

## Anti-Bribery

### Policy Statement

Halesowen College is committed to countering bribery and has a zero-tolerance approach. Integrity and College values are made clear to staff and students as fundamental and non-negotiable. Halesowen College prohibits bribery and will not tolerate its staff, students or third parties in their relationship 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. There is an anti-bribery policy which supports this policy statement and

provides details of current legislation; makes clear what is expected of employees and business partners/stakeholders; assigns responsibilities and provides a structure on reporting. It is important to inform staff about this policy and ensure that they understand the content. In accordance with government guidelines this policy will be monitored and reviewed regularly.

## Anti-Bribery Policy

### Purpose

The purpose of this document is:

- To provide systems and processes to respond quickly and effectively into allegations of bribery.
- To engender an anti-bribery culture throughout the organisation with a clear commitment to ethical behaviour.
- To be clear about roles and responsibilities of governors, managers and staff.
- To provide instruction how and to whom suspicions of bribery in the College should be reported both internally and externally.

This policy forms part of suite of policies including:

- whistleblowing
- gifts and hospitality
- anti-fraud
- anti-money laundering
- risk management

This document provides an explanation of the College's framework of internal controls and to provide direction and help to staff who find themselves having to deal with suspected cases of bribery.

## What is Bribery ?

The UK Bribery Act 2010 replaced the common law offence of bribery and the Prevention of Corruption Acts 1889 to 1916 including the 1906 Act, thus modernising and simplifying the law on bribery to allow prosecutors and the courts to deal with it more effectively.

The Act sets out four offences:

*'Bribery – Giving (or offering) or receiving (or requesting) a financial or other advantage in connection with the improper performance of a position of trust, or a function that is expected to be performed impartially or in good faith'. (Bribery Act 2010)*

- Offering, promising or giving a bribe
- Requesting, agreeing to receive or accepting a bribe
- Bribing a foreign public official
- Failure of an organisation to prevent bribery

The fourth is a corporate offence and requires organisations including colleges to review procedures and practices in light of this legislation.

Individuals and organisations can be prosecuted by the Serious Fraud Office under the Act. Prosecutions will be made in the public interest.

The College must be able to demonstrate that it has in place 'adequate procedures' designed to prevent bribery ie have a clear and comprehensive anti-bribery framework and strong up to date and effective anti-bribery policies and systems. The draft guidance sets out the following six principles relating to 'adequate procedures':

- Have clear, practical and accessible anti-bribery policies and procedures which articulate the anti-bribery zero-tolerance approach and are coterminous with related policies such as whistleblowing, gifts and hospitality, and which ensure transparency and recording of decision-making;
- Ensure top-level commitment to bribery prevention; establishing a culture within the College in which bribery is never acceptable;
- Risk assessment and mitigation – to comprehensively assess the nature and extent of the risks relating to bribery to which the College is exposed;
- Conduct due diligence – to cover all parties in business relationships, including the College's supply chain, agents and intermediaries, including all forms of joint venture;
- Communicate; tell staff and stakeholders of their responsibilities to ensure effective implementation;
- Monitor and review – to ensure compliance with policies and procedures and identify any issues as they arise.

Providing that the College can demonstrate all of the six adequate procedures this may provide mitigation should an incidence of bribery occur.

The Act provides that an offence committed by the College can be punishable by an unlimited fine (plus a range of other sanctions). An individual guilty of an offence would be liable on conviction on indictment to imprisonment for up to ten years, an unlimited fine or both.

## **Roles and Responsibilities**

In accordance with the Act, it is the responsibility of the Corporation to establish a culture within the College in which bribery is never acceptable. The Corporation via the Audit Committee will be responsible for oversight of the College's anti-bribery systems as part of the anti-fraud suite of policies and protocols. Managers, staff, students and other relevant external stakeholders must be aware of this policy and the College's commitment to zero tolerance of bribery. Staff are required to comply with the terms of this policy. This policy is published on the staff hub and the College website.

