



# **Anti-Bribery and Anti-Corruption Policy**

<b>Audience</b>	<b>ALL COLLEGE</b>
<b>Requirement</b>	<b>ESSENTIAL</b>
<b>Policy Owner</b>	<b>DP F&amp;R</b>
<b>1<sup>st</sup> Delegation</b>	<b>SLT</b>
<b>Last Delegation</b>	<b>Audit</b>
<b>Review Cycle</b>	<b>Every 2 years</b>
<b>Last Review</b>	<b>Nov 22</b>
<b>Due for Review</b>	<b>Nov 24</b>

## **1. PREAMBLE**

The College has a zero-tolerance for bribery and corruption. The College's reputation with the community it serves and other stakeholders is underpinned by ethical behaviour, financial probity and honesty.

Bribery is, in the conduct of the colleges business, the offering or accepting of any gift, loan, payment, reward, kickback or advantage for personal gain as an encouragement to do something which is dishonest, illegal or a breach of trust. Bribery is a criminal offence and the College prohibits any form of bribery.

Corruption is the misuse of public office or power for private gain; or misuse of private power in relation to business outside the realm of government.

Acts of bribery or corruption are designed to influence the individual in the performance of their duty and inline them to act dishonestly. For the purposes of this policy, whether the payee or recipient of the act of bribery or corruption works in the public or private sector is irrelevant.

Integrity and transparency are of utmost importance to us and we have a zero tolerance attitude towards corrupt activities of any kind. You should be aware that if you are found guilty by a court of committing bribery or corruption, you could face formal prosecution.

## **2. SCOPE OF THIS POLICY**

- 2.1 This policy applies to all fellows and employees of the College, regardless of seniority or location. It also extends to anyone working on our behalf for example on an agency or sub contract basis. All employees and associated persons are responsible for maintaining the highest standards of business conduct and are expected to behave honestly and with integrity. Any breach of this policy will constitute a serious disciplinary offense, which may lead to dismissal and may become a criminal matter for the individual.

## **3. THE POLICY**

- 3.1 The College prohibits employees and associated persons from offering, giving, soliciting or accepting and bribe. The bribe might include cash, a gift or other inducement, to or from any person or organisation, wherever they are situated, and irrespective of whether or not they are a public official/body or private person or company, by and individual Governor, employee, agent or other person or body acting on the Colleges behalf. The bribe might be made in order to:

- Gain any commercial, contractual or regulatory advantage for the college in a way which is unethical:
- Gain any personal advantage, pecuniary, or otherwise, for the individual or anyone connected with the individual.

- 3.2 Employees and associated persons are requested to remain vigilant in preventing, detecting and reporting bribery and corruption in accordance with the Colleges procedures.

## **4.0 IDENTIFYING AREAS OF RISK**

- 4.1 Effective risk assessment lies at the core of the success or failure of this policy. Risk identification pin points the specific areas in which we face bribery and corruption risks and allows us to better evaluate and mitigate risks and thereby protect ourselves. Senior members of staff must assess the vulnerability of their operations to these risks on an ongoing basis, subject to review by the Risk Management Group and Principal. Risk assessment is intended to be an ongoing process with the Risk Management procedures of the College.

**4.2** Once bribery and corruption risks have been identified and highlighted via the risk assessment process, procedures can be developed within a comprehensive control and monitoring programme in order to help mitigate these risks on an ongoing basis.

**4.3** Bribery and Corruption Risk Typically fall into following categories;

#### **4.4 Use of Business Partners**

The definition of a business partner is broad, and could include agents, and partner institutions and companies in the University's operations who act on behalf of the College. Whilst the use of business partners can help us reach our goals, we need to be aware that these arrangements can potentially present the College with significant risks.

Risk can be identified where a business partner conducts activities on the College's behalf, so that the result of their actions can be seen as benefiting the College. partners who act on the College's behalf must be advised of the existence of and operate at all times in accordance with this policy.

**4.5** Where a risk regarding a partner arrangement has been identified the Budget Manager/Curriculum Manager must:

- Evaluate the background, experience, and reputation of the business partner
- Understand the services to be provided, and methods of compensation and payment
- Evaluate the business rationale for engaging the business partner
- Take reasonable steps to monitor the transactions of business partners appropriately
- Ensure there is a written agreement in place which acknowledges the business partner's understanding and compliance with this policy

The College is ultimately responsible for ensuring that business partners who act on our behalf are compliant with this policy as well as any local laws. Ignorance or "turning a blind eye" is not an excuse.

#### **4.6 Gifts, Entertainment and Hospitality**

Gifts, entertainment and hospitality include the receipt or offer of gifts, meals or tokens of appreciation and gratitude, or invitations to events, functions, or other social gatherings, in connection with matters related to our business. These activities are acceptable provided they fall within reasonable bounds of value and occurrence.

