

Anti-Bribery Policy

January 2018

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Version Control History

Version Number	Date of Change	Summary of Revisions Made
1	May 2013	No Draft Revisions Available.
1.1	July 2016	Footer updated to reflect new template model. Role Title Change: Vice Principal, Finance and Estates; Head of Quality.
1.2	January 2018	Role Title Change: Chief Operating Officer.

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1 Introduction

The Bribery Act 2010 reformed the criminal law to provide a new, modern and comprehensive scheme of bribery offences that enables courts and prosecutors to respond more effectively to bribery at home or abroad. It was designed to bring the UK in line with international norms on anti-corruption legislation. Under the powers granted by the law prosecutors are able to prosecute both domestic and foreign companies, providing they have some presence in the UK. Bribes committed in the UK and abroad could be prosecuted under the Act.

There are 4 corporate offences:

- a A general offence covering the offering, promising or giving of a bribe.
- b A general offence covering the requesting, agreeing to receive, or acceptance of bribe
- c A discrete offence of bribery of a foreign public official.
- d A corporate offence of failure by a commercial organisation to prevent bribery by persons associated with it.

2 Purpose

2.1 The Policy sets out the College's position in respect of ensuring that all staff and those working on behalf of the organisation are aware of the law, their obligations and procedures in place to prevent bribery.

2.2 The Policy outlines the 6 principles of compliance recommended by the Ministry of Justice:

- a Proportionate Procedures: The College will ensure it has procedures in place to prevent bribery by persons associated with it which are proportionate to the bribery risks it faces and to the nature, scale and complexity of the College's activities. It will ensure that these are clear, practical, accessible, effectively implemented and enforced.
- b Top Level Commitment: The Senior Management Team (SMT) is committed to preventing bribery by persons associated with the College. The SMT will foster a culture within the College in which bribery is never acceptable.
- c Risk Assessment: The College will assess the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment will be periodic, informed and documented.

In assessing the risks, the College will pay particular attention to its dealings with territories which are perceived to have a high level of corruption; to dealings in high risk industry sectors eg defence, energy and construction; and to any close ties with prominent government officials or extensive government contracts.

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Lead Author: Head of Finance
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- d Due Diligence: The College will apply due diligence procedures, taking a proportionate and risk-based approach, in respect of persons who perform or will perform services for or on behalf of the College in order to mitigate identified bribery risks. It will take the appropriate action in response to any information uncovered as a result of the due diligence which gives rise to concern.
- e Communication (including training): The College will seek to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training, that is proportionate to the risks it faces. The College will ensure that appropriate reference is made to the College's Anti-Bribery Policy and related policies, eg procurement, whistle-blowing, fraud prevention.
- f Monitoring and Review: The College will monitor and review procedures designed to prevent bribery by persons associated with it and make improvements where appropriate. The College will ensure that it takes appropriate action in response to any reported incidents of bribery.

3 Scope

- 3.1 The policy applies to all individuals working at all levels and grades, including all academic staff, senior managers, officers, members of the Board of Management, employees (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, casual associated staff and agency staff, volunteers, interns, agents, or any other person acting on behalf of the College (agents or third-party representatives which sometimes include students).

4 Definitions

- 4.1 Bribery is the offer, promise, giving, demanding or acceptance of an advantage as an inducement for an action which is illegal, unethical, a breach of trust or the improper performance of a contract.
- 4.2 Corruption is the misuse of public office or power for private gain, or misuse of private power in relation to business outside the realm of government.
- 4.3 Acts of bribery or corruption are designed to influence the individual in the performance of their duty and incline them to act dishonestly. The person being bribed is generally someone who will be able to obtain, retain or direct business. This may involve initiatives such as buying or selling, or it may involve the handling of administrative tasks such as licences, customs, visas or taxes. It does not matter whether the act of bribery is committed before or after the activity has been undertaken.

- 4.4 Kickbacks are typically payments made in return for a commercial favour or advantage. These 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 in which the College operates.
- 4.5 Illustrative case studies are available at Appendix 1 of the Bribery Act 2010 Guidelines.

5 Key Principles

- 5.1 The College values its reputation for ethical behaviour and for financial probity and reliability and has a zero tolerance policy towards bribery.
- 5.2 The College prohibits the offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement, to or from any person or company, public or private, by any governors, staff, contractors, consultants, agents, overseas agents, external examiners and any non-employee service providers engaged on College business for whatever reason, in order to gain any commercial, contractual or regulatory advantage for the College 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.
- 5.3 The College recognises that market practice varies across the territories in which it does business and what is normal and acceptable in one place may not be in another.
- 5.3.1 This policy prohibits 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 Group or of the person or body employing them or whom they represent.
- 5.3.2 This policy is not meant to prohibit the following practices providing they are customary in a particular market, are proportionate and are properly recorded:
- a Appropriate and reasonable hospitality;
 - b the giving of a ceremonial gift on a festival or at another special time;
 - c the use of any recognised fast-track process which is available to all on payment of a fee;
 - d 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.
- 5.4 The College prohibits payments including "facilitating" or "expediting" payments to others in order to secure prompt or proper performance of routine duties.

6 Responsibilities

- 6.1 The Senior Management Team and Board of Management have overall responsibility for the Policy and for fostering a culture within the organisation in which bribery is never acceptable.
- 6.2 The Chief Operating Officer has responsibility for implementing the Policy, monitoring compliance and ensuring the Policy is regularly reviewed and updated as appropriate.
- 6.3 The responsibility to control the risks of unethical business practices occurring resides at all levels of the organisation. The prevention, detection and reporting of bribery is therefore the responsibility of all staff. To this end staff should be aware of the Public Interest Disclosure process outlined in the College's Whistle-blowing Procedure.
- 6.4 Quality approval check of the policy is the responsibility of the Head of Quality who will arrange for the policy to be posted on the web.

7 Linked Policies/Related Documents

- 7.1 Fraud Prevention Policy and Response Plan
- 7.2 Whistle-blowing Policy
- 7.3 Staff Disciplinary Procedure
- 7.4 Student Disciplinary Procedure
- 7.5 Procurement Policy
- 7.6 The Bribery Act 2010 – Guidance
- 7.7 Financial Regulations

8 Relevant Legislation

The Bribery Act 2010