

21/09/2023

Anti-corruption and Bribery Policy – Lakes College West Cumbria

Approved by Governing Body 21/09/2023
Revision 2
Last Review: 21/09/2023
Next Review: 21/09/2024

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1. **POLICY STATEMENT**

1.1 As required by the Bribery Act 2010, it is our policy to conduct all of our activities in an honest and ethical manner. We take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our dealings and relationships wherever we operate and implementing and enforcing effective systems to counter bribery.

1.2 The purpose of this policy is to:

1.2.1 set out our responsibilities, and of those working for us, in observing and upholding our position on bribery and corruption; and

1.2.2 provide information and guidance to those working for us on how to recognise and deal with bribery and corruption issues.

1.3 Bribery and corruption are punishable for individuals by up to ten years' imprisonment and if we are found to have taken part in corruption we could face an unlimited fine, be excluded from tendering for public contracts and face damage to our reputation. We therefore take our legal responsibilities very seriously.

1.4 We have identified that the following are particular risks for our institution:

- That staff may be offered gifts and hospitality by students and/or parents in an attempt to influence their assessments and marking;
- That staff may be offered inducements in procurement processes to consider services more favourably;
- That employers may offer gifts and hospitality to influence the college's consideration of their needs or to waive fees owed;
- That Governors and staff may be unduly influenced by their close relationships, or may feel indebted to those who have close relationships, and show undue favour in their decision-making.

1.5 To address those risks we have

There is a requirement under the gifts and hospitality policy to register any gifts over £30, which is kept under review by the Clerk.

Assessment practice, standardisation, internal and external quality assurance practices, marking schemes, plagiarism checks and invigilation practice supports the safeguarding of academic integrity around assessment and examination practice.

That the College mostly uses a tendering framework for the procurement of goods and services. Where a tender is carried outside of the Framework, the process requires third party oversight by the Clerk.

All Governors, and staff with a budgetary responsibility, are required to fill out and return to the Clerk their Register of Interests. Those interests are publicly available and the Clerk will share those interests with managers, where it is felt that they might be considered as having the potential to prejudice decision-making;

All Governors also declare their interest as a formal part of the agenda for Board meetings, with the intention of withdrawing for any part of the meeting where it could be interpreted that undue influence could affect their decision-making;

- 1.6 In this policy, "third party" means any individual or organisation you come into contact with during the course of your work for us, and includes actual and potential students, customers, suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

2. **WHO IS COVERED BY THE POLICY?**

This policy applies to all individuals working at all levels and grades, including senior managers, governing body members, employees (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, homeworkers, casual workers and agency staff, volunteers, interns, agents, sponsors, or any other person associated with us, or any of our subsidiaries or their employees, wherever located (collectively referred to as "workers" in this policy).

3. **WHAT IS BRIBERY?**

Bribery takes place where an inducement or reward is offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage. The Bribery Act 2010 replaces a number of more narrowly worded statutes concerned with preventing corruption, in particular the Prevention of Corruption Acts 1906 and 1916. The 2010 Act applies to persons with a close connection with the UK even if the activity concerned took place outside the UK.

4. **GIFTS AND HOSPITALITY**

- 4.1 This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties.

4.1.1 Lakes College has a gifts and hospitality policy, where any gifts or hospitality which is over £30 is recorded, and monitored by the Clerk.

4.2 We appreciate that the practice of giving business gifts varies between countries and regions and what may be normal and acceptable in one region may not be in another.

The test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

5. **WHAT IS NOT ACCEPTABLE?**

5.1 It is not acceptable for you (or someone on your behalf) to do any of the following which are liable to involve offences under the 2010 Act:

5.1.1 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.

"Business advantage" includes academic advantage such as the award of a qualification; degree; academic title or end point assessment;

5.1.2 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, such as admission to the institution as a student;

5.1.3 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;

5.1.4 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;

5.1.5 threaten or retaliate against another worker or student who has refused to commit a bribery offence or who has raised concerns under this policy; or

5.1.6 engage in any activity that might lead to a breach of this policy.

