rights Act 1996, or any similar waiver or agreement permitted by law; and~~

~~[2] these Ordinances shall not preclude any member of staff deciding or agreeing to terminate employment with the College, whether by voluntary severance, early retirement or otherwise, on whatever terms have been agreed.~~

~~C2 — None of the Ordinances on Dismissal in sections E to J shall apply to removal from an appointment as Vice-Principal, Dean or Head of School or Institute, or such other posts as have been designated by the Council, to which a member of staff has been elected or appointed and which is distinct from that individual’s substantive post, where dismissal from the substantive post is not contemplated. Removal from such an appointment will be handled under Section K.~~

~~C3 — These Ordinances shall not apply to the Principal.~~

~~C4 — Where, in any proceedings under these Ordinances, a member of the Academic or the Academic-related Staff claims that action has been taken against them because that member of staff questioned or tested received wisdom or put forward new ideas or controversial opinions, that claim shall be considered by a panel constituted as prescribed in Paragraph 3 of Schedule 1 to these Ordinances, and, if the claim is upheld, the panel dealing with the matter shall cancel that action and it shall be treated as invalid.~~

~~C5 — Where there is any issue as to the meaning of “academic freedom” in any proceedings under these Ordinances, regard shall be had to Sections VI and VII of the Recommendation concerning the Status of Higher Education Teaching Personnel adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in Paris on 11 November 1997.~~

~~C6— Any reference in these Ordinances to a provision in an Act of Parliament shall be taken to be a reference to that provision as it may have been amended or superseded from time to time.~~

~~Section D— Dismissal; and the Constitution of Hearing, Appeal and Grievance Panels~~

~~D1— A member of staff may be dismissed if that dismissal is for a reason set out in section 98 of the Employment Rights Act 1996.~~

~~For Members of the Academic and Academic-related Staff~~

~~D2— Any panel established pursuant to the procedures in these Ordinances shall be constituted in accordance with Schedule S of these Ordinances.~~

~~D3— At any panel established pursuant to clause E6; F5[c] and F19; G6 and G7; J4 and J5; and N5 of this Ordinance, the member of staff shall be entitled to be represented or assisted by any person.~~

~~D4— Any panel established pursuant to clause E6; F5[c] and F19; G6 and G7; J4 and J5; and N5 of this Ordinance shall give a reasoned decision in writing which shall be provided to the member of staff and reported to the Council.~~

~~For Members of the Support Staff~~

~~D5— For staff other than those designated as Academic or Academic-related Staff, any panel established pursuant to the procedures in these Ordinances shall be constituted in accordance with Schedule 1 to these Ordinances.~~

~~Section E— Dismissal by Reason of Redundancy~~

~~Application~~

~~E1— This section shall apply to all members of staff other than:~~

~~[a] staff affected by the non-renewal of a fixed-term contract, who are covered by Section H.~~

~~E2— This section shall apply only to redundancies proposed to take effect before the end date specified in a member of staff's contract of employment.~~

~~Procedure for dismissal by reason of redundancy~~

~~E3— Proposals that may result in dismissals by reason of redundancy will be dealt with in accordance with Queen Mary's Policy on Managing Change and Conserving Employment.~~

~~Section F: Disciplinary Procedures for Members of Staff~~

~~Grounds for disciplinary action~~

~~F1— Disciplinary action may be taken, and where found to be appropriate a penalty imposed, in respect of the following:~~

~~[a] conduct amounting to a criminal offence, whether or not there has been a prosecution and conviction, of a kind that is judged in all the circumstances to be relevant to the member of staff's employment by the College. 'Relevant' means that the alleged offence either~~

~~[1] took place whilst the employee was engaged on College business, or~~

~~[2] was of a nature such as to bring the College into disrepute, or to render the employee unsuitable for his/her current employment.~~

~~[b] failure, refusal, neglect or inability to perform some or all of the duties or to comply with some or all of the conditions attaching to the post, or performing those duties or complying with those conditions in an unsatisfactory or inadequate manner;~~

~~[c] conduct of a kind judged to be inappropriate or unacceptable on the part of the holder of the post held by the member of staff, such as (but not confined to) the following:~~

~~[1] breach of any obligation or duty arising under any of the College's regulations regarding financial matters, harassment, equal opportunities, public interest disclosure, health and safety, or data protection or any other rules, regulations or codes binding on the member of staff;~~

~~[2] wilful or reckless damage to, or improper use of College facilities, premises, property or equipment;~~

~~[3] disruption of, or improper interference with, the activities of the College or of any employee, student, Council member or visitor (other than any lawful industrial action);~~

~~[4] violent, indecent, disorderly, threatening abusive, insulting or harassing behaviour or language (whether written, spoken or in any other form);~~

~~[5] fraud, deceit, deception or dishonesty in relation to the College or any related activity, including research and examining;~~

~~[6] action likely to cause injury or impair safety;~~

~~[7] divulging information or material received in confidence (unless the disclosure is permitted under the Public Interest Disclosure Act 1998 or in accordance with the College's Public Interest Disclosure Procedure).~~

Disciplinary Procedures

~~F2 — The Principal shall be responsible for discipline generally within the College. Heads of School, Institute or Departments shall have delegated authority from the Principal to deal with less serious matters.~~

ACAS Code of Practice

~~F3 — In drawing up the procedures, and in any regulations made or action taken thereunder, regard shall be had to the relevant paragraphs of the statutory Code of Practice on Discipline and Grievance issued by the Advisory Conciliation and Arbitration Service (ACAS) and brought into effect under section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992 by order of the Secretary of State on 6 April 2009.~~

Procedure for considering less serious matters

~~F4 — The procedure shall provide for allegations of less serious matters (for example, unsatisfactory timekeeping) to be dealt with by the Head of School, Institute or Department in accordance with the relevant Code of Practice. After examination of all~~

relevant facts, the Head of School, Institute or Department may either dismiss the allegations (in which case the matter shall be regarded as closed) or, if the allegations are substantiated, give the member of staff a warning. The Code of Practice shall specify the procedures to be followed in each case, and the period after which a warning will be regarded as spent. A member of staff may appeal against a warning in writing in accordance with the relevant Code of Practice.

~~Procedure for considering serious or repeated disciplinary offences~~

~~F5 — Complaints of serious disciplinary offences shall be reported in writing to the Director of Human Resources. The Director of Human Resources shall arrange for the complaint to be investigated, normally within ten working days. As a result of the investigation, the Director of Human Resources shall recommend one of the following courses of action to the Principal~~

~~[a] the complaint should be dismissed, in which case the matter shall be regarded as closed;~~

~~[b] the complaint should be referred to the appropriate Head of School, Institute or Department to be considered under the Code of Practice for less serious matters;~~

~~[c] the complaint should be referred for a hearing by a Disciplinary Panel.~~

~~F6 — Where the alleged offence is the subject of an investigation by the police, an NHS Trust or another employer, the Principal may suspend further disciplinary hearing pending the outcome of the other investigation(s) and any subsequent action by the agencies concerned.~~

~~F7 — The Principal shall have authority to suspend a member of staff on full pay pending a disciplinary hearing. Suspension should only be used where the allegations, if proven, would be likely to lead to dismissal, or where the nature of the alleged disciplinary offence is such as to make it impracticable for the member of staff to perform his/her duties. A decision to suspend shall be subject to review where it has continued for four weeks in accordance with the Code of Practice.~~

~~F8 — The fact that a member of staff against whom disciplinary action is brought may be suffering from a medical condition shall not of itself preclude the College proceeding with a hearing under this section of the Ordinance.~~

~~Hearing before the Disciplinary Panel~~

~~F9 — The Panel shall be constituted in accordance with Schedule 1~~

~~F10 — The proceedings of the Panel shall follow the relevant Code of Practice. The member of staff against whom the complaint has been made shall have been informed of the complaint, may be accompanied by another person; shall be entitled to be present, to hear the evidence, to call relevant witnesses, and to examine and cross-examine witnesses (but provision may be made for witnesses in appropriate cases to give their evidence behind a screen or from another room or place and for questions to be asked only by a representative).~~

~~F11 — At the end of the hearing, the Panel may dismiss the allegations, in which case the matter shall be closed. If the Panel finds the allegations to be substantiated, it shall impose an appropriate penalty on the member of staff which may be one or more of the following penalties:~~

~~[a] oral warning~~

~~[b] written warning~~

~~[c] final warning~~

~~[d] payment of compensation not exceeding two months of the member of staff's salary~~

~~[e] transfer to another job~~

~~[f] dismissal with notice~~

~~[g] dismissal without notice~~

~~[h] designating a member of staff's conduct as constituting "gross misconduct" such as to merit summary dismissal without notice.~~

~~F12 — For staff appointed or promoted after September 2005, the panel may also consider imposing one or more of the following penalties:~~

~~[a] withholding any forthcoming increment in salary,~~

~~[b] suspension of the employee without pay (for up to three months),~~

~~[c] reduction in grade and/or loss of title.~~

~~F13 — When imposing any financial penalty, the Panel shall have regard to the member of staff's personal circumstances.~~

~~F14 — The Panel's decision shall be notified in writing to the member of staff within five working days of the hearing.~~

Decisions to Dismiss

~~F15 — The Director of Human Resources or other designated officer shall give effect to a decision of a panel that a member of staff should be dismissed:~~

~~[a] where the panel has designated the conduct as "gross misconduct" such as to merit summary dismissal, the Director of Human Resources shall forthwith dismiss the member of staff;~~

