

Anti-Bribery Guidelines

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1. Introduction

This document sets out advice and guidance to employees in dealing with bribery or suspected bribery. This policy details the arrangements made within the College for such concerns to be raised by employees.

- 1.1 The Bribery Act 2010, which came into force on 1 July 2011, introduces a new, clearer regime for tackling bribery that will apply to all businesses based or operating in the UK. It covers all sorts of bribery, the offering and receiving of a bribe, directly or indirectly, whether or not it involves a public official, in the UK or abroad. There are offences by individuals, and a corporate offence for corporates and partnerships, and penalties for non-compliance are serious.
- 1.2 Bribery is a criminal offence for both individuals and commercial organisations and can be punished with imprisonment of up to 10 years or unlimited fines. If any employee was accused of bribery, the College's reputation might be damaged considerably, and subsequent enforcement action would be time-consuming and hinder the College from focussing on its core business and service delivery.
- 1.3 It is therefore the policy of the College to prohibit any form of bribery or corrupt practices, whether covered directly by the Bribery Act 2010 or not. This applies to all employees and anyone acting for, or on behalf of, the College ("associated persons"), including governors, other volunteers, temporary workers, consultants and contractors, independent of their grade and position, and shall be respected at all time.

2. Definitions

- 2.1 Definitions for bribery and corruption vary, but both are covered within The Bribery Act 2010. Some common definitions are:

Bribery - "Inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages". Appendix A is a summary of the Bribery Act 2010.

Corruption - This can be broadly defined as the offering or acceptance of inducements, gifts, favours, payment or benefit-in-kind which may influence the action of any person. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

It is a common law offence of corruption to bribe the holder of a public office and it is similarly an offence for the office holder to accept a bribe.



3. Scope

- 3.1 This guidance relates to all forms of bribery and is intended to provide direction and help to employees who may identify, or suspect bribery. The overall aims of this guidance are to:
- improve the knowledge and understanding of everyone in the College irrespective of their position, about the risk of bribery within the organisation and its unacceptability
 - assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly
 - set out the College's responsibilities in terms of the deterrence, prevention, detection and investigation of bribery and corruption
 - ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following:
 - Criminal prosecution
 - Civil prosecution
 - Internal/external disciplinary action (including professional/regulatory bodies)
- 3.2 The College has procedures in place that reduce the likelihood of bribery occurring. These include Financial Regulations, documented policies and procedures, including on whistle blowing, a system of internal control (including Internal and External Audit) and a system of risk assessment.

4. Public Service Values

- 4.1 The three fundamental public service values are:

Accountability Everything done by those who work in the College must be able to stand the tests of parliamentary scrutiny, public judgements on propriety and professional codes of conduct.

Probity Absolute honesty and integrity should be exercised in dealing with all aspects of the College's operations.

Openness The College's actions should be sufficiently open and transparent to promote confidence between the College, our employees and the public.

In addition, all those who work for, or are in a contract with, the College should exercise the following when undertaking their duties:

Selflessness ...should take decisions 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

Integrity ...should not place themselves under any financial or other obligation to outside individuals or organisations



that might influence them in the performance of their official duties

Objectivity	... should, in carrying out public business, (including making public appointments , awarding contracts, or recommending individuals for rewards and benefits), make choices on merit
Accountability	...are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office
Openness	...should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest demands
Honesty	...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
Leadership	...should promote and support these principles by leadership and example

5. Policy

- 5.1 All employees have a personal responsibility to protect the College from bribery or corruption, are responsible for maintaining the highest standards of business conduct and are expected to behave honestly and with integrity
- 5.2 The College is absolutely committed to maintaining an honest, open and constructive culture so as to best fulfil its' objectives. It is, therefore, also committed to the elimination of bribery, to the rigorous investigation of any such allegations and to taking appropriate action against wrong doers, including possible criminal prosecution.
- 5.3 Employees should tactfully and politely refuse any personal gift offered to themselves or a member of the family or friend by a person or body who is directly involved in any kind of dealing with the College.
- 5.4 Exceptions to this are:
 - a gift with a low intrinsic value below £25 carrying the donor's advertising material, e.g. calendars, diaries, pens, ties, mouse-mats
 - small gifts of token value below £25 given at the cessation of an official college visit or meeting. Small gifts of a modest value given to staff by appreciative students.
- 5.5 All gifts, payments or any other contribution, whether in cash or in kind, higher than £10 in value, shall be recorded within the Gifts and Hospitality register, regularly reviewed, and properly accounted.
- 5.6 The College procures goods and services ethically and transparently with the quality, price and value for money determining the successful



supplier/contractor, not by receiving (or offering) improper inducements. The College will not engage in any form of bribery, either in the UK or abroad.