6. **FACILITATION PAYMENTS AND "KICKBACKS"**

6.1 We do not make, and will not accept, facilitation payments or "kickbacks" of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action by a government official. They are not commonly paid in the UK, but are common in some other jurisdictions.

6.2 If you are asked to make a payment on our behalf, you should always be mindful of what the payment is for and whether the amount requested is reasonable, justifiable and proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment. If you have any suspicions, concerns or queries regarding a payment, you should raise these with the Deputy Principal.

6.3 Kickbacks are typically payments made in return for a business favour or advantage. All workers must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by us.

7. **DONATIONS**

Any offer of a charitable donation should be referred to the Deputy Principal or the Clerk.

8. **YOUR RESPONSIBILITIES**

8.1 You must ensure that you read, understand and comply with this policy.

8.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for us or under our control. All workers are required to avoid any activity that might lead to, or suggest, a breach of this policy.

8.3 You must notify your Manager or the Deputy Principal as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future. For example, if a student or potential student or client or potential client offers you something to gain a business advantage with us, or indicates to you that a gift or payment is required to secure their business. Further "red flags" that may indicate bribery or corruption are set out in The Schedule.

8.4 Any employee who breaches this policy will face disciplinary action, which could result in suspension, dismissal or exclusion for gross misconduct under the institution's staff disciplinary procedure and our contacting the police. [We reserve our right to terminate our contractual relationship with other workers if they breach this policy.]

9. **RECORD-KEEPING**

9.1 We must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

9.2 All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off-book" to facilitate or conceal improper payments.

10. **HOW TO RAISE A CONCERN**

You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with Deputy Principal or Clerk.

Concerns should be reported by following the procedure set out in our Whistleblowing Policy, which is available under policies and procedures on the intranet.

11. **TRAINING AND COMMUNICATION**

11.1 Training on induction, policy and procedure updates, team and college-wide development activity support regular communication of expected standards. In addition to college-side activity, training and development appropriate to specific roles is provided on a regular basis.

12. **WHO IS RESPONSIBLE FOR THE POLICY?**

12.1 The governing body has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it. The audit committee will be apprised of any issues arising from this policy and will keep the policy under periodic review.

12.2 The Deputy Principal has primary and day-to-day responsibility for implementing this policy, and for monitoring its use and effectiveness. Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this policy and are given adequate and regular training on it.

13. **MONITORING AND REVIEW**

13.1 The Deputy Principal will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption.

13.2 All workers are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.

13.3 Workers are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the compliance manager.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

THE SCHEDULE

Potential risk scenarios: "red flags"

1. The following is a list of possible red flags that may arise during the course of you working for us and which may raise concerns under various anti-bribery and anti-corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only.

If you encounter any of these red flags while working for us you must report them promptly [to your manager **OR** to the compliance manager **OR** using the procedure set out in the whistleblowing policy]:

- (a) you are offered an unusually generous gift or offered lavish hospitality by a third party;
- (b) you become aware that a third party engages in, or has been accused of engaging in, improper business practices with a view to gaining a financial or other advantage;
- (c) you learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a "special relationship" with foreign government officials.
- (d) a third party insists on receiving a commission or fee payment before committing to sign up to a contract with us, or carrying out a government function or process for us;
- (e) a third party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made;
- (f) a third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business;
- (g) a third party requests an unexpected additional fee or commission to "facilitate" a service;
- (h) a third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
- (i) a third party requests that a payment is made to "overlook" potential legal violations;
- (j) a third party requests that you provide employment or some other advantage such as a place on a course or an academic award to a friend or relative;

- (k) you receive an invoice from a third party that appears to be non-standard or customised;
- (l) a third party insists on the use of side letters or refuses to put terms agreed in writing;
- (m) you notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
- (n) a third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to us.