



Anti-Bribery Procedure

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Revision history

Version	Type (new, replacement, revision)	Date	History (reason for changes)
V2	Revision	February 2017	Updated to bring into line with statutory Requirements.
V2.1	Revision	January 2019	Reviewed to ensure in line with statutory requirements – no changes; changes to job titles.
V2.2	Revision	April 2020	Reviewed to ensure in line with statutory requirements (no changes), the National Fraud Office no longer exists ref has been removed; changes to job title.
V2.3	Revision	March 2021	Separate out policy and procedures
V2.4	Revision	June 2021	Annual Review

Monitoring and review

These procedures will be reviewed by SLT, the Audit Committee and the Corporation every year.

1. Anti-Bribery Procedures

The following sets out Bradford College's policy and procedures details and advises employees in dealing with bribery or suspected bribery. This policy and procedures details the arrangements made in the College for such concerns to be raised by employees or members of the public.

Bradford College does not tolerate bribery. The intention is to eliminate all bribery as far as possible. The aim of the policy and procedure is to protect the property and finances of the College.

- Bradford College values its reputation for ethical behaviour and for financial probity and reliability. It recognises that over and above the commission of any crime, any involvement in bribery will also reflect adversely on its image and reputation. Its aim therefore is to limit its exposure to bribery by:
 - Setting out a clear anti-bribery policy;
 - Training its Managers 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 suspicion of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately;
 - Rigorously investigating instances of alleged bribery and assisting the police and other appropriate authorities in any resultant prosecution;
 - Taking firm and vigorous action against any individual(s) involved in bribery.
 - 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).
 - The College and its associated subsidiary companies prohibit:

the offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement to or from any person or company, wherever they are situated and whether they are a public official or body or private person or company by any individual employee, agent or other person or body acting on the College or its associated subsidiary companies behalf in order to gain any commercial, contractual or regulatory advantage for the College or its associated subsidiary companies in a way which is unethical or in order to gain any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.

- 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) 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: 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 and Charitable Contributions: The College does not make any contributions to politicians, political parties or election campaigns.
 - As a responsible corporate 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 College 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 Senior Compliance Officer (the Director of Finance and Procurement) in conjunction with the appropriate College working group independent of the sponsors. Consultation with the industry may be necessary when developing a guideline, however, the overall decision on what is included should lie with the College working group.
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- External Communications: Individuals must not communicate with any member of the press, media or another third party about a suspected bribery as this may seriously

damage the investigation and any subsequent actions to be taken.

Anyone who wishes to raise such issues should discuss the matter with the Director of Finance and Procurement.

- **Further Clarification:** The College recognises that market practice varies across the territories in which it may do business and what is normal and acceptable in one place may not be in another. These procedures prohibit any inducement which results in a personal gain or advantage to the recipient or any person or body associated with them, and which is intended to influence them to take action which may not be solely in the interests of the College or of the person or body employing them or whom they represent.
- These procedures and related policy are not meant to prohibit the following practices providing they are customary in a particular market, are proportionate and are properly recorded:
 - normal and appropriate hospitality
 - the giving of a ceremonial gift on a festival or at another special time
 - the use of any recognised fast-track process which is available to all on payment of a fee
 - the offer of resources to assist the person or body to make the decision more efficiently provided that they are supplied for that purpose only.
 - Inevitably, decisions as to what is acceptable may not always be easy. If anyone is in doubt as to whether a potential act constitutes bribery, the matter should be referred to the Director of Finance and Procurement who has responsibility for policy before proceeding. If necessary, guidance should also be sought from the Clerk to the Corporation.
- **Employees : (“Whistleblowing”)**

The Public Interest Disclosure Act 1998 (PIDA) which came into force on 2 July 1999 and offers a framework of protection against victimisation or dismissal for workers who blow the whistle on criminal behaviour or other wrongdoing.

The prevention, detection and reporting of bribery is the responsibility of all employees throughout the College and its associated subsidiary companies. Suitable channels of communication by which employees or others can report confidentially any suspicion of bribery will be covered via the whistle-blower’s procedures.
- **Monitoring, Evaluation and Review**

Any abuse or non-compliance with the policy or procedures will be subject to a full investigation and appropriate disciplinary action.

The policy and procedures will be subject to annual reviews.

2. Roles & Responsibilities

- **Bradford College** 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 members 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.

