



Anti-bribery & Corruption Policy

POLICY DOCUMENT 2	
Title	Anti-bribery & Corruption Policy
Approved by	Board of Trustees
Date approved	16 November 2023
To be reviewed	Every 3 years, on legislative changes or in the event of a serious incident
Review history	26 November 2020, 27 November 2017
Executive director owner	Chair of Trustees
Where to be published (website/private)	Website

1.0 Purpose

1.1 The Bribery Act 2010, came into force on 1 July 2011 and creates a new offence which can be committed by organisations which fail to prevent persons associated with them from bribing another person on their behalf.

1.2 The Act provides:

- a general offence of bribery, which is defined as giving someone a financial or other advantage to induce them to perform their functions or activities improperly, or to reward them for having already done so.
- an offence of bribing a foreign public official in order to win business, keep business or gain a business advantage for the organisation.
- an offence relating to failure by a business to prevent a person associated with it from committing the above offences on its behalf in order to win business, keep business or gain a business advantage for the organisation.

1.3 The penalty for individuals breaching the Act is a maximum term of imprisonment of ten years and/or a fine for individuals and for organisations (which is unlimited in relation to the commercial organisation offence).

1.4 An organisation that can prove it had "adequate procedures" in place to prevent persons associated with it from bribing will have a defence. What counts as adequate will depend on the bribery risks an organisation faces and the nature and size of the organisation.

2.0 Policy Statement

2.1 The Centre for Self Managed Learning Limited (hereafter referred to as "the Charity") seeks to operate to a high standard in all it does. Through the Self Managed Learning College (hereafter referred to as "the College"), it works with integrity, accountability and transparency across its procedures and processes to achieve the best outcomes for all its service users. Bribery and corruption run counter to the values of the Charity and it takes a "zero tolerance" approach to bribery and corruption in its own work or with any individual or organisation associated with it.

2.2 This policy:

- outlines the measures which the Charity takes to prevent bribery and the procedures that should be followed if bribery occurs. It aims to help the Charity to establish a defence under section 7 of the Bribery Act - and to minimise any operational or reputational risks associated with individuals giving or taking bribes on its behalf.
- is designed to assist employees and persons associated with the Charity 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.
- aims to provide suitable and secure reporting and communication channels and to ensure that any information that is reported is properly and effectively dealt with.
- aims to create and maintain an effective framework for dealing with any suspected instances of bribery or corruption.

2.3 This policy and guidance should therefore be seen in the context of not only the Charity's values but also its financial, conflict of interest and recruitment procedures. The policy applies to all employees, volunteers, trustees, tutors and other service suppliers.

3.0 Defining the terms and scope

3.1 *Bribery* is the offering, promising, giving, accepting or soliciting of money, a gift or other advantage as an inducement to do something that is illegal or a breach of trust in the course of carrying out the Charity's activities. *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. A list of potential corruption indicators is attached at Appendix A.

3.2 Bribes can take on many different shapes and forms, but typically they involve corrupt intent. There will usually be a 'quid pro quo' – both parties will benefit. Examples of bribery may include:

- a potential supplier offering money in order to influence a contracting process
- a job applicant offering payment in order to increase his/her chance of being offered employment
- payments which induce officials to perform routine functions they are otherwise obligated to perform. (These payments would not include legally required administrative fees and legitimate fast-track services.)
- extravagant gifts and hospitality which may be used to disguise bribes that are intended to induce improper behaviour (e.g. to fix the outcome of a contracting process).

3.3 Genuine hospitality or similar business expenditure that is reasonable and proportionate is not prohibited by the Act. The Charity recognises the importance of building positive and effective business relationships.

3.4 Circumstances which are never permissible include examples that involve any form of “quid pro quo”, where something is offered for something in return, or gifts in the form of cash/or cash equivalent vouchers. Possible circumstances that are usually acceptable include:

- Modest/occasional meals with someone with whom we do business
- Occasional attendance at ordinary sports, theatre and other cultural events
- Gifts of nominal value, such as pens, or small promotional items

3.5 However, all trustees, employees, volunteers are required to declare any such gifts in line with the Charity's Conflict of Interests Policy.

4.0 Responsibilities

4.1 Trustees

The Trustees are responsible for ensuring that this policy and any associated policies are fit for purpose and complied with. The Trustees are responsible for informing the Treasurer of any gifts or hospitality that they have received in respect of their Trustee role,

4.2 Chair of Governors

The Chair of Governors is responsible for ensuring that this policy and its procedures are implemented consistently in the College and to actively lead the Charity's anti-bribery policy and practice within the College.

4.3 Individuals (employees, governors, volunteers, tutors and other service providers)

Individuals are expected to safeguard and uphold the Charity's core values by operating in an ethical, professional and lawful manner at all times. Individuals are responsible for not giving or receiving bribes and challenging instances where bribery may occur. They are also responsible for reporting all bribery that they are aware of via the procedures laid out in this policy.

Compliance with the Charity's policy in relation to bribery and corruption is regarded as part of an employee's contract of employment. Any employee found to have accepted or attempted bribery or made facilitation payments will be subject to disciplinary action, including dismissal.