~~[b] in all other cases, the Director of Human Resources shall issue the notice of dismissal or dismiss together with payment in lieu of notice.~~

~~F16 — Any dismissal or notice of dismissal shall be cancelled, withdrawn or modified if an appeal panel decides that the member of staff should not be dismissed or should only be dismissed with notice.~~

Disciplinary Appeal

~~F17 — A member of staff may appeal in writing to an Appeal Panel within ten working days of the receipt of the decision on one or more of the following grounds~~

~~[a] that the procedure was applied incorrectly;~~

~~[b] that the findings of the Panel were unfair;~~

~~[c] that the penalty was too severe in relation to the offence;~~

~~F18—The member of staff may offer new evidence which has come to light in support of any of the grounds of appeal.~~

~~F19—The Appeal Panel shall be constituted in accordance with Schedule 1 of this Ordinance.~~

~~F20—The Appeal Panel shall be concerned solely with the grounds on which the appeal is made, and shall follow the relevant Code of Practice. An appeal shall not take the form of a re-hearing of the evidence and witnesses may be called only with the panel's permission.~~

~~F21—Following the hearing, the Panel may:~~

~~[a] reject the appeal, in which case the original decision shall stand;~~

~~[b] uphold the appeal and/or reduce the level of any penalty.~~

~~Relationship with Section G~~

~~F22—Where it emerges that the member of staff's conduct or performance may have been wholly or partly attributable to a medical condition, any proceedings under this section shall be valid even if they could have been brought under Section G, and a member of staff may, subject to the Equality Act 2010, be subject to penalty, including dismissal, under this Section notwithstanding the fact that his or her conduct may have been wholly or partly attributable to a medical condition.~~

Section G: Removal for Incapacity on Health Grounds

~~G1—The procedure for dealing with staff, including dismissal, because of incapacity on health grounds, whether physical or mental shall provide for a hearing by a panel, with a right of appeal to another panel, and both panels shall contain an appropriately medically qualified person.~~

~~G2—No member of staff may be dismissed whether under Sections F and G of this Ordinance where that dismissal would contravene the Equality Act 2010.~~

~~G3—Concern about a member of staff's ability to perform his/her duties to an appropriate standard on health grounds shall initially be addressed by the Head of School, Institute or Department, informally and then formally, according to the relevant Code of Practice.~~

~~G4—Where the procedures referred to in paragraph G3 have failed to address the problem, the Head of School, Institute or Department shall make a confidential report to the Principal requesting that a Panel be established to determine whether there is a case for removal for incapacity on health grounds.~~

~~G5—The Principal may also initiate action under this section of the Ordinance without the recommendation of a Head of School, Institute or Department.~~

~~G6—The Panel shall be constituted in accordance with Schedule 1 of this Ordinance, except that at least one member shall be appropriately medically qualified as recommended by the Occupational Health Service. The Panel shall conduct the hearing in accordance with the relevant Code of Practice, which shall provide for the member of staff to make a submission both orally and in writing, and to appear before the Panel, accompanied by another person. The Panel shall give its decision in writing within five working days of the hearing.~~

~~G7— If the Panel supports the recommendation for dismissal, the member of staff may appeal within ten working days of the receipt of the decision of the Panel, to an Appeal Panel constituted in accordance with Schedule 1 of this Ordinance. The Principal may extend this time limit in reasonable circumstances. The Appeal Panel shall conduct the hearing in accordance with the relevant Code of Practice. The decision of the Appeal Panel shall be final.~~

~~G8— The fact that a Panel has not supported the removal of a member of staff on health grounds shall not prevent the College initiating subsequent disciplinary action in relation to incidents that have formed part of the enquiry under this section of the Ordinance.~~

Section H: Fixed-term Contracts

~~H1— The policy of Queen Mary is to appoint staff on appropriate contracts. This will be a “permanent” contract unless a limited term contract can be justified for one of the reasons set out below. Fixed term contracts of any duration, including those of under a year, are appropriate only if:~~

~~[a] there is no reasonable prospect of funding being renewed or becoming available.~~

~~Where funding has already been renewed, continuing use of the fixed term contract would need to be justified by objective reasons.~~

~~[b] the post requires input from specialist practitioners whose expertise or experience is not part of the core competencies required within the College, School, Institute or Department. The expression “core competencies” refers to the attributes, skills, experience or capacity of the employee rather than core subject areas.~~

~~[c] the post is appropriate to cover staff absence as appropriate (e.g. parental and adoptive leave, long term sickness, sabbatical leave or secondment).~~

~~[d] the post is to provide interim cover while arrangements are being made to appoint on a permanent basis (e.g. the effect of an unexpected resignation; a skills shortage or a delay in making a permanent appointment can be worked around by making an interim appointment to provide short term cover)~~

~~[e] the contract includes a specific and finite training, developmental or educational component, such as secondment, career development opportunity, studentship, or apprenticeship, etc.~~

~~[f] the student or other business demand can be clearly demonstrated as particularly uncertain.~~

~~[g] the post is to cover a peak in demand due, for example, to seasonal fluctuations or the requirements of a particular stage in a project.~~

~~[h] the post is one in which the College offers work to a succession of its current students on the grounds that this will offer valuable work experience; or support the student during their studies; or is convenient for the College.~~

~~H2— Where a fixed term contract is due to terminate and the employee’s period of continuous employment is greater than one year, the relevant Head of School, Institute or Department shall consider whether the contract should be renewed or extended, or a contract for an indefinite period offered. This consideration shall include consultation with the appropriate representatives, in accordance with the relevant Code of Practice.~~

~~H3— Any decision not to renew or extend or offer a contract of indefinite duration must be~~

justified in respect of one or more of the following considerations:

~~[a] the availability of funding for the post (eg, the termination of the funding for a project), or the financial situation;~~

~~[b] the individual's performance, following appropriate warnings and counselling (as defined in the relevant Code of Practice);~~

~~[c] the need for the post or the duties attaching to the post (e.g., the project for which the post was created has been completed);~~

~~[d] the nature and character of the post (e.g. the post was providing cover for a member of staff on maternity leave who has now returned);~~

~~[e] the desirability of making the post permanent and appointing to it after open competition (e.g. to meet equal opportunities requirements).~~

~~H4 — Any member of staff whose fixed term contract is not renewed or extended on termination, or who is not offered a contract of indefinite duration, shall be entitled to be provided with full reasons for the decision in writing. The member may ask for the decision to be reviewed by a Panel constituted in accordance with Schedule 1 of this Ordinance.~~

Section I: Probationary Appointments

~~I1 — This section shall also apply to members of staff who have been appointed subject to review after a period of probationary service.~~

~~I2 — The procedure shall provide that staff on probation shall be reviewed and shall include provision for non confirmation in post at the end of the probationary period if their performance is found to be deficient or for any other substantial reason or reasons they are judged unsuitable to be confirmed in post.~~

~~I3 — The review referred to in paragraph I2 may encompass matters which, in other circumstances, would fall to be dealt with under other sections E, F or G of this Ordinance.~~

~~I4 — A member of staff who has not been confirmed in post under this Section shall be given full reasons for the decision and shall be entitled to have the decision reviewed by a panel.~~

~~I5 — The panel, whose decision shall be final, shall consider whether the reasons advanced in support of the decision are reasonable and supportable.~~

~~I6 — A member of staff whose appointment at the College is subject to probation shall be notified:~~

~~[a] in the letter of appointment, the period of probation and the name of a probationary adviser;~~

~~[b] within one month of taking up appointment, the arrangements for probation, including the intervals at which interim assessments will be conducted.~~

~~I7 — Probationary arrangements shall follow the relevant Code of Practice, which shall include procedures for advising a probationer on his/her performance, and providing guidance and instruction in the event that the performance is unsatisfactory.~~

~~I8 — At or before the end of the probationary period, the appointment of the member of staff shall be confirmed unless his/her performance has been judged to be unsatisfactory by two senior members of the School, Institute or Department (normally the probation adviser and the Head of School, Institute or Department).~~

~~I9 — If the member of staff's performance is judged not to be satisfactory, the period of probation may be extended or the appointment terminated. The member of staff shall be given the reason in writing at least one month before the end of the period of probation. The member of staff may appeal in accordance with the relevant Code of Practice which, in the case of academic staff, shall involve a hearing before a Panel constituted in accordance with Schedule 1 of this Ordinance.~~

Section J: Dismissal on other substantial reason

~~J1 — This section covers dismissals on any ground falling within section 98 of the Employment Rights Act 1996 other than those covered by Sections E, F, G, H and I of this Ordinance (i.e. "some other substantial reason of a kind such as to justify the dismissal of an employee holding the position which the employee held" (Employment Rights Act 1996, s. 98(1)(b)); "the employee could not continue to work in the position which he held without contravention (either on his part or on that of his employer) of a duty or restriction imposed by or under an enactment" (s. 98 (2)(d)).~~

~~J2 — Where a Head of School, Institute or Department, after appropriate investigation, considers that the removal of a member of staff would be justified on grounds not covered by the provisions of sections E-I of this Ordinance, s/he shall make a confidential report to the Principal to this effect. If the Principal concurs, s/he shall inform the member of staff accordingly in writing, giving details of the reason for the proposed dismissal.~~

~~J3 — The Principal may also initiate action under this section of the Ordinance without the recommendation of a Head of School, Institute or Department.~~

~~J4 — The proposal for dismissal, together with supporting evidence, shall be submitted to a Panel constituted in accordance with Schedule 1 of this Ordinance. The Panel shall conduct the hearing in accordance with the relevant Code of Practice, which shall provide for the member of staff to make a submission both orally and in writing, and to appear before the Panel, accompanied by another person. The Panel shall give its decision in writing within five working days of the hearing.~~

~~J5 — If the Panel supports the recommendation for dismissal, the member of staff may appeal within ten working days of the receipt of the decision of the Panel, to an Appeal Panel constituted in accordance with Schedule 1 of this Ordinance. The Appeal Panel shall conduct the hearing in accordance with the relevant Code of Practice. The decision of the Appeal Panel shall be final.~~

~~J6 — Where a member of clinical staff who holds an honorary appointment at the College loses his/her substantive appointment with an NHS Trust as a result of disciplinary action, the honorary appointment shall also be terminated.~~

Section K: Dismissal from non-substantive offices

~~K1 — This section refers to members of staff who hold an office in the College in addition to their substantive post—for example, Vice-Principals, Heads of School and Institute, Deans, whether appointed by the Principal or by Council.~~

~~K2 — Where the Principal considers that the removal of a member of staff from a nonsubstantive office would be justified due to that member of staff's unwillingness or~~

inability to perform the duties of the office to an appropriate standard, s/he shall inform the member of staff accordingly in writing, giving details of the reason for the proposed removal.

