



## BRIBERY POLICY

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| Policy Reference Number | <b>G06</b>                                       |
| Version                 | 1  |
| Originator              | Janice Hamilton                                  |
| Approved                | Audit Committee & Corporate Board                |
| Issue Date              | September 2013                                   |
| Review Date             | Subject to changes in legislation/College policy |

### **A Introduction**

The College is committed to countering bribery and has zero tolerance of bribery. Integrity and College values are made clear as fundamental and non-negotiable. The College prohibits bribery and will not tolerate its staff, students or third parties in their relationships with the College being involved in bribery whether by offering, promising, soliciting, demanding, giving or accepting bribes or behaving corruptly in the expectation of a bribe or an advantage. This policy provides details of current legislation; makes clear what is expected of employees and business partners/stakeholders; assigns responsibilities and provides a structure on reporting.

### **B Bribery Act 2010**

B.1 The UK Bribery Act 2010 replaces the common law offence of bribery and the Prevention of Corruption Acts 1889 to 1969 including the 1906 Act which modernises and simplifies the law on bribery to allow prosecutors and the courts to deal with bribery more effectively. The Act has been passed by Parliament and sets out four offences:

- a) offering, promising or giving a bribe
- b) requesting, agreeing to receive, or accepting a bribe
- c) bribing a foreign public official
- d) failure of an organisation to prevent bribery.

B.2 Having in place 'adequate procedures' is the only defense to protect the College against corporate liability under the Bribery Act. The Act provides that an offence committed by the College is punishable by a fine. An individual guilty of an offence would be liable on conviction of indictment to imprisonment for up to ten years, a fine, or both.

### **C Roles and Responsibilities**

In accordance with the Act, it is the responsibility of the Corporate Board to establish a culture within the College in which bribery is never acceptable. The Corporate Board via the Audit Committee is responsible for oversight of the College's bribery systems and shall receive regular reports as specified in the cycle of business. Managers, governors, staff, students and other relevant external stakeholders must be aware of this policy and the College's commitment to zero tolerance of bribery. All staff are required to comply with the terms of this policy. This policy is disseminated to all staff and is published on the College's website.

### **D Risk Assessment**

The risk of failure to prevent bribery is incorporated into the College's risk management plan. The risk register appended to this policy highlights the areas with a higher risk of bribery for the College and actions to which the College has committed to minimise those risks. Monitoring of the higher risk areas provides reasonable assurance that the College's zero

tolerance policy and any specific objectives for countering bribery are achieved. The risk management plan is compiled annually with in-year reviews monitored by the Audit Committee.

## **E Reporting a Concern**

Should a member of staff have a concern that bribery is occurring, he/she should in the first instance report this to their line manager. However, if this is not appropriate the matter should be reported to the Director of Finance. The College also has a Whistleblowing Policy which includes a procedure for reporting concerns. All matters raised must be in good faith and with reasonable belief that bribery has occurred or is likely to occur. Anyone making a vexatious allegation may be subject to investigation which may lead to disciplinary action. Should a supplier or similar attempt to bribe a member of staff, this should be reported immediately to the Director of Finance.

## **F Investigation**

F.1 Genuine concerns will be acted upon in a timely manner by key personnel. Investigation will be in accordance with other relevant College policies: Whistleblowing, Fraud & Incident Response including Money Laundering, Acceptance of Gifts & Hospitality, Code of Conduct, Discipline, Financial Regulations.

F.2 Any concern about a supplier or external stakeholder will be reported in accordance with the legislative framework. The Director of Finance will consult with the College's legal advisers. Criminal activities will be reported to the relevant authorities and the Police by the Principal or his/her representative.

## **G Review**

This policy will be reviewed when there are changes in legislation and/or College policy, with any significant amendment reported to the Audit Committee.

## Risk Register – Areas identified as high risk

### 1 Staff recruitment

The College shall conduct its staff recruitment practices in a way that is fair and transparent and untainted by bribery, favouritism or nepotism. Objective criteria shall be applied for advertising and interviewing with the whole process documented. Shortlisting shall be conducted by a minimum of two people and interviews carried out by a panel. New staff induction shall include communication of the College's Bribery Policy.

### 2 Student recruitment and enrolment

The College shall conduct its student recruitment practices in a way that is fair and transparent and untainted by bribery, favouritism or nepotism. Entry criteria shall be published in advance of application and applied at enrolment. Senior managers reserve the right to make exceptions but will ensure that these are fully documented on Tyber.

### 3 Procurement

The College demonstrates that all purchasing and procurement processes are carried out using objective business criteria. There is a detailed procurement strategy and a scheme of delegation specified in the Financial Regulations:

| <u>Threshold</u> | <u>Requirement</u>  |
|------------------|---|
| Up to £5,000     | Purchase order requisitions must be approved by an authorised budget holder. All staff must secure value for money when ordering goods and services and should use the College's named preferred supplier where one exists. |
| £5,000 - £50,000 | Countersigned by the Principal (or one of the Vice-Principals in his/her absence). Three written quotations are required.   |
| Over £50,000     | Approval of the Finance & General Purposes Committee. Formal tenders are required.  |

Tender procedures are very detailed with unsuccessful bidders notified of decisions and the basis for selecting winning contracts. Equal notice is given to all potential bidders so not to 'tip-off' suppliers. There is excellent security for handling bids and all tenders are open and recorded by a panel at least one of whom is totally independent from the tender process. The College's systems of invoice authorisation ensure that goods and services are actually provided and that these match the order/specification.

### 4 Joint ventures

The College conducts appropriate checks and obtains necessary permissions in accordance with the Financial Regulations before entering into a joint venture or consortium. Any joint ventures and consortia over which the College maintains effective control must have an adequate bribery framework similar to that of the College. Where the College is unable to ensure that a joint venture or consortium has adequate arrangements then it should exit from the arrangement if bribery occurs or it is reasonably thought to have occurred. Due diligence should be conducted as appropriate.

### 5 Gifts and hospitality

The College has clear guidance and standards in the Gifts & Hospitality Policy. This is also reiterated within the Financial Regulations. Gifts other than items of nominal value shall not

usually be accepted. All gifts and hospitality must be declared or declined as appropriate. Any gifts or hospitality offered by the College must be modest and appropriately authorised. Care should be taken to ensure that no gifts are accepted from students or their families that may be construed as a bribe or lead the giver to expect preferential treatment.

## 6 Register of interests

The College provides clear guidelines in relation to the completion of the register of interests for senior post holders and governors who are in a position to influence spend, awarding of contracts, and student enrolment. The Audit Committee annually reviews the register of interests to ensure that there is no conflict of interests.