How to evaluate what is 'acceptable'

First, take a step back and ask yourself the following:

- What is the intent? Is it to build a relationship or is it something else?
- How would this look if these details were on the front of a newspaper?
- What if the situation were to be reversed - would there be a double standard?

If you find it difficult to answer one of the above questions, there may a risk involved which could potentially damage the College's reputation and business. The action could well be unlawful.

Although no two situations are the same, the following guidance should be considered globally:

##### **Never Acceptable**

Circumstances which are never permissible include examples that involve:

- A 'quid pro quo' (offered for something in return)
- Gifts in the form of cash/or cash equivalent vouchers
- Entertainment of a sexual or similarly inappropriate nature

As a general rule, the College employees and business partners should not provide gifts to, or receive them from, those meeting our definition of a government official in section 4 (or their close families and business associates). However, we do understand that in certain countries gift giving and receiving with these individuals is a cultural norm. If you are faced with such a situation, please consult with the Deputy Principal Finance & Resources before proceeding.

#### Usually Acceptable

Possible circumstances that are usually acceptable include:

- Modest/ occasional meals with someone with whom we do business
- Occasional attendance at ordinary sports, theatre and other cultural events
- Gifts of nominal value, such as pens, or small promotional items

A variety of cultural factors such as customs, currency and expectations may influence the level of acceptability. If you feel uncertain at any time regarding cultural acceptability of gifts, entertainment or hospitality, please consult the Deputy Principal Finance & Resources.

In addition, if an example does not fall under the above categories, please in the first instance seek guidance from the Head of Finance & Resources Operations. Generally, such examples would not be permissible without prior approval.

#### Transparency is Key

The college monitors its gifts, entertainment and hospitality via a College register. Any form of gift, entertainment or hospitality given, received or offered which meets or exceeds the equivalent of £35 in value must be appropriately recorded in the register by informing the Head of Finance & Resources Operations by e-mail. In the event that an impermissible form of gift, entertainment or hospitality has been accepted to you must contact the Deputy Principal Finance & Resources immediately

## **4.7 Facilitation Payment**

In many countries, it is customary business practice to make payments or gifts of small value to junior government officials in order to speed up or facilitate a routine action or process. It may be that we need to obtain licences or permits faster than the normal course; or, we may need lawfully to import or export books or materials.

Despite this, facilitation payments as defined here are against the College Policy and we take the view that they are illegal within the UK as well as within most countries in which we operate. The UK Bribery Act 2010 makes no distinction between facilitation payments and bribes - regardless of size or local cultural expectations, even if that is "how business is done here".

If you are unsure whether certain payments which resemble the definition of facilitation payments are permissible, please contact the Deputy Principal Finance & Resources.

## **5.0 HOW TO RAISE A CONCERN**

If you suspect that an act of bribery or corruption has taken place, you are expected to report this act to the Deputy Principal Finance & Resources who will refer the incident to the Audit Committee. A report of any such incidents will be presented to the Audit Committee annually.

This policy is not intended to prohibit appropriate corporate entertainment and/or hospitality undertaken in connection with the Colleges business activities, provided the activity is customary under the circumstances, is proportionate, and is properly recorded/disclosed to the College in accordance with its procedures.

## **5.0 Appendices**

Annex A      Fraud Response Plan

## **FRAUD RESPONSE PLAN**

### **1.0 Introduction**

This plan outlines the responsibilities of College staff in incidences of fraud/bribery or corruption.

Any suspicion of fraud will be investigated as set out in this plan. Any proven instance of fraud will result in disciplinary action being taken against any member of staff involved. The policy of the College will be to notify the police in circumstances where there is evidence that a crime may have been committed.

The Staff, Student and Governor's Codes of Conduct, the Counter Fraud Strategy and the College's Anti-Bribery and Anti-Corruption policy set out standards which the entire College community are expected to meet at all times, particularly with regard to transparency and the safeguarding of public funds.

### **2.0 Objectives of the Fraud Response plan**

**2.1** The objectives of this response plan are:

- To set out managers' responsibilities in this area.
- To set out clear guidance on the appropriate steps to be taken if managers become aware of, or suspect that, fraud may be taking place.

**2.2** The Plan has been devised with the intention of:

- Minimising delay in taking any appropriate action:
- Reducing the impact of any fraud which takes place.
- Preventing or minimising losses of funds and maximising the possibility and amounts of recovery.
- Ensuring that any possible frauds are investigated.
- Identifying perpetrators of fraud and increasing the likelihood of successful disciplinary or legal action.
- Minimising the possibility of adverse publicity and reputational issues.
- Ensuring that lessons learned from any instances of suspected fraud are acted upon.