~~K3 — The proposal for removal from office, together with any supporting evidence, shall be submitted to a Panel constituted in accordance with Schedule 1 of this Ordinance. The Panel shall conduct the hearing in accordance with the relevant Code of Practice, which shall provide for the member of staff to make a submission both orally and in writing, and to appear before the Panel, accompanied by another person. The Panel shall give its decision in writing within one week of the hearing.~~

~~K4 — If the Panel supports the recommendation for dismissal, the member of staff may appeal within two weeks of the hearing to an Appeal Panel constituted in accordance with Schedule 1 of this Ordinance. The Appeal Panel shall conduct the hearing in accordance with the relevant Code of Practice. The decision of the Appeal Panel shall be final.~~

Section L: Clinical Staff

~~L1 — This section applies to a member of the clinical academic staff who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service trust or similar body, and may by Ordinance be extended to other groups of staff in a similar situation.~~

~~L2 — Action under Section F or G of these Ordinances may be taken against a member of staff falling within paragraph M1 above in respect of conduct or incapacity arising in connection with that member of staff's clinical work or activities as if the work or the activities were performed in and for the College.~~

~~L3 — Where the registration, contract or status referred to in sub-clause (1) above is terminated, withdrawn or revoked, the Principal may, having first afforded an opportunity to the member of staff concerned to make representations, dismiss the member of staff concerned; and where the registration, contract or status is suspended, the Principal may suspend the member of staff from employment for so long as the registration, contract or status is suspended, that suspension from employment to be without pay where the registration, contract or status has been suspended as a substantive disciplinary measure.~~

Section M: Appointed Teachers of the University

~~M1 — Where the member of staff who is dismissed in accordance with Section F or J of these Ordinances is also an appointed teacher of the University of London, the Director of Human Resources shall notify the Vice-Chancellor of the University accordingly so that the University may withdraw from the member of staff the title of Professor or Teacher of the University.~~

Section N: Grievance procedures

~~N1 — The Grievance Procedure for members of staff shall have regard to the relevant paragraphs the ACAS Code of Practice (as may be amended or replaced from time to time) referred to in paragraph F3 above.~~

~~N2 — The Procedure shall apply to grievances by members of staff concerning their appointments or employment in relation to matters affecting themselves as individuals~~

~~or their personal dealings or relationships with other staff of the College, other than those for which provision is made elsewhere in this Ordinance or where the Council has prescribed other procedures, provided those other procedures are no less favourable to the individual than under the Grievance Procedure.~~

~~N3—The Procedure shall provide that consideration of a complaint under the Procedure may be deferred if other proceedings under this Ordinance concerning the individual and relevant to the application are pending or in progress.~~

~~N4—The Procedure shall provide for the fair and speedy resolution of complaints, informally wherever possible, and for the complainant to be entitled to be assisted by any other member of staff or by a trade union representative at any hearings prior to that under N5 below.~~

~~N5—The Procedure shall make provision for a member of staff who is dissatisfied with the outcome of a complaint to be able to have the complaint heard by a Grievance Panel.~~

~~N6—A member of staff may bring a grievance to the attention of his/her line manager. If the grievance concerns the line manager, it should be brought to the attention of that person's line manager.~~

~~N7—The line manager shall investigate the grievance in accordance with the relevant Code of Practice with the object of achieving rapid resolution of the problem in an informal way.~~

~~N8—If the member of staff is not satisfied with the outcome of the informal process, s/he shall submit his/her grievance in writing to the Head of School, Institute or Department. The Head of School, Institute or Department shall seek to resolve the grievance in accordance with the relevant Code of Practice.~~

~~N9—If the Head of School, Institute or Department is unable to resolve the grievance, s/he shall inform the Director of Human Resources who shall refer it to a Grievance Panel constituted in accordance with Schedule 1 of this Ordinance. The Panel shall conduct its hearing in accordance with the relevant Code of Practice. The decision of the Panel shall be final.~~

~~N10—The Principal shall have the authority to defer consideration of the grievance on the grounds that other proceedings under this Ordinance concerning the member of staff, and relevant to the grievance, are pending or in progress.~~

Schedule 1: Constitution of Panels

The Academic and Professional Staff

~~S1—The Panel constituted to hear a case or an appeal involving a member of the academic and professional staff under §§F(5)[c], F19, G6, G7, J4, J5, K3, K4 and N9 shall consist of three persons, one of whom shall be an external member of Council appointed by the Chairman of Council, and the remainder selected by the Principal from a list of academic staff approved by the Senate for this purpose. None of the members of the Appeal Panel shall have any prior involvement with the case.~~

~~S2—A panel constituted to hear a claim by a member of the academic and professional staff, that action taken against them results from their exercise of academic freedom, shall consist of three persons, one of whom shall be an external member of Council appointed by the Chairman of Council, and the remainder selected by the Principal from a list of academic staff approved by the Senate for this purpose.~~

~~S3—The Appeal Panel to hear an appeal by a member of staff in the Academic Career~~

~~Progress Scheme against the termination of a probationary appointment under §19 shall consist of three persons, constituted in accordance with the procedures of the Academic Staff Review Group. The Appeal Panel to hear an appeal by a member of the academic and professional staff, other than a member of staff in the Academic Career Progress Scheme, against the termination of a probationary appointment under §19 shall consist of three persons, constituted in accordance with the relevant Code of Practice.~~

~~S4 — The Panel constituted to review a decision not to renew a fixed term contract shall consist of an external member of Council appointed by the Chairman of Council, a Head of Department who has had no previous involvement in the case and a person drawn from a list of academic staff approved by the Senate for this purpose, the two latter to be selected by the Principal.~~

~~Approved by Council 22 January 2013~~



Anti Bribery

And

Corruption Policy

QMSE Sponsor: ~~Chief Operating Officer~~Director of Finance

Last approved by Council: ~~8 July 2014~~28 February 2012

Document updated: ~~21 February 2018~~7 May 2014

Reviewed by QMSE: ~~13 May 2014~~27 February 2018

Reviewed by Audit and Risk Committee: ~~4 June 2014~~8 March 2018

Recommended by Finance and Investment Committee: ~~17 June 2014~~13 March 2018

Approved by Council: ~~12 April 2018~~July 2014

Number of Years to Next Review: 3 Years – ~~May 2017~~April 2021

Contents

1	Introduction and Policy Statement	3
2	What is Bribery and Corruption, and what is a bribe?	4
3	Who can engage in Bribery and Corruption?	5
4	Bribery and Corruption geography and penalties	5
5	Controls and Record-Keeping	6
6	Gifts and Hospitality	6
7	Facilitation payments.....	7
8	Conflicts of Interest	887
9	Consequences of the Bribery Act 2010	8
10	Bribery concerns	8
11	Responsibilities (including training)	9
12	Appendix A - 'Red Flag' risk scenarios relevant to Higher Education Institutes.....	111110
13	Appendix B – Useful Links.....	121211

1 Introduction and Policy Statement

- 1.1 Queen Mary University of London (QMUL); ~~referred to as the College~~, is committed to observing the provisions of the Bribery Act 2010 in all of its affairs, whether academic or business related, and to ensuring that all of its conduct be undertaken in an ethical and honest way, without the use of bribery or corrupt practices in order to gain an unfair advantage, both at home and overseas.
- 1.2 The Bribery Act 2010 came into force on 1 July 2011. It replaced a number of older laws and created a single code in relation to all instances of Bribery and Corruption. There are new substantive bribery offences, both in the UK (sections 1, 2, 7) and overseas (section 6). The provisions of this Act also hold all institutions and businesses liable if they fail to prevent bribery being carried out on their behalf, both at home and overseas.
- 1.3 The Act applies to all staff, students and persons associated with ~~the~~ CollegeQMUL as a result of being an employee, agent, third-party intermediary, representative, agent, supplier, business partner or subsidiary acting on behalf of ~~the~~ CollegeQMUL, wherever located.
- 1.4 ~~The~~ CollegeQMUL has a zero tolerance policy towards bribery and corruption and is committed to the highest level of openness, integrity and accountability, both in letter and spirit. The penalties for these offences are severe and can mean up to 10 years imprisonment for the individuals responsible. In addition, if ~~the~~ CollegeQMUL is found to have connived in or consented to acts of corruption undertaken in its name, the penalties include personal liability for senior managers and an unlimited fine, together with significant reputational damage for ~~the~~ CollegeQMUL and could result in other Governmental-related consequences, such as debarment from public (government) tendering.
- 1.5 Top level commitment is an essential feature of compliance of the Bribery Act and colleagues and associates with management responsibility are expected to share Council's and Queen Mary Senior Executive's commitment to observe and implement the spirit and terms of this policy. QMUL will communicate this policy and provide training to all staff.
- 1.6 Any breach of this policy will be considered a serious matter and is likely to result in disciplinary action up to, and including, dismissal.
- 1.7 In addition to the Anti Bribery and Corruption Policy, the following policies are available on the QMUL intranet:
 - Financial Regulations
 - Scheme of Delegation of Financial Authority
 - Anti Money Laundering
 - Standards of Business Conduct
 - Public Interest Disclosure (Whistle-blowing)
 - Fraud and Corruption Policy and Response Plan

2 What is Bribery and Corruption, and what is a bribe?

2.1 A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage which is illegal, unethical, a breach of trust or the improper performance of a contract. Corruption is the misuse of entrusted power for personal gain.