- 5.7 The College prohibits employees and associated persons from offering, giving, soliciting or accepting any bribe in any way, or to give, or be perceived to have given, a financial or other advantage to any person (whether a UK or foreign public official, political candidate, party official, private individual, private or public sector employee or any other person) in order to induce that person to perform his/her functions or activities improperly. 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 an individual governor, employee, agent or other person or body acting on the College's behalf. The bribe might be 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.
- 5.8 The College may, in certain circumstances, be held responsible for acts of bribery committed by intermediaries acting on its behalf such as subsidiaries, clients, business partners, contractors, suppliers, agents, advisors, consultants or other third parties. The use of intermediaries for the purpose of committing acts of bribery is prohibited.
- 5.9 All intermediaries shall be selected with care, and all agreements with intermediaries shall be concluded under terms that are in line with this policy. The College will contractually require its agents and other intermediaries to comply with the Anti-Bribery Policy and to keep proper books and records available for inspection by the College auditors or investigating authorities. Agreements with agents and other intermediaries shall at all times provide for the necessary contractual mechanisms to enforce compliance with the anti-bribery regime. The College will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement even if this may result in a loss of business
- 5.10 All employees should be aware that bribery will normally be regarded as a serious disciplinary offence which will be addressed in accordance with the College's existing disciplinary policy and associated procedures.

5.2 Facilitation Payments

- 5.2.1 'Facilitation payments' are payments made to secure or expedite the performance of a routine action by a government official or agency to which the payer (or the company) has legal or other entitlement.

Facilitation payments are prohibited under the Bribery Act like any other form of bribe. They shall not be given by the College or its' employees in the UK or any other country.



GIFTS AND HOSPITALITY

This policy is not intended to prohibit appropriate corporate entertainment and/or hospitality undertaken in connection with the College's 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.

Courtesy gifts and hospitality must not be given or received in return for services provided or to obtain or retain business but shall be handled openly and unconditionally as a gesture of esteem and goodwill only. Gifts and hospitality shall always be of symbolic value, appropriate and proportionate in the circumstances, and consistent with local customs and practices. They shall not be made in cash. Please refer to the College's Gifts and Hospitality policy and register for more guidance.

POLITICAL & CHARITABLE CONTRIBUTIONS

The College does not make any contributions to politicians, political parties or election campaigns.

As a responsible member of society, the College may make charitable donations. However, these payments shall not be provided to any organisation upon suggestion of any person of the public or private sector in order to induce that person to perform improperly the function or activities which he or she is expected to perform in good faith, impartially or in a position of trust or to reward that person for the improper performance of such function or activities.

Any donations and contributions must be ethical and transparent. The recipient's identity and planned use of the donation must be clear, and the reason and purpose for the donation must be justifiable and documented. All charitable donations will be publicly disclosed.

Donations to individuals and for-profit organisations and donations paid to private accounts are incompatible with the College's ethical standards and are prohibited.

SPONSORING

Sponsoring means any contribution in money or in kind by the College towards an event organised by a third party in return for the opportunity to raise the College's profile. All sponsoring contributions must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the consideration offered by the event host. They may not be made towards events organised by individuals or organisations that have goals incompatible with the College's ethical standards or that would damage the College's reputation. All sponsorships will be publicly disclosed.

Where commercial sponsorship is used to fund the College's training events, training materials and general meetings, the sponsorship must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the occasion. Where meetings are sponsored by external sources, that fact must be disclosed in the papers relating to the meeting and in any published minutes/proceedings.



Where sponsorship links to the development of guidelines and advice, this should be carried out in consultation with the Deputy Principal: Finance and Resources.