### **3.0 Responsibilities**

**3.1** Individual members of staff are responsible for:

- acting with propriety in the use of official resources and in the handling and use of public funds, whether they are involved with cash or payments systems, receipts or dealing with contractors or suppliers.
- Reporting immediately to their line manager or next most senior manager if they suspect that a fraud has been committed or see any suspicious

**3.2** In addition to those individual responsibilities, 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 complied with

#### **4.0 Reporting**

- 4.1** Immediately that fraud is discovered or suspected, the matter should be reported to the Deputy Principal Finance & Resources or a person nominated by them, who will decide what further action is appropriate.
- 4.2** If the suspected fraud is significant in respect of monetary or reputational value, the Deputy Principal Finance & Resources must inform the Chair of the Audit Committee immediately.

#### **5.0 Immediate Considerations and Actions**

- 5.1** The primary objective should be to ensure that public funds are protected. So, the initial investigation should attempt to determine whether there is any possibility of further offences taking place. If there is thought to be any possibility of recurrence, then actions which should be considered include:
- Freezing bank accounts.
  - Suspending BACS or cheque payments.
  - Suspending individuals.

#### **6.0 Enquiries and Investigation**

- 6.1** Proper, proportionate and independent investigation into the possibility of fraud taking place should be begun without delay. Facts need to be established, steps taken to protect any individual who may have been unwittingly involved and to ensure that any evidence that is discovered can be used in any subsequent action that might be necessary. To assist in this, it may be appropriate to involve the Police where there is evidence that a criminal offence may have taken place.
- 6.2** The Deputy Principal Finance and Resources in conjunction with the Director of People & Culture will be responsible for appointing an investigating officer.
- 6.3** In the event that an enquiry/investigation involves a member of SLT, the Chair of the Audit Committee will be responsible for appointing an investigation officer.
- 6.4** In some cases it may be prudent or necessary to use an external third party to complete investigations on behalf of the College. In these circumstances, the Audit & Risk Committee have approved the use of TIAA Counter Fraud (or subject to availability, any other firm the College deem suitable). For purposes of impartiality, the College would not normally use any audit firm currently engaged to provide external audit services to the College.
- 6.5** Each incident of suspected fraud will be added to the College's fraud log which will track, monitor and record incidents and details of the suspected fraud or whistleblowing case. The Audit Committee shall have responsibility for ensuring this is reviewed regularly whilst any investigation is underway and otherwise at least annually.

## **7.0 Recovery Action**

**7.1** Prompt action is likely to be important in maximising recovery of any funds which have been lost or are thought to be vulnerable as a result of the fraud.

**7.2** Consideration should be given to involving other parties such as:

- The Bank Manager to discuss the desirability or possibility of recalling BACS/CHAPS payments, cancelling cheque payments or withdrawing and replacing pre-printed payment stationery.
- A legal adviser for advice on recovery of other assets.
- Action Fraud – the UK national reporting centre for fraud and cyber crime.

## **8.0 Reporting Action**

**8.1** The circumstances of the fraud and action taken should be reported to the Deputy Principal Finance & Resources who will be responsible for:

- Reporting the matter to the Audit Committee.
- Reporting the matter to the Internal Auditors
- Reporting the matter to our External auditors (to include copies of ESFA communications, main outcomes from any potential fraud and whistleblowing allegations, and any subsequent mitigations
- Reporting to required regulators including the Office for Students and or the EFSA (for significant matters in excess of £10,000 (or less than £10,000 if unusual, novel, complex or there may be public interest))
- Reporting to Action Fraud – the UK's national reporting centre for fraud and cyber crime.

**8.2** All reporting should take place as soon as possible or within a timely manner (maximum of 7 days) from the original notification.

## **9.0 Disciplinary/Legal Action**

**9.1** Where evidence of fraud is discovered and those responsible can be identified:

- Appropriate disciplinary action will be taken in line with the disciplinary procedure, which is set out in the Staff Handbook and or Governors Code of Conduct
- When legal action is considered appropriate, full co-operation will be given to investigating and prosecuting authorities.

**9.2** In all circumstances of fraud or suspected fraud, minimising the possibility of adverse publicity and the consideration of reputational issues should always be balanced with the need for transparency and the protection of public funds.

**9.3** The Audit Committee (with legal advice if necessary) will be responsible for agreeing relevant disciplinary/legal/recovery action to take, and or the conclusion of any case.

## **10.0 Further Action**



## ANNEX A

A full report on the circumstances and outcome of any fraud or suspected fraud will be provided to the Audit Committee. The report will cover the identification of any shortfall in current procedures which contributed to the commission, recommendations on actions which could be taken acts or events. That may prevent or reduce the effect of any future occurrence and who will be responsible for considering these.