2.2 Acts of bribery or corruption are designed to influence the individual in the performance of their duty and induce them to act contrary to those duties. Inducements can take the form of gifts, fees, rewards, jobs, internships, examination grades, favours or other advantages.

2.3 It is an offence under the Bribery Act 2010 to:

- Promise or offer a bribe, or to give an advantage (“active” bribery)
- Request, agree to receive or accept a bribe, or accept an advantage (“passive” bribery)
- Bribe a foreign public official (the overseas offence)

In addition it is a corporate offence to consent to or connive in the commission of a bribery offence by anyone associated with [the CollegeQMUL](#) in respect of business carried out on behalf of [the CollegeQMUL](#) (the corporate offence)

Examples:

Offering a bribe

2.4 You offer a potential business partner tickets to a major entertainment event, on condition that they agree to do business with you and/or [the CollegeQMUL](#).

2.5 This would be an offence as you are making the offer to gain a commercial and contractual advantage. In addition [the CollegeQMUL](#) may also be found to have committed an offence because the offer has been made to obtain business for [the CollegeQMUL](#).

Receiving a bribe

2.6 A supplier gives a member of your family a job (or a donation is given in return for a place on a particular course), but makes it obvious that in return they expect you to use your position to influence the chances of obtaining [CollegeQMUL](#) business.

2.7 This would involve two offences, one by the supplier for making such an offer, and one by you for accepting the bribe in order to gain a personal advantage. Suppliers

who are found to have committed a bribery offence are automatically debarred from any future public (government) tendering.

Bribing a foreign official

- 2.8 You pay or make arrangements to pay an additional payment to a foreign official to speed up an administrative process (such as clearing goods through customs). For example, an academic colleague on a field trip pays a sum to customs officials to avoid excessive delay in the import of field equipment.
- 2.9 An agency responsible for recruiting students pays a small bribe to an education department official to be allowed access to students in a highly rated school.
- 2.10 The offence of bribing a foreign public official has been committed as soon as the offer is made. This is because it is made to gain a business advantage for you or for ~~the College~~QMUL.

3 Who can engage in Bribery and Corruption?

- 3.1 Bribery and corrupt behaviour can be committed by:
- An employee, officer or director
 - A person acting on behalf of the HEI (including agents, third parties and representatives, which can include students)
 - Individuals and organisations that authorise someone else to carry out these acts
- 3.2 Bribery and corruption will often involve public or government officials and this is a specific offence under the Act. It is important, again, to recognise that 'government official' is widely interpreted and could include:
- A public official, whether foreign or domestic
 - A political candidate or party official
 - A representative of a government-owned or majority controlled organisation
 - An employee of a public international organisation (e.g. World Bank)

4 Bribery and Corruption geography and penalties

- 4.1 Bribery is a criminal offence in most countries and penalties can be very severe, potentially resulting in prison sentences of up to 10 years, unlimited fines or both. There are also other consequential penalties, such as debarment from public (government) tendering.
- 4.2 The Bribery Act not only makes bribery illegal, but also holds organisations, including ~~the College~~QMUL, liable for failing to prevent such acts by those working for it, or on its behalf, irrespective of where the act takes place. Similar legislation

is in place in many other countries, including the Foreign and Corrupt Practices Act (FCPA) in the USA.

- 4.3 It is in the interest of both ~~the CollegeQMUL~~ and the individual that everyone associated with ~~the CollegeQMUL~~ acts with propriety at all times. Corrupt acts committed abroad may well result in prosecution at home. Accordingly training will be provided for all staff and completion will be monitored by School/Institute Managers and Professional Services Directors.
- 4.4 Failure to comply with, or breach of, any parts of this Anti Bribery and Corruption Code of Conduct could be regarded as a disciplinary offence, up to and including Gross Misconduct. Penalties could include dismissal without notice or pay in lieu of notice in accordance with ~~the CollegeQMUL~~'s disciplinary policy.

5 Controls and Record-Keeping

- 5.1 The management and controls around Gifts and Hospitality, donations and similar activities are central to ~~the CollegeQMUL~~ having, and being seen to have, an effective Anti Bribery and Corruption programme. ~~The CollegeQMUL~~ has a duty to monitor the facts that the terms of the Bribery Act are being observed by employees, workers and those associated with ~~the CollegeQMUL~~. ~~The CollegeQMUL~~ is required to keep financial records and to have appropriate internal controls in place which will evidence the business reason for making payments to third parties.
- 5.2 You must declare and keep a written record of all hospitality or gifts accepted or offered in accordance with the policy in Appendix D of the Standards of Business Conduct policy, available on the QMUL intranet. The electronic Gifts and Hospitality register is available for submissions on the QMUL policy zone.
- 5.3 You must ensure all expense claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the Standards of Business Conduct and specifically record the reason for the expenditure.

6 Gifts and Hospitality

- 6.1 This Bribery Act does not prohibit all hospitality to or from third parties.
- 6.2 However, gifts, hospitality and political or charitable donations if intended to influence business decisions whether received or given may be treated as bribes.
- 6.3 Guidance on ~~the CollegeQMUL~~'s accepted practice with regards to gifts and hospitality is set out in ~~the CollegeQMUL~~'s financial regulations and in Appendix D of the Standards of Business Conduct document. However, when giving or receiving gifts and hospitality, you should consider whether the following requirements are met:

- The advantage is not given with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits.
- It complies with any local law.
- The advantage does not include cash or a cash advantage (such as gifts certificates or vouchers).
- It is given openly, not secretly.
- Gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of [the CollegeQMUL](#)'s Director of Finance.

6.4 It is not acceptable for you (or someone on your behalf) to:

- Give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given.
- Give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to 'facilitate' or expedite a routine procedure.
- Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them.
- Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return.
- Threaten or retaliate against a colleague or third party who has refused to commit a bribery offence or who has raised concerns under this policy.
- Engage in any activity that might lead to a breach of this policy.

7 Facilitation payments

7.1 In many countries, it is customary business practice to make payments or gifts of small value to junior government officials, customs officers, parking wardens and people in similar official roles in order to speed up or facilitate a routine action or process. However, this is not permitted under the Bribery Act and ~~the~~ [CollegeQMUL](#) therefore prohibits the making or accepting of facilitation payments

by staff, and anyone carrying out business on [the CollegeQMUL](#)'s behalf, as such payments are illegal.

- 7.2 In the event that a facilitation payment is being extorted, or if you are forced to pay under duress, or where lives are at risk you must record the payment and report it without delay to your line manager.

8 Conflicts of Interest

- 8.1 [The CollegeQMUL](#) keeps a Record of Conflicts of Interests, which is maintained by the Registrar's office, to monitor instances where conflicts of interest could occur. This must be kept up to date to ensure that potential conflicts of interest involving family members or day to day business decisions must be declared. Questions should be directed to your line manager in the first instance, and if necessary referred to the Director of Finance. Guidance is given in the Standards of Business Conduct document found on [the CollegeQMUL](#)'s Intranet.

9 Consequences of the Bribery Act 2010

- 9.1 This includes the need for [the CollegeQMUL](#) to establish relevant procedures and for all persons associated with [the CollegeQMUL](#) to be aware of the Act, and what it means for them.
- 9.2 Failure to do so brings with it the consequence of prison sentences of up to ten years and unlimited fines, together with significant reputational damage, debarment from public (government) tendering and other penalties.

10 Bribery concerns

Raising a concern

- 10.1 If you are concerned that a particular act might involve either bribery or corruption you should report this as soon as possible. This should be reported to your line manager in the first instance. If you or your line manager requires further guidance or advice, you should contact the Director of Finance. Alternatively you may wish to follow the procedures set out in [the CollegeQMUL](#)'s Public Interest Disclosure (Whistle-blowing) policy, which can be found on the intranet.

What if you are a victim of bribery or corruption?

- 10.2 It is very important that you inform your line manager as soon as you believe that you are a victim of bribery or corruption. This can take the form of a bribe by a third party, being asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity. Any instances of bribery, attempted bribery or corruption should also be reported immediately to [the CollegeQMUL](#)'s Director of Finance. Alternatively you may wish to follow the

procedures set out in ~~the CollegeQMUL~~'s Public Interest Disclosure (Whistle-blowing) policy, which can be found on the QMUL intranet.

