

Anti-Bribery Policy and Procedures

Revised March 2023

Policy statement – anti-bribery

Bribery is a criminal offence. The College does not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor do we, or will we, accept bribes or improper inducements.

To use a third party as a conduit to channel bribes to others is a criminal offence. The College does not, and will not, engage indirectly in or otherwise encourage bribery.

The College is committed to the prevention, deterrence and detection of bribery. We have zero-tolerance towards bribery. We aim to maintain anti-bribery compliance ‘business as usual’, rather than as a one-off exercise.

Objective of this policy

This policy provides a coherent and consistent framework to enable the College’s staff to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable staff to identify and effectively report a potential breach.

The College requires that all staff, including those permanently employed, temporary agency staff and contractors:

- act honestly and with integrity at all times and to safeguard the College’s resources for which they are responsible
- comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the College operates, in respect of the lawful and responsible conduct of activities.

Scope of this policy

This policy applies to all of the College’s activities. For partners, joint ventures and suppliers, the College will seek to promote the adoption of policies consistent with the principles set out in this policy.

Within the College, the responsibility to control the risk of bribery occurring resides at all levels of the organisation. It does not rest solely within assurance functions, but in all directorates, areas and corporate functions.

This policy covers all staff, including all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, members (including independent members), volunteers and consultants.

Commitment to action

The College commits to:

- setting out a clear anti-bribery policy and keeping it up to date
- making all staff aware of their responsibilities to adhere strictly to this policy at all times
- training all staff so that they can recognise and avoid the use of bribery by themselves and others
- encouraging its staff to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately
- rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution
- taking firm and vigorous action against any individual(s) involved in bribery
- provide information to all staff to report breaches and suspected breaches of this policy
- include appropriate clauses in contracts to prevent bribery.

Bribery

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

The Bribery Act 2010

There are four key offences under the Act:

- bribery of another person (section 1)
- accepting a bribe (section 2)
- bribing a foreign official (section 6)
- failing to prevent bribery (section 7).

The Bribery Act 2010 (<https://www.legislation.gov.uk/ukpga/2010/23/contents>) makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. There is also a corporate offence under Section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

Is the College a 'commercial organisation'?

The guidance states that a 'commercial organisation' is any body formed in the United Kingdom and *'...it does not matter if it pursues primarily charitable or educational aims or purely public functions. It will be caught if it engages in commercial activities, irrespective of the purpose for which profits are made'*.

The College is therefore a 'commercial organisation'.

What are 'adequate procedures'?

Whether the procedures are adequate will ultimately be a matter for the courts to decide on a case-by-case basis. Adequate procedures need to be applied proportionately, based on the level of risk of bribery in the organisation. It is for individual organisations to determine proportionate procedures in the recommended areas of six principles. These principles are not prescriptive. They are intended to be flexible and outcome focused, allowing for the different circumstances of organisations. Small organisations will, for example, face different challenges to those faced by large multi-national enterprises. The detail of how organisations apply these principles will vary, but the outcome should always be robust and effective anti-bribery procedures.

Proportionate procedures

An organisation's procedures to prevent bribery by persons associated with it are proportionate to the bribery risks it faces and to the nature, scale and complexity of the organisation's activities. They are also clear, practical, accessible, effectively implemented and enforced.

Top-level commitment

The Corporation and the College's executive team are committed to preventing bribery by persons associated with the College. They foster a culture within the College in which bribery is never acceptable.

Risk assessment

The College assesses the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment is periodic, informed and documented. It includes financial risks but also other risks such as reputational damage.

Due diligence

The College applies due diligence procedures, taking a proportionate and risk-based approach, in respect of persons who perform or will perform services for or on behalf of the College, in order to mitigate identified bribery risks.

Communication (including training)

The College seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.

Monitoring and review

The College monitors and reviews procedures designed to prevent bribery by persons associated with it and makes improvements where necessary.

The College is committed to proportional implementation of these principles.