6. Raising Concerns

- 6.1 Employees and associated persons are requested to remain vigilant in preventing, detecting and reporting bribery. Employees and associated persons are expected to report any concerns regarding any suspected bribery in accordance with the College's procedures outlined in the Disclosure of Serious Malpractice (Whistle blowing) Policy, which will be rigorously enforced, in that no individual will suffer any detrimental treatment as a result of reporting reasonably held suspicions. The Public Interest Disclosure Act 1998 came into force in July 1999 and gives statutory protection, within defined parameters, to staff that make disclosures about a range of subjects, including bribery and corruption, which they believe to be happening within the organisation employing them. Within this context, 'reasonably held' means suspicions other than those which are raised maliciously and are subsequently found to be groundless.
- 6.2 Any unfounded or malicious allegations will be subject to a full investigation and appropriate disciplinary action.

7. Roles & Responsibilities

The Corporation

- 7.1 The Corporation has a duty to ensure that it provides a secure environment in which to work, and one where people are confident to raise concerns without worrying that it will reflect badly on them. This extends to ensuring that staff feel protected when carrying out their official duties and are not placed in a vulnerable position. If staff have concerns about any procedures or processes that they are asked to be involved in, the College has a duty to ensure that those concerns are listened to and addressed.
- 7.2 The Corporation and/or the Accounting officer will be liable to be called to account for failing to prevent bribery. The College therefore has a duty to ensure employees receive adequate training and support in order to carry out their responsibilities. Therefore, the Principal and/or another nominated member of the senior management team will monitor and ensure compliance with this guidance.

Employees

- 7.3 For the purposes of this guidance, 'Employees' include the College's staff, Governors, volunteers, temporary workers, consultants and contractors.
- 7.4 Governors and staff at all levels will lead by example in acting with the utmost integrity, ensuring adherence to all relevant regulations, policies and procedures.
- 7.5 Employees must act in accordance with the College's Financial Regulations which include guidance on the receipt of gifts or hospitality and must sign the College's Declaration of Interest if appropriate.
- 7.6 Employees who are involved in receiving offers of sponsorship, funding or gifts from outside agencies should also comply with their own professional codes of practice where applicable.



Managers

- 7.7 Line managers at all levels have a responsibility to ensure that an adequate system of internal control exists within their areas of responsibility and that controls operate effectively. The responsibility for the prevention and detection of bribery therefore primarily rests with managers but requires the co-operation of all employees.
- 7.8 As part of that responsibility, line managers need to:
- Inform staff of the College 's Financial Regulations, declaration of interest requirements and counter fraud and anti-bribery policies as part of their induction process, paying particular attention to the need for accurate completion of personal records and forms
 - Ensure that all employees for whom they are accountable are made aware of the requirements of this guidance.
 - assess the types of risk involved in the operations for which they are responsible
 - Ensure that adequate control measures are put in place to minimise the risks. This must include clear roles and responsibilities, supervisory checks, staff rotation (particularly in key posts), separation of duties wherever possible so that control of a key function is not invested in one individual, and regular reviews, reconciliations and test checks to ensure that control measures continue to operate effectively
 - be aware of the College 's anti-bribery policy
 - identify sensitive/at-risk posts
 - ensure that controls are being complied with
 - contribute to their line manager's assessment of the risks and controls within their area, which feeds into the College's overall statements of accountability and internal control.
- 7.9 All instances of actual or suspected bribery, which come to the attention of a manager, must be reported immediately. It is appreciated that some employees will initially raise concerns with their manager, however, in such cases managers must not attempt to investigate the allegation themselves, and they have the clear responsibility to refer the concerns in line with the College's Disclosure of Serious Malpractice (Whistle blowing) Policy as soon as possible.

Information Management & Technology

- 7.10 The Director of HR or Director of IT will contact the Deputy Principal Finance and Resources immediately in all cases where there is suspicion that the College's IT infrastructure is being used for the purposes of bribery. This includes inappropriate internet/intranet, e-mail, telephones and PDAs.