Protection

- 10.3 Colleagues who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. ~~The CollegeQMUL~~ will afford appropriate protection to anyone who raises genuine concerns in good faith under this policy.
- 10.4 ~~The CollegeQMUL~~ is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager. ~~The CollegeQMUL~~'s HR Department may be contacted for advice and support. If the matter is not remedied, and you are an employee, you should raise it formally using ~~the CollegeQMUL~~'s Grievance Procedures.

Investigation process

- 10.5 Any bribery or corruption-related investigations will be undertaken in accordance with ~~the CollegeQMUL~~'s documented investigation procedures. The decision to involve the police will be taken by Council following advice from the Director of Finance and/or the Internal/External Auditors.
- 10.6 If ~~the CollegeQMUL~~ is the subject of an ongoing police investigation the above will not apply.

11 Responsibilities

- 11.1 You must ensure that you read, understand and comply with this policy and complete QMUL Anti Bribery training.
- 11.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for or associated with ~~the CollegeQMUL~~. You are required to avoid any activity that might lead to, or suggest a breach of this policy.
- 11.3 Effective risk assessment in order to evaluate and mitigate risk is an essential element of this policy. Colleagues must assess the vulnerability of their activities,

particularly overseas, on an ongoing basis. This is embedded in the annual College-QMUL Risk Assessment Process.

- 11.4 You must notify your manager and the CollegeQMUL's Director of Finance as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.
- 11.5 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct.

12 Appendix A - 'Red Flag' risk scenarios relevant to Higher Education Institutes

Courtesy of British Universities Finance Directors Group (BUFDG)

For the most part, 'Red Flag' risk scenarios relevant to Higher Education Institutes are largely identical to those affecting most organisations. However, there are some – typically related to overseas campuses, donations and places – that are largely reserved to the education sector.

Some scenarios – such as a donation – when considered in isolation may seem perfectly acceptable. However, when that donation coincides with the donor tendering for a contract or the donor's child applying for a place at the Higher Education Institute then, clearly, this presents a completely different scenario and risk.

Clearly, for this reason it is imperative that such issues are considered across the Higher Education Institute on a fully 'joined-up' basis.

Whilst it is accepted that the following risk scenarios are central to the activities of the Higher Education Institute, nonetheless the associated bribery and corruption risks should not be underestimated:

- Any procurement-related activity
- Supply relationships where relatively significant hospitality has become the norm, or is expected from potential/new suppliers
- Payment for travel, hospitality, gifts and entertainment – particularly overseas Invoicing issues, including agent fees, cash payments, disproportionate costs and 'dubious' expenses
- Overseas field trips involving potential 'facilitation' payments to customs officials and others, typically, in order to speed things up or to gain access
- Facilitation payments to expedite overseas building, building permissions and access to utilities
- Overseas agents and brokers, particularly where student enrolment is involved
- Overseas campuses
- Donations
- Student places
- Examination results and associated processes
- Concerns – which would clearly need to be substantiated – over lavish hospitality, unnecessary foreign travel and entertainment linked to (apparently) legitimate business travel

The above list is taken from the Anti-Bribery and Corruption HEI Code of Conduct – Template issued by the British Universities Finance Directors Group (BUFDG) in October 2011.

13 Appendix B – Useful Links

- For further details of the Bribery Act 2010:
www.legislation.gov.uk/ukpga/2010/23/contents
- For the 45 page guidance from the Ministry of Justice on Section 9 of the Bribery Act 2010: Guidance about commercial organisations preventing bribery:
www.justice.gov.uk/guidance/docs/bribery-act-2010-guidance.pdf
- For the 9 page Quick Start Guide from the Ministry of Justice:
www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf
- ~~Joint Prosecution Guidance of the Director of the Serious Fraud Office and the Director of Public Prosecutions:~~
~~www.sfo.gov.uk/bribery--corruption/bribery-act--useful-links.aspx~~
- Corruption Perception Index:
www.transparency.org/cpi
- Seven Principles identified by the Committee on Standards in Public Life (formerly known as the Nolan Committee)
~~[https://www.gov.uk/government/publications/the-7-principles-of-public-](https://www.gov.uk/government/publications/the-7-principles-of-public-life)~~
~~[lifewww.public-standards.org.uk](http://www.public-standards.org.uk)~~



Anti Money Laundering (AML) and Criminal Finances Act (CFA)

Policy

Document owner: Deputy Director Financial Control

Date Approved by Audit and Risk Committee: 8 March 2018~~14 February 2012~~

Document updated: 21 February 2018~~8 May 2014~~

Reviewed by QMSE: 27 February 2018~~13 May 2014~~

Reviewed by Audit and Risk Committee: 8 March 2018~~4 June 2014~~

Recommended by Finance and Investment Committee: 13 March 2018~~17 June 2014~~

Approved by Council: 12 April 2018~~8 July 2014~~

Number of Years to Next Review: 3 Years – April 2021~~May 2017~~

Contents

	Page
<u>Part 1: Anti Money Laundering</u>	
1. Introduction	3
2. What is Money Laundering?.....	3
3. <u>Queen Mary University of London College</u> Obligations	4
4. Employee Obligations	4
5. Fees Paid and Refunds Requested in Cash	4
6. 'Know your Customer'	5
7. The Money Laundering and Proceeds of Crime Reporting Officer (MLRO)	65
8. Disclosure Procedure to be followed by Individuals	65
9. Action and Disclosure by the MLRO	6
10. Record Keeping Requirements	76
11. Conclusion	7
<u>Part 2 Criminal Finances Act</u>	
<u>12. An introduction to criminal tax evasion</u>	<u>8</u>
<u>13. The Criminal Finances Act 2017 (CFA).....</u>	<u>8</u>
<u>14. Examples of facilitating tax evasion in a university context</u>	<u>8</u>
<u>15. Responsibilities of University staff and associated persons</u>	<u>9</u>
<u>16. Key roles – The Criminal Finances Act, including training</u>	<u>10</u>
<u>17. Risk Assessment AML and CFA</u>	<u>10</u>
Appendix 1 –Risks to which Universities may be exposed	11 <u>88</u>
Appendix 2 –Possible signs of money laundering.....	12 <u>129</u>
Appendix 3 - Suspected Money Laundering – Report to the MLRO	13 <u>130</u>
Appendix 4 - MLRO REPORT (to be completed by the MLRO).....	14 <u>141</u>

1. Introduction

Queen Mary University of London (~~the College~~QMUL) is committed to observing the provisions of the Money Laundering ~~Regulations, Terrorist Financing and Transfer of Funds Regulations 2007~~²⁰¹⁷, the Proceeds of Crime Act 2002, Part 7 – Money Laundering Offences and the Terrorism Act 2000 (as amended by the ~~Crime and Courts Act 2013 and the Serious Crime Act 2013~~^{Anti-terrorism, Crime and Security Act 2001 and the Terrorism Act 2006}) in all of its affairs, whether academic or business related. This policy aims to ensure that ~~the College~~QMUL and all its employees comply with the legislation and that the highest standards of due diligence are applied in relation to ‘know your customer’ principles.

~~Legislation has broadened the definition of money laundering and the range of activities where this can apply. The Money Laundering Regulations 2007 now applies to all companies and institutions including Universities.~~ This policy sets out the procedure to be followed if money laundering is suspected and defines the responsibility of individual employees in the process.

~~The College~~QMUL has a zero tolerance policy towards Money Laundering and is committed to the highest level of openness, integrity and accountability, both in letter and spirit. The penalties for these offences are severe and can mean up to 14 years imprisonment and/or an unlimited fine for the employees and executives responsible. In addition, there would be significant reputational damage for ~~the College~~QMUL.

Any breach of this policy will be considered a serious matter and is likely to result in disciplinary action up to, and including, dismissal.

In addition to the Anti Money Laundering Policy, the following policies are available on the QMUL intranet:

- Financial Regulations
- Scheme of Delegation of Financial Authority
- Anti Bribery and Corruption
- Standards of Business Conduct
- Public Interest Disclosure (Whistle-blowing)
- Fraud and Corruption Policy and Response Plan

2. What is Money Laundering?

The introduction of the Proceeds of Crime Act 2002 and the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 has broadened the definition of money laundering and has widened the range of activities controlled by the statutory framework.

Money laundering covers a wide variety of crimes, it can include anything from which individuals or companies derive a pecuniary benefit, directly or indirectly, and can include many crimes that are

not initially thought of as connected with money laundering. There is a risk where there are large volumes of cash transactions and where customer identification is not always easy, for example, cash received for overseas students.

Money laundering is the process by which criminally obtained money or other assets (criminal property) are exchanged for 'clean' money or other assets with no obvious link to their criminal origins. Criminal property may take any form, including money or money's worth, securities, tangible property and intangible property. It also covers money, however come by, which is used to fund terrorism.

Money laundering offences include:

- Concealing, disguising, converting, ~~or transferring criminal property~~ or removing criminal property ~~it~~ from England and Wales (Section 327 of the Proceeds of Crime Act 2002 (POCA))
- Arranging, or becoming concerned in an arrangement, which the person who knows, or suspects, or facilitates (by whatever means), the acquisition, retention, use or control of criminal property by or on behalf of another person (Section 328, POCA)
- Acquiring, using or having possession of criminal property (Section 329, POCA)
- Making a disclosure to a person which is likely to prejudice a money laundering investigation ("tipping off") (Section 333, POCA)
- Becoming concerned in an arrangement facilitating concealment, removal from the jurisdiction, transfer to nominees or any other retention or control of terrorist property (Section 18, Terrorist Act 2000)

3. College QMUL Obligations

~~The College~~QMUL has a responsibility to:

- Appoint a Money Laundering Reporting Officer (MLRO) to receive, consider and report as appropriate, the disclosure of any suspicious activity reported by employees.
- Implement a procedure to enable the reporting of suspicious activity.
- Maintain customer identification procedures to 'know your customer', in relevant circumstances.
- Maintain adequate records of transactions.

