

## **ANTI-BRIBERY POLICY**

1. The College's Code of Conduct sets out the high standards expected of all members of staff when dealing with students and colleagues. Similarly, it is committed to promoting and maintaining the highest level of ethical standards in relation to all of its business activities. St. Clare's will not tolerate bribery and corruption, and is committed to acting fairly and with integrity in all of its business dealings and relationships, and implementing and enforcing effective systems to counter bribery.

### ***Purpose and scope of Policy***

2. This Policy sets out the College's position on any form of bribery and corruption and provides guidelines aimed at:
  - ensuring compliance, as far as is possible, with anti-bribery laws, rules and regulations, not just within the UK but in any other country within which the College may carry out its business or in relation to which its business may be connected;
  - enabling employees and persons associated with the College to understand the risks associated with bribery and to encourage them to be vigilant and effectively recognise, prevent and report any wrongdoing, whether by themselves or others;
  - providing suitable and secure reporting and communication channels and ensuring that any information that is reported is properly and effectively dealt with;
  - creating and maintaining an effective process for dealing with any suspected instances of bribery or corruption;
3. This Policy applies to all permanent and temporary employees of the College. It also applies to any individual or business associated with the College, or who performs functions in relation to the College, including, but not limited to agency workers, casual workers, contractors, consultants, seconded staff, agents and suppliers ("associated persons"). All employees and associated persons are expected to adhere to the principles set out in this Policy.

### ***Legal obligations***

4. The UK legislation on which this Policy is based is the Bribery Act 2010 and it applies to the College's conduct both in the UK and abroad. A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.
5. It is an offence in the UK to:
  - offer, promise or give a financial or other advantage to another person (i.e. bribe a person), whether within the UK or abroad, with the intention of inducing or rewarding improper conduct;
  - request, agree to receive or accept a financial or other advantage (i.e. receive a bribe) for or in relation to improper conduct;
  - bribe a foreign public official.
6. You can be held personally liable for any such offence.
7. It is also an offence in the UK for an employee or an associated person to bribe another person in the course of doing business intending either to obtain or retain business, or to obtain or retain an

advantage in the conduct of business, for the College. The College can be liable for this offence where it has failed to prevent such bribery by associated persons. As well as an unlimited fine, it could suffer substantial reputational damage.

***Policy statement***

8. All employees and associated persons are required to:
  - comply with any anti-bribery and anti-corruption legislation that applies in any jurisdiction in any part of the world in which they might be expected to conduct business
  - act honestly, responsibly and with integrity;
  - safeguard and uphold the College's core values by operating in an ethical, professional and lawful manner at all times.
9. Bribery of any kind is strictly prohibited. Under no circumstances should any provision be made, money set aside or accounts created for the purposes of facilitating the payment or receipt of a bribe.
10. The College recognises that industry practices may vary from country to country or from culture to culture. What is considered unacceptable in one place may be normal or usual practice in another. Nevertheless, a strict adherence to the guidelines set out in this Policy is expected of all employees and associated persons at all times. If in doubt as to what might amount to bribery or what might constitute a breach of this Policy, refer the matter to your line manager or to the Bursar.
11. The giving of business gifts to clients, customers, contractors and suppliers is not prohibited provided the following requirements are met:
  - the gift is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage
  - it complies with local laws;
  - it is given in the College's name, not in the donor's personal name;
  - it does not include cash or a cash equivalent (such as gift vouchers);
  - it is of an appropriate and reasonable type and value and given at an appropriate time;
  - it is given openly, not secretly;
  - it is approved in advance by a senior manager of the College.
12. It is acceptable to provide tickets to sporting or artistic events, to take third parties for lunch/dinner, to offer gifts to third parties as a reflection of your good relations and to pay for reasonable travel expenses in order to enable third parties to see the College and its facilities. In all cases, these should be proportionate and reasonable.
13. Any payment or gift to a public official or other person to secure or accelerate the prompt or proper performance of a routine government procedure or process, otherwise known as a "facilitation payment", is also strictly prohibited. Facilitation payments are not commonly paid in the UK but they are common in some other jurisdictions.
14. When considering entering into a business relationship with a potential associated person, the due diligence process should take into account the perceived risk of that person's place of operation and

the nature of their business. If the risk considered to be more than low, appropriate and proportionate enquiries should be made to establish the credentials of the associated person. It is also essential that a binding contract is entered into, which includes reference to the College's anti-bribery policy.