## **Risk Assessment**

The risk of failure to prevent bribery is incorporated into the risk register and provides reasonable assurance that the College's no bribes policy and any specific objectives for countering bribery are achieved. The risk register is compiled annually with in-year reviews. The action plan emerging from the register review is monitored by the Audit Committee. In addition, a self-assessment on bribery based on the Ministry of Justice guide complements the risk register and is added to this policy and revised annually. Appendix A provides a formal assessment on high risk areas.

## **Facilitation Payments**

Facilitation payments are small payments made to secure or expedite the performance of a routine action, typically by a government official or agency (for example issuing licenses or permits, installation of a telephone line, processing goods through customs, etc) 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 by the College's employees in the UK or any other country.

## **Gifts and Hospitality**

The Bribery Act 2010 does not prohibit corporate hospitality or the receipt of proportionate gifts. However, the College has a stringent gifts and hospitality policy which must be adhered to ensure that staff do not receive benefits which may reasonably be seen to compromise their personal judgement or integrity. Receipt of modest hospitality and/or gifts must be declared.

## **Political and Charitable Contributions**

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

The College may make charitable donations only within the remit of the Conditions of Grant Funding and other mandates governing use of funds. Any such 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 of 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, transparent and in accordance with the agency's financial memorandum. 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. Any charitable donations will be publicly disclosed.

## **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 College training events, training materials and general meetings, the sponsorships must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the occasion. Where meetings are sponsored

by external sources, the fact must be disclosed in the papers relating to the meeting and in any published minutes/proceedings.

## Reporting a Concern

Should any member of staff have a concern that bribery is occurring they should in the first instance report this to their line manager who will inform the Vice Principal/Chief Operating Officer. If staff feel it is not appropriate to report it to their line manager, they can report directly to the Vice Principal/Chief Operating Officer. The College also has a Whistleblowing Policy which includes a procedure for reporting concerns if it is in the public interest and this procedure should be followed if the usual reporting procedure cannot be adhered to.

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 investigation.

Should a supplier or similar attempt to bribe a member of staff this should be reported immediately to the Vice Principal/Chief Operating Officer. All such allegations will be investigated and suppliers will be removed from the approved list if there is evidence of inappropriate behaviours.

## Investigation

Genuine concerns will be acted upon in a timely manner by key personnel. Investigation will be in accordance with relevant College policies:

- Whistleblowing Policy
- Anti-Fraud Policy and Response Plan
- Anti-Money Laundering Policy

Action concerning an employee will be in accordance with the Disciplinary Policy.

Any concerns about a supplier or external stakeholder will be reported in accordance with the legislative framework. The Vice Principal/Chief Operating Officer will consult with the College's lawyers. Criminal activities will be reported to the relevant authorities and the police by a senior post holder.

Appendix A provides a more detailed framework for areas with a higher risk of bribery.

The policy will be reviewed annually with any significant change reported to the Audit Committee.

Reviewed/Approved	By	Date
Updated by	Jacque Carman	15.02.2022
Approved by	CLT	07.03.2022
	Audit Committee	08.03.2022
	Corporation	30.03.2022
Next Review Date		01/03/2023
Website	Yes / No	Yes

## Anti-Bribery Policy

### High Risk Areas

#### i] Recruitment

- Halesowen College shall conduct its recruitment practices in a way that is fair and transparent 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. The College is introducing anonymous shortlisting to further enhance protocols.
- New staff induction shall include communication of the College's Anti-Fraud suite. Policy.

#### ii] Procurement

- Halesowen College shall demonstrate that all purchasing and procurement processes are carried out using objective business criteria.
- There is a detailed Procurement Policy and a scheme of delegation specified in Standing Orders Relating to Contracts:

Estimated Value of Order	Threshold	Requirements
Up to £1,000	A	Budget holder shall use good sense as to the need to obtain information, in addition to an estimated price from a supplier.
£1,000 to £3,000	B	Budget holder should normally obtain at least three informal (eg verbal/telephone) quotations from legitimate <sup>1</sup> suppliers but may use his/her discretion to waive this stipulation where it is impractical or inappropriate for a particular order.
£3,000+	C	A budget holder shall obtain at least three written competitive quotations from legitimate <sup>1</sup> suppliers, unless the Vice Principal/Chief Operating Officer approves that the invitation of quotations be waived.