Penalties

An individual guilty of an offence under sections 1, 2 or 6 is liable:

- on conviction in a magistrates' court, to imprisonment for a maximum term of 12 months (six months in Northern Ireland), or to a fine not exceeding £5,000, or to both
- on conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both.
- organisations are liable for these fines and if guilty of an offence under section 7 are liable to an unlimited fine.

Bribery is not tolerated

It is unacceptable 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
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy
- engage in activity in breach of this policy.

Potential risk scenarios

Areas of potential risk within the College include:

- Gifts, hospitality and donations
- Contracts with suppliers, bids and tenders for services
- Joint ventures, collaborations with partners, work placements

Gifts and hospitality

This policy is not meant to change the requirements of the College's gifts and hospitality policy. This makes it clear that:

- no gift or hospitality is to be offered or accepted if given or received with the intention of influencing business decisions
- nominal gifts and hospitality up to a financial value of £50 are acceptable
- reasonable, proportionate gifts and hospitality made in good faith and that are not lavish are acceptable.

Donations

The College does not make contributions to political parties. The College supports charitable initiatives by colleagues however it is only the College who can make a charitable donation on an institutional level following consultation and approval with the executive team.

For further guidance, please refer to the following policy documents on *Connect* (the College's intranet):

- Register of interests
- Staff Expenses Policy

Bids and tendering for services

Bids and tendering for services contracts should follow the College financial procedures. For further guidance please refer to the following policy documents on *Connect*.

- Code of Tendering Practices
- College financial regulations

Joint ventures, collaborations with partners, work placements

Joint ventures, collaborations, work placements should be clearly agreed, stating clear objectives and outcomes to ensure nothing can be misinterpreted or seen to be an endorsement or inducement for a company or organisation cooperating with the College.

Facilitation payments

Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

Staff responsibilities

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the College or under its control. All staff are required to avoid activity that breaches this policy.

You must:

- ensure that you read, understand and comply with this policy
- raise concerns as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.

As well as the possibility of civil and criminal prosecution, staff that breach this policy will face disciplinary action, which could result in dismissal for gross misconduct.

Raising a concern

The College is committed to ensuring that all staff have a safe, reliable, and confidential way of reporting any suspicious activity and that each and every member of staff knows how they can raise concerns.

All staff have a responsibility to help detect, prevent and report instances of bribery. If you have a concern regarding a suspected instance of bribery or corruption, please speak up – your information and assistance will help. The sooner you act, the sooner it can be resolved.

There are multiple channels to help you raise concerns. Please refer to the whistleblowing policy and determine your favoured course of action. Preferably the disclosure will be made and resolved internally (e.g. to your head of department/online reporting/telephone hotline). Secondly, where internal disclosure proves inappropriate, concerns can be raised with the regulator (e.g. external auditor. See link to 'blowing the whistle to a prescribed person' at the end of this document). Raising concerns in these ways may be more likely to be considered reasonable than making disclosures publicly (e.g. to the media).

Concerns can be anonymous. In the event that an incident of bribery, corruption, or wrongdoing is reported, the College will act as soon as possible to evaluate the situation. The College has clearly defined procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind. This is easier and quicker if concerns raised are not anonymous.

Staff who refuse to accept or offer a bribe, or those who raise concerns or report wrongdoing can understandably be worried about the repercussions. We aim to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.

The College is committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.

If you have any questions about these procedures, please contact Jacquie Glasgow, Head of Finance.

Other relevant policies

Fraud policy and procedures

Whistleblowing policy

Gifts and hospitality procedures (see financial regulations)

Useful links

Bribery Act 2010

www.legislation.gov.uk/ukpga/2010/23/contents

Transparency International UK

www.transparency.org.uk

Protect (formerly Public Concern at Work)

<https://protect-advice.org.uk/>

Department for Work & Pensions (Blowing the Whistle to a Prescribed Person)

www.gov.uk/government/publications/blowing-the-whistle-to-a-prescribed-person