15. In the course of your work for the College, you may be offered gifts or hospitality by suppliers, agents or other associated persons. These should also be proportionate and reasonable. It is not permitted for any member of staff at any level to accept substantial gifts of goods, services or hospitality from any associated person. Such gifts would include, but are not limited to: cash or cash equivalents (such as vouchers) of any value; holidays; services in relation to your own private property for free or for a rate below the supplier's normal rates; goods with a value greater than £100; travel (other than to the associated person's country for the purposes of discussing or reviewing the services they provide for the College).
16. If you are at all unsure whether it is appropriate or permissible to accept gifts or hospitality from a third party you should refer to a senior manager before taking any action.

### ***Responsibilities and reporting procedure***

17. It is the contractual duty and responsibility of all employees and associated persons to take whatever reasonable steps are necessary to ensure compliance with this policy and to prevent, detect and report any suspected bribery or corruption. You must immediately disclose to the College any knowledge or suspicion you may have that you, or any other employee or associated person, has plans to offer, promise or give a bribe or to request, agree to receive or accept a bribe in connection with the business of the College. For the avoidance of doubt, this includes reporting your own wrongdoing. The duty to prevent, detect and report any incident of bribery and any potential risks rests not only with the senior managers of the College but equally to all employees and associated persons.
18. The College encourages all employees and associated persons to be vigilant and to report any unlawful conduct, suspicions or concerns promptly and without undue delay so that investigation may proceed and any action can be taken expeditiously. In the event that you wish to report an instance or suspected instance of bribery, you should inform a member of the Senior Management Group. Confidentiality will be maintained during the investigation to the extent that this is practical and appropriate in the circumstances. The College is committed to taking appropriate action against bribery and corruption. This could include either reporting the matter to an appropriate external government department, regulatory agency or the police and/or taking internal disciplinary action against relevant employees and/or terminating contracts with associated persons.
19. The College will support anyone who raises genuine concerns in good faith under this Policy, even if they turn out to be mistaken. It is also committed to ensuring nobody suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or corruption offence has taken place or may take place in the future.

### ***Record keeping***

20. All accounts, receipts, invoices and other documents and records relating to dealings with third parties must be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off the record" to facilitate or conceal improper payments.
21. Records will be kept in accordance with the General Data Protection Regulation (GDPR) and relevant

legislation. Please refer to the Employee Privacy Notice and the Retention of Records Policy.

### ***Sanctions for breach***

22. A breach of any of the provisions of this Policy will constitute a disciplinary offence and will be dealt with in accordance with the College's disciplinary procedure. Depending on the gravity of the offence, it may be treated as gross misconduct and could render the employee liable to summary dismissal.
23. As far as associated persons are concerned, a breach of this Policy could lead to the suspension or termination of any relevant contract, sub-contract or other agreement.

### ***Monitoring compliance***

24. The Bursar has lead responsibility for ensuring compliance with this Policy and will review its contents on a regular basis. He will be responsible for monitoring its effectiveness and will provide regular reports in this regard to the directors of the College who have overall responsibility for ensuring this Policy complies with the College's legal and ethical obligations.

### ***Third parties***

25. The College will provide a copy of this policy to all agents with whom it establishes a business relationship and also to all agents who send students to St. Clare's with effect from September 2011.

### ***Training***

26. The College will provide training to all employees who deal with suppliers, agents and other relevant associated persons, to help them understand their duties and responsibilities under this Policy. The College's zero tolerance approach to bribery must also be communicated to all business partners at the outset of the business relationship with them and as appropriate thereafter.

Reviewed and updated by SMG – May 2018