4. Employee Obligations

Money laundering legislation applies to ALL College QMUL employees. Any member of staff could be committing an offence under the money laundering laws if they suspect money laundering, or if they become involved in some way and do nothing about it. If any individual suspects that money laundering activity is or has taken place or if any person becomes concerned about their involvement it must be disclosed as soon as possible to the MLRO.

Failure to do so may result in you being personally liable to prosecution. Guidance on how to raise any concerns is included in this policy document.

5. Fees Paid and Refunds Requested in Cash

Money laundering regulations apply to cash transactions in excess of 15,000 Euros (or the equivalent in Sterling or other currencies). The Proceeds of Crime Act 2002, Part 7 – Money

Laundering Offences applies to all transactions, including any dealings ~~the CollegeQMUL~~ has with agents or third parties, and can involve cheques, cash, bank transfers and property or equipment.

Examples include:

- Where a student pays fees exceeding ~~£105,000 Euros~~ (or equivalent) by cash
- Where a student pays a fee for another student who is not present at the time
- A sponsor/third party not known to ~~the CollegeQMUL~~ pays fees for students

QMUL should avoid accepting cash payments greater than £10,000 (including notes, coins or travellers cheques in any currency). This does not mean that cash transactions below this value will be valid and legal and professional scepticism is encouraged at all times. Any suspicions should be reported to the MLRO (see below) and any advice followed.

Separate rules apply to foreign students and passports and visas of overseas applicants must be rigorously checked, and the UK Border Agency needs to be notified if a student with a Student Visa discontinues their studies. Fees paid in advance by foreign students who have subsequently been refused a visa are only refundable providing appropriate documentary evidence is available to demonstrate the circumstances. Where appropriate, refunds should only be made to the person making the original payment or in the case of a transfer by payment to the new University.

Care should also be taken where refunds are requested and the payment has been made by credit card or bank transfer. In these cases, refunds should only be made by the same method back to the same account from which funds were received. In the event of an attempted payment by credit or debit card being rejected the reason should be checked prior to accepting an alternative card. If in any doubt about the identity of the person attempting to make a payment the transaction should not be accepted.

6. 'Know your Customer'

It is important that controls are in place to undertake customer due diligence i.e. steps to identify the student, customer or other party dealing with ~~the CollegeQMUL~~. Satisfactory evidence of identity must be obtained. Examples include:

- Passport and/or Visa
- Birth Certificate
- Correspondence with students at their home address

And for third parties:

- Letters or documents proving name, address and relationship

If an organisation is not known to the University:

- Look for letter headed documents
- Check that invoices show a company's registered office and VAT number
- Check websites, for example, www.companies-house.gov.uk.
- Request a credit check
- Aim to meet or contact key sponsors if you feel appropriate to verify validity of contact

Cheques drawn on an unexpected or unusual source should always be verified with regard to validity of the source.

A guidance note on possible signs of money laundering is included at Appendix 2.

7. The Money Laundering and Proceeds of Crime Reporting Officer (MLRO)

The Director of Finance is the officer nominated to receive disclosures in respect of suspected transactions or activity within ~~the College~~QMUL. Contact details can be found on the Intranet.

8. Disclosure Procedure to be followed by Individuals

Where you know or suspect that money laundering activity is taking or has taken place, or you become concerned that your involvement in a transaction may amount to a breach of the regulations, you must disclose this immediately to your line manager. If in consultation with your line manager reasonable suspicion is confirmed a disclosure report must be made to the MLRO. This disclosure should be made on the form shown at Appendix 3, which should be printed off and completed the same day the information came to your attention. If you do not do this, you may be personally liable to prosecution under the regulations.

Your report should include as much detail as possible including:

- Full details of the people and/or companies involved including yourself and other members of staff if relevant.
- Full details of the transaction and nature of each person's involvement in the transaction.
- Suspected type of money laundering activity or use of proceeds of crime with exact reasons as to why you are suspicious.
- The dates of any transactions, where they were undertaken, how they were undertaken and the likely amount of money or assets involved.
- Any other information that may help the MLRO judge the case for knowledge or suspicion of money laundering that may help to facilitate any report to the National Crime Agency (which replaced the Serious Organised Crime Agency).

Once you have reported your suspicions to the MLRO you must follow any instructions given to you. You must not make any further enquiries unless instructed to do so by the MLRO. At no time and under no circumstances should you voice any suspicions to the person(s) you suspect of money laundering, nor should you discuss this matter with any colleagues.

If appropriate the MLRO will refer the case to the National Crime Agency (NCA) who will undertake any necessary investigation. This may include consent to continue with a particular transaction and care should be taken not to 'tip off' the individuals concerned, otherwise you may be committing a criminal offence. The penalty for tipping off is 5 years imprisonment and/or an unlimited fine.

9. Action and Disclosure by the MLRO

On receipt of a disclosure report the MLRO will:

- Note the date of receipt and acknowledge receipt of it.
- Assess and advise the individuals concerned when a response can be expected.
- Consider the report and any other relevant information, undertaking further enquiries if necessary to decide if a report should be made to the NCA.

Once the MLRO has evaluated the case, a timely determination will be made as to whether:

- There is actual or suspected money laundering taking place.
- There are reasonable grounds to know or suspect that is the case.

- Consent is required from NCA for a particular transaction to proceed.

Where the MLRO concludes that the case should be disclosed to NCA this needs to be done:

- In a timely manner.
- In the prescribed manner on a standard report format provided by NCA.

Where the MLRO concludes that there are no reasonable grounds to suspect money laundering then consent will be given for transactions to proceed and the disclosure report will be marked accordingly.

10. Record Keeping Requirements

By keeping comprehensive records ~~the CollegeQMUL~~ will be able to show that we have complied with the Money Laundering Regulations. This is crucial if there is a subsequent investigation into one of our customers/students or transactions.

The types of record kept may include:

- Daily records of transactions
- Receipts
- Cheques
- Paying-in books
- Customer correspondence
- Student identification evidence

Records may be kept in any of the following formats:

- Originals
- Photocopies
- Microfiche
- Scanned
- Computerised or Electronic

Records must be kept for five years beginning on either:

- The date a business relationship ends
- The date a transaction is completed

In practice finance departments will routinely create and retain records in the course of normal business for six years. The Director of Finance will retain any disclosure reports and any associated relevant documents in a confidential file for a minimum of five years.

11. Conclusion

Instances of suspected money laundering are likely to be rare given the nature of services provided by ~~the CollegeQMUL~~. However, the increased tuition fees from 2012 may have an impact on cash transactions, therefore, we must be aware of the legislative requirements, as failure to comply would have serious implications for both ~~the CollegeQMUL~~ and individuals concerned. If you have any suspicions or concerns regarding possible money laundering please consult your line manager or the MLRO about your concerns.

Part 2 - Criminal Finances Act (CFA)

12. An introduction to criminal tax evasion

The Criminal Finances Act 2017 (CFA 2017) came into effect from 30th September 2017. Part 3 of the CFA 2017 introduces a new Corporate Criminal Offence (CCO) of failure to prevent the facilitation of tax evasion.

Whilst it has always been a criminal offence to evade tax, and for anyone to help someone else evade tax, the new Act means that if a person 'associated' to the university, anywhere in the world - is found to have assisted a third-party in evading tax in the course of their duties, then the university itself could be deemed to have committed a corporate offence.

The scope of 'Associated Persons' is widely drafted and, whilst it includes the university's officers, it also includes employees, workers, agents, sub-contractors and other people/organisations that provide services for, or on behalf of, the university. The new CCO relates to situations where the university fails to prevent 'Associated Persons' from assisting in the evasion of tax by another party.

13. The Criminal Finances Act 2017 (CFA 2017)

The university operates to the highest legal and ethical standards and will not tolerate acts of criminal facilitation of tax evasion by its associates anywhere in the world. The purpose of this policy is to set out the responsibilities of the university and of those working for it, whether as an officer, employee, worker, subcontractor, agent or in any other capacity.

The Criminal Finances Act 2017 has parallels with the UK Bribery Act and this policy should be read in conjunction with the university's anti-bribery and corruption policy and related governance documents.

It is a criminal offence for anyone to evade paying tax of any kind, and also to help anyone to do so. Any individual found to be guilty of this could be subject to criminal proceedings under existing legislation. However, under the CFA 2017 in the event of there being both:

- Criminal tax evasion by either a UK or overseas taxpayer (as an individual or an entity) under existing law, and,
- Criminal facilitation of this offence by an 'associated person' of the university

then the university will **automatically be charged** with the corporate offence of failing to prevent its representatives from committing the criminal act of facilitation **unless** it can demonstrate that it had 'adequate' or 'reasonable procedures' in place to prevent that facilitation. If found guilty, the typical consequences for the university could be an unlimited fine, reputational damage and the potential disbarment from public/governmental contracts.

