

Anti-Bribery Policy

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** Policies will be reviewed more frequently if legal changes or good practice require*

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Related Policies: Financial Regulations;
 Public Interest Disclosure Act Policy;
 Gifts and Hospitality Policy; and
 Staff Disciplinary Procedure (Conduct).
 Modern Slavery and Human Trafficking Statement

1. Introduction

North Kent College (“the College”) is a multi-sited Further Education institution and incorporates Hadlow College. This document sets out the College’s policy and advice to all staff in dealing with bribery or suspected bribery. This policy details the arrangements the College made on its intranet for such concerns to be raised by its staff.

The Bribery Act 2010, came into force on 1 July 2011. It introduces a new, clearer, regime for tackling bribery that applies 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.

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. The Ministry of Justice’s guidance on Adequate Procedures (S7 para 35) states that:

“As regards bodies incorporated, or partnerships formed, in the UK, despite the fact that there are many ways in which a body corporate or a partnership can pursue business objectives, the Government expects that whether such a body or partnership can be said to be carrying on a business will be answered by applying a common sense approach. So long as the organisation in question is incorporated (by whatever means), or is a partnership, it does not matter if it pursues primarily charitable or educational aims or purely public functions. It will be caught if it engages in commercial activities, irrespective of the purpose for which profits are made.”

If any staff member 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.

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. The policy applies to the College, all its staff 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 will be respected at all times.

2. Definitions

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”.

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

This policy 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 policy are to:

- 3.1. 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;
- 3.2. assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly;
- 3.3. set out the College's responsibilities in terms of the deterrence, prevention, detection and investigation of bribery and corruption; and
- 3.4. ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following:
 - 3.4.1. criminal prosecution;
 - 3.4.2. civil prosecution; and/or
 - 3.4.3. internal/external disciplinary action (including professional/regulatory bodies).

This policy applies to all College staff regardless of position held, as well as those acting on behalf of the College, including governors, other volunteers, temporary workers, consultants, contractors, and/or any other parties who have a business relationship with the College. It will be brought to the attention of all employees and Board members and will form part of the induction process for new staff and Governors. It is incumbent on all of the above to report any concerns they may have concerning bribery.

In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of College's Equality and Diversity Policy.

The College has procedures in place that reduce the likelihood of bribery occurring. These include: Standing Orders; Financial Regulations;

documented policies and procedures, including those on whistleblowing; a system of internal control (including Internal and External Audit); and a system of risk management.

4. Public Service Values

There are seven fundamental public service values, which all those who work for the College or who are in a contract with the College, should exercise when undertaking their duties. These are as follows:

Selflessness	Should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefit 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. General

All staff have a personal responsibility to protect the College from bribery or corruption; they are responsible for maintaining the highest standards of business conduct; and are expected to behave honestly and with integrity.

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.

All gifts, payments or any other contribution, whether in cash or in kind, will be documented, regularly reviewed and properly accounted.

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.

The College prohibits its staff 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:

- 5.1.1. gain any commercial, contractual or regulatory advantage for the College in a way which is unethical; or
- 5.1.2. gain any personal advantage, pecuniary, or otherwise, for the individual or anyone connected with the individual.

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.

All intermediaries will be selected with care and all agreements with intermediaries will 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 any nominated member of the College's staff, auditors or investigating authorities. Agreements with agents and other intermediaries will, 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.

All staff will 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

“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 will not be given by the College or its staff in the UK or any other country.

5.3. 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 will be handled openly and unconditionally as a gesture of esteem and goodwill only. Gifts and hospitality will always be of symbolic value, appropriate and proportionate in the circumstances and consistent with local customs and practices. They will not be made in cash. Please refer to the College’s Financial Regulations for more guidance.

5.4. 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 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 or proceedings.

Where sponsorship links to the development of guidelines and advice, this should be carried out in consultation with the College's Senior Leadership Team.

The College does not make charitable donations, other than collections made by students, in which the College acts as the intermediary to pass these collections onto the relevant charities.

6. Raising Concerns

All College staff and associated persons are required to remain vigilant in preventing, detecting and reporting bribery. All staff and associated persons are expected to report any concerns regarding any suspected bribery in accordance with the College's procedures outlined in the whistleblowing process, which will be rigorously enforced. This is 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 who 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.

Any unfounded or malicious allegations will be subject to a full investigation and appropriate disciplinary action.

7. Roles and Responsibilities

7.1. The Corporate Board

The Corporate Board 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.

The Corporate Board 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. The Chief Executive and Executive Principal through the Deputy Chief Executive will monitor and ensure compliance with this policy.

7.2. College Staff

For the purposes of this policy, “staff” include the College’s staff; Governors; volunteers; temporary workers; consultants; and contractors.

Governors and staff, at all levels, will lead by example in acting with the utmost integrity and ensuring adherence to all relevant regulations, policies and procedures.

Staff must act in accordance with the College’s Financial Regulations, Gifts and Hospitality Policy which include guidance on the receipt of gifts or hospitality.

Staff who are involved in receiving offers of sponsorship, funding or gifts from outside agencies also should comply with their own professional codes of practice where applicable.

8. Raising Concerns

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.

As part of that responsibility, line managers need to:

- 8.1. inform staff of the College's Financial Regulations and Gifts and Hospitality policy as part of their induction process, paying particular attention to the need for accurate completion of personal records and forms;
- 8.2. ensure that all staff for whom they are accountable are made aware of the requirements of the policy;
- 8.3. assess the types of risk involved in the operations for which they are responsible;
- 8.4. 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;
- 8.5. be aware of the College's Anti-Bribery policy;
- 8.6. identify sensitive/at-risk posts;
- 8.7. ensure that controls are being complied with; and
- 8.8. 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.