- Bradford College's **Chief Executive Officer** is liable to be called to account for specific failures in the College's system of internal controls. However, responsibility for the operation and maintenance of controls falls directly to line managers and requires the involvement of all College employees. Bradford College therefore has a duty to ensure employees who are involved in or who are managing internal control systems receive adequate training and support in order to carry out their responsibilities. Therefore, the Chief Executive Officer, the Deputy Chief Executive Officer and Director of Finance and Procurement will monitor and ensure compliance with this policy.
- **Employees** are responsible for: ('Employees' includes the College staff, Board, Executive and Non-Executive Members (including Co-Opted Members) and Honorary Members to the Board.)
 - acting in accordance with the College's Rules relating to the Conduct of Staff, Gifts and Hospitality and Declaration of Interest policies which include guidance on the receipt of gifts or hospitality.
 - and have a duty to protect the assets of the College including information, goodwill and reputation, as well as property.
 - All employees should be aware that bribery will normally, dependent upon the circumstances of the case, be regarded as gross misconduct thus warranting summary dismissal without previous warnings. However, no such action will be taken before a proper investigation and a disciplinary hearing having taken place. Such actions may be in addition to the possibility of criminal prosecution.
 - The College's Financial Regulations, Policies and Procedures place an obligation on all staff and Non-Executive Directors to act in accordance with best practice. In addition, all College staff and Non-Executive Directors must declare and register any interests that might potentially conflict with those of the College.
 - In addition, all employees have a responsibility to comply with all applicable laws and regulations relating to ethical business behaviour, procurement, personal expenses, conflicts of interest, confidentiality and the acceptance of gifts and hospitality. This means, in addition to maintaining the normal standards of personal honesty and integrity, all employees should always:
 - behave in a way that would not give cause for others to doubt that Bradford College's employees deal fairly and impartially with official matter;
 - be alert to the possibility that others might be attempting to deceive.
 - All employees have a duty to ensure that funds are safeguarded, whether or not they are involved with cash or payment systems, receipts or dealing with contractors or suppliers.
 - When an employee suspects that there has been an act of bribery, they must report the matter to the head of department, or their immediate manager.
- **Managers** are responsible for: ensuring 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.
As part of that responsibility, line managers need to:

- Inform staff of Bradford College of the rules relating to the conduct of staff, gifts and hospitality, declaration of interest, Anti-Fraud policy and procedures and Anti-Bribery policy and procedures 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 the policy and procedures.
- 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 Bradford College's Anti-Fraud and Anti-Bribery policies and the rules and guidance covering the control of specific items of expenditure and receipts.
- Identify financially sensitive posts.
- Ensure that controls are being complied with.
- Contribute to their director's assessment of the risks and controls within their business area, which feeds into Bradford College's overall statements of accountability and internal control.

All instances of actual or suspected bribery, which come to the attention of a manager, must be reported to your line manager, immediately. 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.

- The **Director of Finance and Procurement** has responsibility for:

In conjunction with the Deputy Chief Executive Officer, monitoring and ensuring compliance with bribery legislation. The Director of Finance and Procurement will decide whether there is sufficient cause to conduct an investigation, and whether the Police and External Audit need to be informed.

Consulting and take advice from the Director of People Services if a member of staff is to be interviewed or disciplined.

Conducting a disciplinary investigation, but the employee may be the subject of a separate investigation by Human Resources.

Will, depending on the outcome of investigations (whether on an interim/on-going or a concluding basis) and/or the potential significance of suspicions that have been raised, inform the Chair of the Corporation and the Chair of the Audit Committee of cases, as may be deemed appropriate or necessary.

Is also responsible for informing the Audit Committee of all acts of bribery, alleged and confirmed, and the associated losses.

- The **Director of Human Resources** has responsibility for:

Liaising closely with Managers, from the outset, where an employee is suspected of being involved in bribery. The Head of Human Resources Department shall advise those involved in the investigation in matters of employment law and in other procedural matters, such as disciplinary and complaints procedures.

Taking steps at the recruitment stage to establish the previous record of potential employees as well as the veracity of required qualifications and memberships of professional bodies, in terms of their propriety and integrity. In this regard, temporary and fixed term contract employees are treated in the same manner as permanent employees.

- The **Chief Information Management & Technology** (or equivalent) has responsibility for:
Contacting the Director of Finance and Procurement immediately in all cases where there is suspicion that IT is being used for bribery purposes.
- **Audit Committee** has responsibility for:
Overseeing the implementation and operation of the College's policies on fraud and irregularity and whistleblowing, and ensure the proper, proportionate and independent investigation of all allegations and instances of fraud and irregularity (including bribery): that investigation outcomes are reported to the Committee; that the external auditors (and internal auditors where appointed) are informed; that appropriate follow-up action is planned/actioned; and that all significant cases of fraud or suspected fraud or irregularity are reported to the Chief Executive of the appropriate funding body and/or the College's principal charity regulator. The Audit Committee will raise concerns about specific areas of risk.

Related Policies:

- Anti-Bribery Policy
- Anti-Fraud policy
- Whistleblowing policy and procedures
- Rules relating to the Conduct of Staff
- Declaration of Interests
- Gifts and Hospitality policy
- Financial Regulations

Useful Links

Bribery Act 2010

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

Transparency

International UK

www.transparency.org.uk

Public

Concern at

Work

www.pcaw.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