14. Examples of facilitating tax evasion in a university context

The following are common university risks that could be expected to feature in a typical risk assessment document and/or risk register:

- i. Making a payment overseas e.g. to an overseas agent in the knowledge that the agent intends to use the method of payment to evade tax. Typically, this could apply where a payment is made into a bank account which is not in the name of the agent or their company but in the name of a different individual or company, or to a jurisdiction where the individual does not live or work.

- ii. Categorisation of a payment to an individual - who should be deemed an employee or treated as such under IR35 - as self-employed knowing that the individual will use the gross payment to evade tax.
- iii. Assisting an academic to facilitate his/her personal use of department research accounts (or 'EDA') or the backdating of a waiver, resulting in a loss of income tax to HMRC.
- iv. Making a royalty payment e.g. to an overseas academic/former academic in the knowledge that the academic intends to use the method of payment to evade tax. Again, this could be where a payment is made into a bank account which is not in the name of the academic but in the name of a different individual or company, or to a jurisdiction where the individual does not live or work.
- v. Employee colludes with another university/third-party to mis-describe services as outside the scope, pass through or grant funding rather than a taxable supply of research services where VAT cannot be recovered.
- vi. Employee agrees to mis-describe services provided to a third-party in order to facilitate a VAT reclaim by them.
- vii. Employee agrees to mis-describe goods being exported so that a lower rate of Customs duty becomes payable on import by customer.
- viii. Employee accepts request to pay one entity knowing that the goods/services have been provided by another entity and that the purpose of the change is to evade tax.
- ix. Employee allows a payment for goods/services to be described as a donation so that the donor can claim tax relief.
- x. Employee authorises a VAT invoice from a supplier knowing that they are not VAT registered.
- xi. Employee authorises an expense claim with photocopied receipts knowing that the claimant will use the original receipts to support a tax reclaim.
- xii. Employee agrees to mis-description of an income stream to take the payment outside a with-holding tax obligation.
- xiii. Employee buys goods for personal use through a university account and issues a certificate for charitable relief.
- xiv. Academics not employed by the university perform work in return for a payment in kind e.g. travel to a conference or use of facilities, knowing that no tax will be paid on the payment.
- xv. Overseas agents mis-describe services to facilitate the evasion of local indirect taxes.
- xvi. Using a third-party to pay in-country workers on the university's behalf, where you know that there is a withholding obligation, and that the third-party will not comply with that obligation.

HMRC has provided further generic examples of the facilitation of tax evasion and these can be found on HMRC website.

15. Responsibilities of university staff and Associated Persons

Staff and associates should abide at all times by university policies - including this CFA 2017 policy, the anti-bribery and corruption policy and related governance documents. Failure to comply

with these policies and the obligations detailed in this policy may result in disciplinary action for staff (up to and including dismissal) and termination of contract for associated persons. Should staff and associates become concerned that a fellow employee or associate is facilitating tax evasion by a third-party then they should immediately alert their manager or use the university whistle-blowing procedure.

16. Key Roles - The Criminal Finances Act 2017, including training

The university has made the appropriate appointments in relation to CFA 2017. The key officer will be responsible for questions, information, training and tax evasion reports in relation to CFA 2017. The university will provide relevant members of staff with training on the key aspects of CFA 2017, as set out in this policy. This training will be undertaken at a suitable frequency.

17. Risk Assessment - CFA & AML

Whilst the university has initiated a risk assessment in relation to the CFA - which will consider the relevant controls, processes and procedures - the risk assessment will form part of the wider work required for AML. This work is intended to ensure that all appropriate steps are taken to prevent facilitation of tax evasion.

A register of possible risks related to the facilitation of tax evasion by staff and/or associates will be prepared and maintained; the register will also list the controls to mitigate those risks and actions required to improve the controls. This register will be periodically reviewed and updated.

Appendix 1 - Risks to which Universities may be exposed

Courtesy of British Universities Finance Directors Group

The 2017 regulations place continuing emphasis on a risk-based approach to countering money laundering and terrorist financing. In practical terms this means identifying the risks facing the university, assessing the likely impact of these risks and putting in place procedures which will mitigate the risks.

Particular care needs to be focused on:

- Payments in cash
- Applicants from high risk countries
- Request for refunds
- Overpayments
- Failure to take up places
- Agents who do not fit in with normal procedures relating to deposits and tuition fees
- Identity fraud

Appendix 2 – Possible signs of money laundering

The following are types of risk factors which may, either alone or collectively, suggest the possibility of money laundering activity:

- A new customer, business partner or sponsor not known to ~~the College~~QMUL
- A secretive person or business e.g. that refuses to provide requested information without a reasonable explanation or adequate documentation
- Attempted pPayment of any substantial sum in cash (over £10,000)
- Concerns about the honesty, integrity, identity or location of the people involved
- Involvement of an unconnected third party without a logical reason or explanation
- Overpayments for no apparent reason
- Absence of any legitimate source for the funds received
- Significant changes in the size, nature, frequency of transactions with a customer that is without reasonable explanation
- Cancellation, reversal or requests for refunds of earlier transactions
- Requests for account details outside the normal course of business
- A history of poor business records, controls or inconsistent dealing

Any other facts which tend to suggest that something unusual is happening and give reasonable suspicion about the motives of individuals.

If in doubt a Suspected Money Laundering form should be completed and returned to the Money Laundering Reporting Officer (MLRO).

Useful Links:

www.cps.gov.uk/legal/p-to-r/proceeds-of-crime-money-laundering

Appendix 3 - Suspected Money Laundering – Report to the MLRO

From: _____ School/Department: _____

Contact Details: E-mail: _____ Phone: _____

DETAILS OF SUSPECTED OFFENCE

Name(s) and Address(es) of person(s) involved, including relationship with ~~the College~~ QMUL:

Nature, value and timing of activity involved:

Nature of suspicions regarding such activity:

Provide details of any investigation undertaken to date:

Have you discussed your suspicions with anyone and if so, on what basis:

Is any aspect of the transaction(s) outstanding and requiring consent to progress?:

Any other relevant information that may be useful:

Signed: _____ Date: _____

Appendix 4 - MLRO REPORT (to be completed by the MLRO)

Date Report Received: _____

Date Receipt of Report acknowledged: _____

CONSIDERATION OF DISCLOSURE

Further action required:

Are there reasonable grounds for suspicion requiring a report to be made to National Crime Agency (NCA):

If YES: Confirm date of report to NCA: _____

- Details on how to report can be found here:

<http://www.nationalcrimeagency.gov.uk>

- Via the online system:

[https://www.ukciu.gov.uk/\(4dwdsb55ckchty55xezqys45\)/saronline.aspx](https://www.ukciu.gov.uk/(4dwdsb55ckchty55xezqys45)/saronline.aspx)
[https://www.ukciu.gov.uk/\(xhpb1x55v13qm3b2umntgy45\)/saronline.aspx](https://www.ukciu.gov.uk/(xhpb1x55v13qm3b2umntgy45)/saronline.aspx)

- Address (if reporting by post):

National Crime Agency Units 1 - 6 Citadel Place, Tinworth Street, London SE11 5EF, PO Box 8000, London, SE11 5EN

Tel: 020 7238 8282 — Fax: 020 7238 8286

- Any further details:

- Is consent required from NCA to any on-going transactions?

- If YES: confirm details and instructions:

- Date consent received: _____

- Date consent given to staff: _____

If NO: Confirm reason for non-disclosure:

- Date consent given to staff: _____

Signed: _____ Date: _____



Public Interest Disclosure (Whistle-blowing) Procedure

Document Owner: Chief Operating Officer
Date last approved by Council: Draft
Number of Years to Next Review: 3 Years

1. Introduction

- 1.1 Queen Mary University of London (QMUL) is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of regulators, funding bodies and the standards in public life set out in the reports of the Committee on Standards in Public Life (formerly known as the Nolan Committee).

www.gov.uk/government/organisations/the-committee-on-standards-in-public-life

- 1.2 It is a fundamental term of every contract of employment that an employee will not disclose confidential information about their employer's affairs. However, where an individual discovers information which they believe shows malpractice or wrongdoing within QMUL, then this information should be disclosed without fear of reprisal and may be made independently of line management.
- 1.3 The Public Interest Disclosure Act 1998, which came into effect on 2 July 1999, gives legal protection to employees against being dismissed, victimised or suffering any other detriment from their employers as a result of making a "qualified disclosure" (i.e. disclosing information which is deemed to be in the public interest).
- 1.4 The Enterprise and Regulatory Reform Act 2013 made three key changes to the Public Interest Disclosure Act 1998:
- [a] amended the definition of "qualifying disclosure" to introduce a public interest test;
 - [b] removed the requirement that certain disclosures be made in good faith, replacing this with a power to reduce compensation where disclosure is not made in good faith;
 - [c] introduced vicarious liability for employers if a worker is subjected to detriment by a co-worker for making a protected disclosure.
- 1.5 In addition to the Public Interest Disclosure (Whistle-blowing) Procedure, the following policies are available on the QMUL intranet.

Financial Regulations

Scheme of Delegation of Financial Authority

Anti-Bribery and Corruption Policy

Anti-Money Laundering and Criminal Finances Act Policy

Standards of Business Conduct

Fraud and Corruption Policy and Response Plan

Policy and Procedures for the Protection of Children and Adults in Need of Safeguarding

2. Scope

- 2.1 This procedure is designed to allow employees or other members (see 2.4 below) of QMUL to raise concerns or disclose information where the individual has a reasonable belief of malpractice which is in the interest of QMUL or of the public to be investigated. These will usually include one or more of the following:
- [a] a criminal offence, such as financial malpractice, impropriety or fraud;
 - [b] the breach of a legal obligation or failure to comply with the Charter, Ordinances and Regulations of Queen Mary University of London;
 - [c] a miscarriage of justice;

- [d] a danger to the health and safety of any individual;
- [e] damage or potential damage to the environment;
- [f] academic or professional malpractice, improper conduct or unethical behaviour;
- [g] deliberate concealment of information relating to any of the above.