Procurement

- 7.11 Procurement practices will be conducted in a fair and transparent manner and not deal with contractors or suppliers known or reasonably suspected to be paying bribes. Before engaging contractors and suppliers, the College will undertake properly documented due diligence. The College will require contractors and suppliers to comply with its Anti-Bribery Policy as a minimum standard. Agreements with contractors and suppliers shall, at all times, provide for the necessary contractual mechanisms to enforce compliance with the anti-bribery arrangements. The College will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement.

8. Training

- 8.1 The College will provide anti-bribery training to all relevant employees to make them aware of our Anti-Bribery Policy and guidelines, in particular of possible types of bribery, the risks of engaging in bribery activity, and how employees may report suspicion of bribery.

9. Related Documents

- Declaration of Interests- annual declaration
- Financial Regulations including gifts and hospitality and fraud
- Tendering and contracting policies and procedures
- Disclosure of Serious Malpractice(Whistle blowing) policy
- Disciplinary policy



Appendix 1

Offences under the Bribery Act 2010

The following business practices constitute criminal offences under the Bribery Act 2010 and are therefore prohibited:

Offences of bribing another person

Case 1 is where a the College employee offers, promises or gives a financial or other advantage to another person *and* intends the advantage (i) to induce that or another person to perform improperly a relevant function or activity, *or* (ii) to reward that or another person for the improper performance of such a function or activity.

Case 2 is where a the College employee offers, promises or gives a financial or other advantage to another person *and* knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity by that person.

The bribery must relate to (i) a function of a public nature, (ii) an activity connected with a business, (iii) an activity performed in the course of a person's employment, *or* (iv) an activity performed by or on behalf of a body of persons (whether corporate or unincorporate). The person performing the function or activity must be expected to perform it in good faith, impartially or in a position of trust. It does not matter whether the function or activity is performed inside or outside the UK, whether the other person(s) involved is/are in the public or private sector and whether the advantage is offered, promised or given directly by the College employee or through a third party, e.g. an agent or other intermediary.

Offences relating to being bribed

Case 3 is where a College employee requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly (whether by him-/herself or another person).

Case 4 is where a College employee requests, agrees to receive or accepts a financial or other advantage, *and* the request, agreement or acceptance itself constitutes the improper performance by him-/herself of a relevant function or activity.

Case 5 is where a College employee requests, agrees to receive or accepts a financial or other advantage as a reward for the improper performance (whether by him-/herself or another person) of a relevant function or activity.

Case 6 is where, in anticipation of or in consequence of a College employee requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly (i) by that College employee, *or* (ii) by another person at his/her request or with his/her assent or acquiescence.

Again, the bribery must relate to (i) a function of a public nature, (ii) an activity connected with a business, (iii) an activity performed in the course of a person's employment, *or* (iv) an activity performed by or on behalf of a body of persons (whether corporate or unincorporate). The person performing the function or activity must be expected to perform it in good faith, impartially or in a position of trust.



It does not matter whether the function or activity is performed inside or outside the UK, whether the other person(s) involved is/are in the public or private sector, whether the employee requests, agrees to receive or accepts the advantage directly or through a third party, e.g. an agent or other intermediary, and whether the advantage is for the benefit of a College employee or another person.

In Cases 4 to 6, it does *not* matter whether the College employee knows or believes that the performance of the function or activity is improper.

Bribery of foreign public officials

Case 7 is where a College employee bribes a foreign public official and intends (i) to influence that official in his/her capacity as a foreign public official *and* (ii) to obtain or retain a business or an advantage in the conduct of business. A foreign public official is someone who holds a legislative, administrative or judicial position of any kind or exercises a public function of a country outside the UK, or is an official or agent of a public international organisation.

The following paragraph will apply if any part of the organisation is considered as a 'commercial' one.

Failure of commercial organisations to prevent bribery (applicable only to corporates and partnerships - included for information)

A corporate or partnership is guilty of a corporate bribery offence if an employee, agent, subsidiary or any other person acting on its behalf bribes another person intending to obtain or retain business or an advantage in the conduct of business for the corporate or partnership. For a definition of bribery, please refer to Cases 1, 2 and 7 above.

It should be the policy of a corporate or partnership not to tolerate any bribery on its behalf, even if this might result in a loss of business for it. Criminal liability must be prevented at all times.