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 Whistleblowing process, as soon as possible.

9. Information Technology and Management

The Director of IT will contact the Deputy Chief Executive 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 data tablets use.

10. Procurement

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 will, 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.

11. External Communications

Individuals (be they staff, temporary workers, volunteers, consultants, contractors or suppliers) must not communicate directly with any member of the press, media or any other third party about a suspected act of bribery, but should address any such concerns in accordance with the College Whistleblowing process.

12. Training

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.

Appendix 1 – Risk Assessment – Areas identified as high risk

Department	High risk item	Mitigation
Learner Support Fund	Fraudulent application for student not enrolled.	Students are checked to the Student Database system (“REMS”) to ensure they are enrolled at the College. The Bursary Funds system (“PayMyStudent”) is linked to REMS.
	Claims for students above the household income level	<ol style="list-style-type: none"> 1. There are clear College Bursary Fund policies, which are referred back to the Education Skills Funding Agency relevant guidance. 2. The team have an understanding of the benefits and entitlements available to students/parents, checks on paperwork provided for 2nd adults living at the property, probing students/parents if not happy with evidence provided.
	Fraud or bribery through applicant knowing member of staff as a relative or friend of the family	2 nd team member/manager to process application/verify award to student to ensure no preferential treatment given.
	Award to exceed the maximum of £1,200 (excluding childcare)	Referral to senior leader/Head of MIS and Admissions for approval as unfunded by agency funds.
Human Resources	Fake employees	<ol style="list-style-type: none"> 1. Recruitment forms completed by managers and authorised by the Chief Executive and Executive Principal. Shortlisting of all positions by two members of staff, interviews carried out by a panel, references and Disclosure and Barring Service (“DBS”) obtained, copy of photographic identification obtained and verified to employee. Senior managers check payroll for their areas to ensure staffing is correct. 2. Payroll checking process completed monthly, prior to payment submission including system audit report setting out all changes in month. Signed off by the Head of HR.

Department	High risk item	Mitigation
	Duplicate or fake expenses/overtime claims	Use of online payroll payment system ("iTrent"); which is linked to employees College IT login; for expenses and overtime claims requiring manager's online approval. Expense/overtime claims checked by HR/payroll prior to payment.
	Fake bank details for employee's salary payments	Employees use iTrent, linked to their College IT login, to amend their own bank details. Any amendments are further verified by HR/Payroll prior to use of amended bank details
	Second contract set up for employee	Verification by HR of second contracts, recruitment forms must be authorised.
MIS	Fraudulent applications stating incorrect qualifications gained prior to college start	Verification of qualifications gained via ESFA qualification portal, the Learning Records Service ("LRS"). Proof of qualifications provided at enrolment.
	Imposter to sit examination on behalf of student	Invigilators confirm identification of all students prior to exam being sat via college ID card or printout from REMS including photo.
Curriculum	Bribery of staff to achieve an improved grade	Internal Verification of exam papers by different staff members to ensure accurate grades are awarded and that marking is fair and transparent.
Finance	Procurement/tenders	Detailed tender processes carried out using detailed criteria, independent staff also involved in process (including opening of tenders) to ensure no bribery or alterations to bids occur. Conflict of Interest Declaration completed by all staff involved in the award of new contracts. Equal opportunities and immediate notification of clarification points to all bidders. Agreed authorisation and financial limits relevant to employee's position.

Department	High risk item	Mitigation
	Incorrect bank details for student/nursery direct debits	Spot checks on direct debits that are not in the name of the student or nursery parent which include checking to REMS for name of emergency contact.
	Misappropriation of funds	Bank reconciliation performed regularly. Budget holder statements reviewed regularly in conjunction with managers for anomalies.
	Purchase of personal goods on college credit card	Staff members sign a disclaimer when they are issued their credit card. Periodic reminders/training to all staff who use credit card. Financial regulations which are issued annually reiterate policy. Review of all transactions monthly by finance staff. If necessary disciplinary policy instigated.
	Cash receipts	Cash collection company provide a receipt for cash collected. This is matched to the College listing whilst operative is on site. Subsequent reconciliation of cash banked as part of bank reconciliation.
	Disposal of assets	Asset disposal forms completed and signed by finance manager and appropriate Senior Leadership Team Lead, including sense checks for validity and mitigation against inappropriate disposal of assets. Clear policy as part of the financial regulations.
	Payments to suppliers	Segregation of duties to reduce risk of collusion. Purchase orders and invoices require electronic signature by budget holders and in accordance with agreed authorisation levels. Payment run approvals, checking validity of invoices and expenditure. Different users have different levels of access on online banking system, bank payments require two “electronic” signatories supported by relevant paperwork. Each signatory has their own pin and password. Management accounts and variance reporting against budget

Department	High risk item	Mitigation
	Change of supplier bank details	On receipt of notification of changes, which must be in writing on headed paper or invoice, all changes to be checked via a telephone call to the supplier and the telephone call confirmed in writing with the supplier.
Clerk to the Governors	Conflicting interests	Completion of register of interests for both senior post holders/budget holders and also for governors. Register reviewed by Audit Committee and governors notify the Clerk/abstain from conflicting items at board meetings.