Matters relating to individual staff or student circumstances or concerns should be addressed through QMUL's Grievance Policy and Procedure or Student Complaints Policy respectively.

- 2.2 Victimization of any individual who has made a qualified disclosure using this procedure will be treated as a disciplinary offence irrespective of whether the allegations raised are subsequently upheld. Individuals must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or any other unfavorable treatment connected with raising a concern.
- 2.3 A number of other policies and procedures are in place, including QMUL's Discipline Policy and Procedure and QMUL's Procedure for Investigating Allegations of Misconduct in Academic Research. Allegations which fall within the scope of those procedures should normally be made and considered in accordance with the relevant procedure.
- 2.4 The Public Interest Disclosure Act 1998 applies to employees, trainees, agency staff, self-employed persons providing personal services for QMUL, and contractors. Although not protected by the Act, it is expected that other members of the QMUL community, such as members of Council and students as well as volunteers, will also use the procedure set out below to disclose any information with they believe shows malpractice or impropriety. This procedure does not form part of any employee's contract of employment and QMUL may amend it at any time.
- 2.5 It is emphasised that this procedure is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by QMUL, nor may it be used to reconsider any matters which have already been addressed under grievance or disciplinary procedures. It is expected that members of QMUL will use this procedure to raise any concerns internally in the first instance rather than with agencies external to QMUL. It will rarely, if ever, be appropriate to alert the media. It is strongly recommended that advice is sought before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operate a confidential helpline. Their contact details can be found online at www.pcaaw.org.uk.
- 2.6 The Criminal Finances Act 2017 has created a new corporate offence of failure to prevent the facilitation of tax evasion. This procedure should be used by those employees or other persons affiliated with QMUL who believe that any individual, who provides services for or on behalf of QMUL, has facilitated the commission of a tax evasion offence. Concerns relating to the evasion of tax should be reported as early as possible and in line with the procedure outlined at Section 3 below.
- 2.7 Any concerns about individuals or university events expressing extremist views that risk drawing people into terrorism or are shared by terrorist groups should be communicated to the QMUL's Prevent lead, the Academic Registrar and Council Secretary, rather than be reported under this policy. However, any concern that the university is failing to fulfil its duties in relation to the Prevent duty may be reported either under this policy, or directly to the Prevent lead.

3. Procedure

Making a Disclosure

- 3.1 Disclosures should normally be made in writing to the Academic Registrar and Council Secretary, who will inform:
- [a] the President and Principal or, where the allegation concerns the President and Principal, the Chair of Council, who will then become the designated person for the purpose of these procedures;
 - [b] the Chair of the Audit and Risk Committee;
 - [c] normally the Chief Operating Officer and the Director of Human Resources;
 - [d] where the allegation relates to financial malpractice, impropriety or fraud, the Director of Finance;
 - [e] where the allegation relates to safeguarding, the Director of Student and Academic Services.
- 3.2 If the allegation concerns the Academic Registrar and Council Secretary, or if it would be inappropriate to make the disclosure to them for any other reason, the disclosure should be made directly to the President and Principal or, where the issue falls within the review of the Council, to the Chair of Council, who will then become the designated person for the purpose of these procedures. The designated person will inform the other office holders listed in 3.2[b] and, where appropriate, 3.2[c]–[e] of the allegation.

Confidentiality

- 3.4 QMUL will treat all disclosures in a confidential and sensitive manner. The identity of the individual making the allegation will be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required. The individual making the disclosure will be informed if it is felt that their identity needs to be disclosed or is likely to become apparent in the progress of an investigation.
- 3.5 QMUL expects the individual making the disclosure and all others involved in any subsequent investigation to observe strict confidentiality in relation to the nature of the disclosure, the identity of those involved and any other information relating to the investigation.

Anonymous Allegations

- 3.6 This procedure requires individuals to sign any disclosures they make and we would encourage staff to make disclosures openly to QMUL in order to facilitate thorough investigation. In exceptional circumstances, concerns expressed anonymously may be considered at the discretion of QMUL. In exercising this discretion, the factors to be taken into account will include the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from attributable sources.
- 3.7 Individuals can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details can be found online at www.pcaaw.org.uk.

Vexatious Allegations

- 3.8 If an individual makes an allegation in good faith, but this is not upheld by subsequent investigation, no action will be taken against that individual. However, if an individual makes malicious, vexatious or knowingly untrue allegations which are found on the balance of probabilities to be motivated by personal gain or the desire to cause harm or damage to the reputation of other(s), and particularly if they persist in making them, disciplinary action may be taken against the individual concerned.

Investigating a Disclosure

- 3.9 Within ten working days, the designated person will consider the information made available to them and decide on, and advise the individual who has made the disclosure of, the form of investigation to be undertaken. This may be:

- [a] to investigate the matter internally;
- [b] to refer the matter to the police;
- [c] to arrange for an independent inquiry.

If the decision is that investigations should be conducted by more than one of these means, the designated person should satisfy themselves that such a course of action is warranted.

- 3.10 Where the matter is to be the subject of an internal inquiry, the designated person will then determine:

- [a] who should undertake the investigation (see 3.11);
- [b] the procedure to be followed;
- [c] the scope of the concluding report.

- 3.11 In deciding who should undertake the investigation, the designated person will check with the proposed investigator that they:

- [a] are not responsible for or substantially connected to the matter raised;
- [b] are able and willing to conduct the investigation in a timely way (see 3.13);
- [c] are adequately experienced or knowledgeable about conducting investigations of this character;
- [d] do not believe themselves to be conflicted in any other respect.

- 3.12 Where the allegation concerns a breach of QMUL's Financial Regulations and/or procedures, QMUL's Internal Auditor will normally undertake the investigation as the investigating officer. Where the allegation does not involve a breach of QMUL's Financial Regulations and/or procedures, the investigation may be undertaken by a member of staff of QMUL appointed as the investigating officer by the designated person for this purpose.

- 3.13 The investigating officer will report their findings to the designated person. Any investigation will be conducted as sensitively and speedily as possible and normally within 20 working days.

- 3.14 A member of the Human Resources Directorate will be nominated to keep the individual who has made the disclosure advised of progress and likely timescales.

- 3.15 Where a disclosure is made, the person or persons against whom the disclosure is made will be informed of the nature of the allegation, the evidence supporting it and will be given the

opportunity to comment on the evidence and present any explanation before any conclusions are reached.

- 3.16 In instances where there is reasonable belief that any individual implicated by the allegation raised through a disclosure could jeopardise the progress of an investigation, for example by destroying records, then that individual may be temporarily suspended from duty. Any such suspension will:
- [a] be without prejudice (i.e. will not imply or assume any actual or potential wrong doing on the part of that individual);
 - [b] be confirmed in writing to the individual in question, setting out the reason(s) for the suspension and any practical arrangements for the duration of their suspension;
 - [c] be on full pay;
 - [d] be of the shortest duration possible and reviewed on a regular basis.
- 3.17 As a result of this investigation, other internal procedures may be invoked, such as QMUL's Discipline Policy or Grievance Policy, or it might form the basis of a separate investigation. In this event any investigation report from the use of this procedure may be used as the investigation stage under the Policies referred to above. In some instances it may be necessary to refer the matter to an external authority for further investigation.

Reporting of Outcomes

- 3.18 After the investigation, the designated person will inform the individual making the disclosure, normally within five working days, of what action is to be taken where this does not breach confidentiality for other individuals concerned (for example, if an outcome is that disciplinary action is to be instigated against another individual then it is unlikely that this will be disclosed).
- 3.19 If the allegation is not upheld following an investigation, the individual concerned will be informed of the reason for this.
- 3.20 The designated person will submit a report of all disclosures and any subsequent action taken to the Audit and Risk Committee. Where the issue falls within the purview of the Committee, a detailed report will be submitted, in other cases a summary report, in order to allow the Committee to monitor the effectiveness of the procedure. Copies of the report will be retained for a minimum of three years by the designated person.

4. Appeal

- 4.1 The individual will be given the opportunity to remake the disclosure, in writing, stating in full the grounds for appeal, within ten working days. An appeal can be made on the grounds that either the procedure was applied incorrectly or the action taken was inappropriate in the circumstances.
- 4.2 The allegation should be remade to a second appropriate person. For example, if the initial disclosure was made to an officer of QMUL then the subsequent disclosure might be made to the Chair of the Audit and Risk Committee or to the Chair of Council.
- 4.3 This second designated officer will consider all the information presented, the procedures that were followed and the reasons why the allegations were not upheld. The outcome of this will be either to confirm that no further action is required or to decide that further investigation is required. In the latter case, the second designated officer will follow the procedures referred to in Section 3 above.

4.4 In the event that the disclosure is remade to a second appropriate person, the individual making the disclosure will not subsequently have access to the further College policies or procedures for the continued pursuance of the same matter.

5. Review

5.1 The Academic Registrar and Secretary to Council may review this policy following the conclusion of an investigation if any procedural or other problems were experienced during the course of an investigation, or if there is a change to best practice or national guidance in respect of public interest disclosures. QMUL's trades unions will normally be consulted on any substantive changes proposed.