5.0 Risk assessment and due diligence

5.1 Within the creation and review of this policy the Charity has completed a risk assessment of the key risks facing the organisation in respect of bribery and corruption. The following risk areas have been identified and due diligence process implemented.

5.2 Recruitment

The Charity recognises that good anti-bribery practice starts from the outset of employing an individual. It therefore ensures that references are taken up as a condition of any offer of employment.

5.3 Working with service suppliers and in partnerships

The Act's definition of an associate is deliberately broad to include individuals, incorporated and unincorporated bodies supplying goods and services to the Charity or acting on the Charity's behalf as a partner or agent. The Charity therefore requires all employees, suppliers and contractors to ensure that, where appropriate:

- Key service suppliers and partners are selected through a transparent and competitive selection process.
- Due diligence is carried out on partners and key suppliers before entering into contracts with a value of over £5,000. For contracts over £5,000 three estimations are required.
- Contractual agreements explicitly prohibit the giving or receiving of bribes on behalf of the Charity.
- Any conflicts of interest are declared.

5.4 Charitable and political donations

A political contribution is a donation made to a politician, a political party or a political campaign. Charities are not permitted to make political donations and therefore political donations are not permitted under any circumstances.

5.5 Record-Keeping

Many bribery and corruption offences have been found to involve some degree of inaccurate record-keeping. The Charity will ensure that accurate records are maintained and that overall financial reporting is transparent. That is, it will accurately reflect each of the underlying transactions. The Charity uses the services of an independent auditor.

6.0 Reporting Procedure

The following section sets out the actions employees, governors, volunteers, contractors or trustees should take if they are offered or asked for a bribe:

6.1 Reflect on the situation and ask

- What is the intent – is it to build a relationship or is it something else?
- How would this look if these details were on the front of a newspaper?
- What if the situation were to be reversed – would there be a double standard?

6.2 If it is difficult to answer one of the above questions, there may a risk involved which could potentially damage the Charity's reputation and business. The action could well be unlawful. Report

concerns to the Chair of Governors if the matter affects the College and the Chair of Trustees if the matter affects the whole Charity.

6.3 If it is clear that a bribe is being offered or demanded, individuals should immediately reject such demands for or offers of bribes and the Charity's anti-bribery stance should be made clear.

6.4 Report any such approaches immediately to the Chair of Governors if the approach lies within the scope of the College. If for some reason it is not possible to speak to the Chair of Governors, the situation should be reported to the Chair of Trustees. For approaches outside the remit of the College (that is, within the wider Charity) the matter should be reported to the Chair of Trustees.

6.5 Record the details of any bribery or requested or attempted bribery, as soon as possible after the event.

7.0 Investigation procedure

Any reports of actual or potential bribery will be properly and promptly investigated by the Chair of Governors or a member of the Board of Trustees as appropriate.

7.1 The objectives of an investigation will be to:

- Confirm whether or not a bribe has taken place, and to identify who was responsible.
- Confirm whether internal controls and anti-bribery procedures have worked in practice.
- Identify any improvements required to anti-bribery procedures.

7.2 Depending on the findings of the investigation, subsequent action will be determined. This may involve disciplinary action against staff involved or external reporting to:

- A senior official or director of another organisation, if the person making the bribe is from that organisation
- Local police/ law enforcement agencies (if deemed appropriate)
- Serious Fraud Office (in the UK, the SFO has primary responsibility for the UK Bribery Act)
- Relevant government department where the bribe took place
- The Charity Commission, if the matter is considered a "serious incident"

8.0 Whistleblowing

8.1 The Charity seeks to work with transparency in all it does and welcomes all employees working in the College raising their concerns on this issue with the Chair of Governors. This might be about activities within the Charity, a partner or third party. In the event that staff hold a concern regarding the Chair of Governors, they should contact the Chair of Trustees, and vice versa. Employees will be supported in any situation where they have concerns.

9.0 Related Policies

- Financial Policy
- Conflicts of Interest Policy
- Disciplinary Procedure
- Whistleblowing Policy

10.0 Review

This policy will be reviewed as and when the legislation changes or after a significant change in operations of the Charity or a significant incident, but no less frequently than every 3 years.

APPENDIX A: Anti-Bribery and Corruption Policy

Possible indicators of corruption

This list is not exhaustive and the ingenuity of those involved in corruption knows no bounds! You should beware of:

1. Abnormal cash payments
2. Pressure exerted for payments to be made urgently or ahead of schedule
3. Lavish gifts being received
4. Individual never takes time off even if ill, or holidays, or insists on dealing with specific contractors him/herself
5. Making unexpected or illogical decisions accepting projects or contracts
6. Unusually smooth process of cases where individual does not have the expected level of knowledge or expertise
7. Abusing decision process or delegated powers in specific cases
8. Agreeing contracts not favourable to the organisation either with terms or time period
9. Unexplained preference for certain contractors during procurement process
10. Avoidance of independent checks on contracting processes
11. Bypassing normal contracting procedures
12. Invoices being agreed in excess of contract without reasonable explanation
13. Missing documents or records regarding meetings or decisions
14. Company procedures or guidelines not being followed

Further information can be found on the Serious Fraud Office website: <https://www.sfo.gov.uk/>