



**Regionally Focused – Globally Engaged**

# **Anti-Bribery Policy**

**January 2019**

## History of Changes

Version	Description of Change	Authored by	Date
1.1	New Policy approved at Audit Committee	P Smith	January 2016
1.2	Minor terminology changes	H Robertson	January 2019

## Anti-Bribery Policy

### 1.0 Policy Statement

- 1.1 Bribery is a criminal offence. We do 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.
- 1.2 To use a third party as a conduit to channel bribes to others is a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery.
- 1.3 We are 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.

### 2.0 Introduction

- 2.1 Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.
- 2.2 The Bribery Act 2010 (the Act) ([www.opsi.gov.uk/acts/acts2010/ukpga\\_20100023\\_en\\_1](http://www.opsi.gov.uk/acts/acts2010/ukpga_20100023_en_1)) defines four key offences:
  - bribery of another person (section 1)
  - accepting a bribe (section 2)
  - bribing a foreign official (section 6)
  - failing to prevent bribery (section 7)

The Act 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. Under Section 7 there is also a corporate offence 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.

- 2.3 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 a 'commercial organisation'.

2.4 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.

### 2.4.1 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.

### 2.4.2 Top Level Commitment

The top-level management (Regional Board) are committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery is never acceptable.

### 2.4.3 Risk Assessment

The organisation 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.

### 2.4.5 Due Diligence

The organisation 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 organisation, in order to mitigate identified bribery risks.

### 2.4.6 Communication (including Training)

The organisation 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.

### 2.4.7 Monitoring and Review

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

2.5 The College is committed to proportional implementation of these principles.

- 2.6 An individual guilty of an offence under Sections 1, 2 or 6 of the Act is liable 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.
- 2.7 Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. There are no plans to amend the 2006 Regulations for this to include the crime of failure to prevent bribery. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. This College has the discretion to exclude organisations convicted of this offence.

### 3.0 Scope

- 3.1 This Policy forms part of the College's internal controls and corporate governance arrangements. This policy applies to all of the organisation's activities. For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.
- 3.2 Within the organisation, 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 business units and corporate functions.
- 3.3 This policy covers all personnel, including all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, Board members (including independent members), volunteers and consultants.

### 4.0 Key Principles

#### 4.1 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; or
- engage in activity in breach of this policy.

### 4.2 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.

### 4.3 Commitment to Action

The College commits to:

- setting out a clear anti-bribery policy and keeping it up to date;
- making all employees aware of their responsibilities to adhere strictly to this policy at all times;
- training all employees so that they can recognise and avoid the use of bribery by themselves and others;
- encouraging its employees 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;
- providing information to all employees to enable the reporting of breaches and suspected breaches of this policy; and
- including appropriate clauses in contacts to prevent bribery.

### 4.4 Disciplinary Action and Legal Prosecution

Where a breach of this Policy is notified to the College, the College will investigate the circumstances under the Employee Disciplinary Procedures, reporting matters to the police if necessary and assist in any resulting criminal prosecution.

### 4.5 Gifts and Hospitality

This policy is not meant to change the requirements of our gifts and hospitality policy, as detailed in the Financial Regulations.

### 4.6 Whistleblowing Policy

Where any member has a suspicion that any breach of this Policy has occurred, they should report it under the College's Whistleblowing Policy.

### 5.0 Responsibilities

- 5.1 The Audit Committee is responsible for approving this Policy.
- 5.2 The Vice Principal – Finance and Corporate Services is responsible for implementing and reviewing the Policy.
- 5.3 All College managers are responsible for ensuring that staff are made aware of their obligations under the Policy.
- 5.4 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the organisation or under its control. All staff members are required to avoid activity that breaches this policy. They must:
  - ensure that they read, understand and comply with this policy; and
  - raise concerns as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future.

### 6.0 Related Documents and Useful Links

- 6.1 Financial Regulations
- 6.2 Anti-Fraud and Corruption Policy
- 6.3 Whistleblowing Policy
- 6.4 Employee Disciplinary Policy
- 6.5 Procurement Policy
- 6.6 Gifts and Hospitality Registers
- 6.7 Useful Links:

**CIPFA Better Governance Forum**

<https://www.cipfa.org/services/networks>

**Bribery Act 2010**

[www.legislation.gov.uk/ukpga/2010/23/contents](http://www.legislation.gov.uk/ukpga/2010/23/contents)

**Bribery Act Guidance**

[www.cipfanetworks.net/fileupload/upload/briberyact2010guidance142011261754.pdf](http://www.cipfanetworks.net/fileupload/upload/briberyact2010guidance142011261754.pdf)

**Bribery Act Quick Start Guide**

[www.cifpanetworks.net/fileupload/upload/briberyact2010quickstartguide142011271739.pdf](http://www.cifpanetworks.net/fileupload/upload/briberyact2010quickstartguide142011271739.pdf)

**Joint Prosecution Guidance of the Director of the Serious Fraud Office and the Director of Public Prosecutions**

[www.cipfanetworks.net/fileupload/upload/BRIBERY%20ACT%202010%20JOINT%20PROSECUTION%GUIDANCE142011281730.PDF](http://www.cipfanetworks.net/fileupload/upload/BRIBERY%20ACT%202010%20JOINT%20PROSECUTION%GUIDANCE142011281730.PDF)

**National Fraud Authority**

[www.gov.uk/government/organisations/national-fraud-authority](http://www.gov.uk/government/organisations/national-fraud-authority)

**Transparency International UK**

[www.transparency.org.uk](http://www.transparency.org.uk)

**Public Concern at Work**

[www.pcaw.org.uk](http://www.pcaw.org.uk)

**Department for Work 6: Pensions (Blowing the Whistle to a Prescribed Person)**

[www.gov.uk/government/publications/blowing-the-whistle-to-a-prescribed-person](http://www.gov.uk/government/publications/blowing-the-whistle-to-a-prescribed-person)

## 7.0 Review

- 7.1 This Policy will be reviewed every 3 years or when changes to legislation or corporate governance require it.

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