For the supply of goods and services between £3,000 and £25,000 (excluding examinations and statutory payments) the budget holder must attach details of the written quotations to the order for independent financial review to enhance the audit trail. (The conditions regarding the waiving of tender/quotations remain unchanged).

In all instances budget holders should ensure that adequate documentary evidence is retained.

The above requirements will be subject to compliance with the legal requirements on the College to obtain full tenders for supplies, services and works, when spending as specified in tender documentation in any one year or over the life of the contract is expected to be in excess of the value specific for a category, ie computers, furniture. The thresholds above

<sup>1</sup> Legitimate company means a company established for the purpose of providing the required goods or service.

which tenders should be advertised on the UK government's Find A Tender service are fixed every two years and are currently:

▪ Supply Contacts	£189,330
▪ Works Contracts	£4,733,252
▪ Service Contracts	£189,330
▪ Services under the "light touch" regime	£663,540

These thresholds were set on 1 January 2020.

Or a recurring annual spend in excess of £47,332.50 net of VAT.

- 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. All tenders are submitted electronically to a vault which cannot be opened until the submission date/time has passed.
- Use of new suppliers is well controlled on a risk based model exercising due diligence.
- Global business and operations in countries with a high incidence of bribery and corruption can present a high risk under the Act. The College procures goods and services from overseas. Any new supplier not having a registered office in the UK is subject to more rigorous financial checks before any orders are placed.
- Facilitation payments are exceptionally high risk and are essentially a form of bribery made to an official with the purpose of expediting or facilitating a process. Halesowen College will not make such payments.
- The College's systems of invoice authorisation ensure that goods and services are actually provided and that these match the order/specification.

### iii] Joint Ventures

- The College shall conduct appropriate checks and obtain necessary permissions in accordance with 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 anti-bribery framework similar to that of Halesowen 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 must be conducted as appropriate and this is well defined in financial regulations.

### iv] Gifts and Hospitality

- Halesowen College has clear guidance and standards in the Gifts and Hospitality Policy. This is also reiterated within Financial Regulations.
- Gifts other than items of nominal value shall not be accepted without declaration and should never be inappropriate or disproportional. For example, whereas say a box of chocolates is not of nominal value and must be declared; they are not extravagant and would not constitute a bribe. If staff are uncertain then they should seek advice from their line manager or Vice Principal/Chief Operating Officer.
- All gifts and hospitality must be declared and/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.

## Anti-Bribery Policy

### Self-Assessment

In accordance with Ministry of Justice Guide: *The Bribery Act 2010*.

Aspect	Self-Assessment	Actions	Who by	By when
Proportionality	The approach is proportionate to risks faced. The College is not operating in markets where bribery is prevalent.	Review policy annually.	Vice Principal/Chief Operating Officer	March 2022
Top Level Commitment	The College has a zero-tolerance approach.	Ensure policy is communicated to staff regularly with refresher sessions	College Leadership Team	April 2022
Risk Assessment	There is a bespoke risk assessment in place with all high-risk areas identified.	Review risk assessment annually.	Vice Principal/Chief Operating Officer	March 2022
Due Diligence	There is a framework of control over new suppliers which is documented in the procurement policy.	Annual Review of procurement policy to ensure best practice.	Head of Finance & Payroll and Procurement Manager	March 2022
Communication	The College routinely supplies this anti-bribery policy to key suppliers and requests reciprocal documents during tenders.	An executive summary of this policy to be circulated to key suppliers.	Procurement Manager	May 2022
Monitoring and Review	All policies, risks assessments etc are reviewed annually.	Review policy annually. (as above)	Vice Principal/Chief Operating Officer	March 2022