



Anti-Bribery Policy

1. Introduction

- 1.1. Rose Bruford College values its reputation for ethical behaviour and for financial probity and reliability. The College is committed to acting lawfully, ethically and with integrity in all its dealings, wherever it operates in the world. As part of this firm commitment, all forms of bribery and corruption are considered to be unacceptable. This is not just a cultural commitment on the part of the institution, it is a legal requirement to demonstrate appropriate compliance.
- 1.2. Our 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.
- 1.3. Our College has a zero tolerance policy towards any behaviour that constitutes bribery, under the definition given above, and has put in place procedures for reporting and investigating acts of suspected bribery. Our College has taken steps to limit the risk of bribery through:
 - a) Setting out a clear anti-bribery policy
 - b) Training employees so that they can recognise and avoid the use of bribery by themselves and others
 - c) Encouraging employees to be vigilant and to report any suspicion of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately
 - d) Rigorously investigating alleged bribery, where necessary assisting appropriate authorities
 - e) Taking firm and vigorous action against any individual(s) involved in bribery
 - f) Monitoring of the effectiveness of such controls
- 1.4. 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.

2. Objectives of the policy

2.1. The aims of this Policy are to:

- a) promote a culture of honesty, integrity and professionalism
- b) set out the College's responsibilities, and of those working for or on behalf of the College, in observing and upholding the College's position on bribery, fraud and corruption
- c) provide information and guidance to those working for the College on how to recognise and address bribery, fraud and corruption issues.

3. What is Bribery?

3.1. "Bribery", as defined in the Bribery Act 2010, means:

- a. Offering, promising or giving a financial or other advantage to another person (either directly or indirectly) with the intent to induce a person to improperly perform a relevant function or activity or to reward a person for the improper performance of a relevant function or activity.
- b. Offering, promising or giving a financial or other advantage to another person (either directly or indirectly) knowing or believing that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity.
- c. Requesting, agreeing to receive or accepting a financial or other advantage (either directly or indirectly) intending that, in consequence, a relevant function or activity will be improperly performed or as a reward for the improper performance of a relevant function.
- d. Requesting, agreeing to receive or accepting a financial or other advantage (either directly or indirectly) where the request, agreement or acceptance itself constitutes the improper performance of a relevant function or activity.
- e. Offering, promising or giving any financial or other advantage (either directly or indirectly) to a foreign public official with the intention of influencing that official in order to obtain or retain business or other advantage in the conduct of business.

4. Scope and Purpose

4.1. This Policy applies to the conduct of all members of the College and any third party acting on its behalf, a non exhaustive list of which includes Board members, permanent and fixed term staff, students, consultants, contractors, trainees, seconded staff, homeworkers, casual workers, agency staff, volunteers, interns, agents, sponsors, agents or any other person associated with the College, any of its subsidiaries or their employees, wherever they may be located (collectively referred to as 'members') in this Policy. The Bribery Act 2010 applies to all College activities no matter where they are carried out in the world. This policy

therefore applies to all of the College's activities worldwide, whatever the local law, practice or custom may be.

- 4.2. To the fullest extent permissible by law, this policy shall apply in all jurisdictions in which the College operates.
- 4.3. Preventing, detecting and reporting bribery in line with this policy is the responsibility of all those outlined in 4.1 above.
- 4.4. Breach of this policy may constitute a disciplinary offence for staff and students and will be subject to investigation under the College's disciplinary procedures. In the most severe instances this could result in dismissal / exclusion. For other associated persons, breach of this policy may result in other contractual or legal or other sanction. Criminal penalties may also apply (see section 6 below).

5. Responsibilities

- 5.1. Ultimate responsibility for this Policy rests with the Governing Body, however, the Board will require the Principal to ensure that this Policy is applied effectively.
- 5.2. Role of the College
 - a) To provide appropriate training for all staff about the Bribery Act 2010
 - b) To provide suitable channels of communication for reporting suspected incidents and to ensure that sensitive information is treated appropriately
 - c) To investigate instances of alleged bribery
 - d) To taking firm action against any individual involved in bribery
 - e) To monitor the implementation of the policy
 - f) To review the policy annually or more frequently in the event of changes in the College business or legislative change
 - g) To maintain a comprehensive Gift register and ensure that it is regularly reviewed to ensure compliance and best practice
- 5.3. Role of Managers
 - To ensure all staff are aware of this policy and of their responsibilities to act in accordance with its procedures
 - a) To monitor contractors and suppliers and within their area of responsibility as part of the regular review of relationships with them
 - b) To undertake effective risk assessment in order to assess the vulnerability of their activities, particularly overseas, on an on-going basis
 - c) To encourage staff to be vigilant and to report any suspicion of bribery
 - d) To record any gifts or hospitality received or given by staff

5.4 Role of Individual Members of Staff

- a) To read and comply with the anti-bribery policy
- b) To avoid any activity that might lead to, or suggest, a breach of this policy
- c) To declare the receipt of any gift or hospitality or conflict of interest
- d) To report any suspected incidents of bribery
- e) To notify their line manager or another senior person if they identify a risk which they think has not been addressed by any anti-bribery measures
- f) Not to accept any gifts or hospitality where these are intended or could be perceived as bribes.
- g) Not to make any payments unless they have been authorised and are lawful
- h) Not to look the other way if they become aware of any suspicious activity or wrongdoing and to make sure that this is reported

6. Legal Penalties

- 6.1. Individuals found guilty of a bribery offence can face fines or prison sentences.
- 6.2. The College may face unlimited fines if it is found to have “failed to prevent” bribes being made or received by staff or associated persons. This is why this policy extends to individuals and companies who, whilst not directly employed by the College, are acting on its behalf. The College may also find itself excluded from certain public contracts, potentially affecting its income.
- 6.3. Our 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. 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.
- 6.4. 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.

- 6.5. If in doubt, do not hesitate to take advice before accepting hospitality. The Chief Financial Officer is able to offer advice when appropriate. It should be stressed that the timing of hospitality in relation to any potential conflict may be key in deciding its appropriateness.
- 6.6. All receipts of gift or hospitality over £50 must be reported to the Chief Financial Officer for recording in the College's gift register Which is submitted annually to the Audit and Risk Committee. Gifts received by the Chief Financial Officer will be reported to the Principal.

7. Facilitation Payments

- 7.1. Facilitation payments are typically small, unofficial payments made to government officials to secure or expedite a routine service to which there is already entitlement. For example, an official may request an undue payment to issue an academic's visa. Similarly individuals within an official overseas regulatory authority may require an improper payment to issue regulatory approval for any joint educational arrangements the College maintains with overseas organisations. Facilitation payments do not, however, only arise in relation to government officials – any payment to 'smooth the way' that is not legally and ethically justifiable is potentially relevant.
- 7.2. The College does not offer or make, and shall not demand or accept, facilitation payments of any kind by members of the College anywhere in the world.
- 7.3. How do I recognise a facilitation payment?
 - a) You should consider what the payment is ostensibly being asked for and whether the amount requested appears relevant and proportionate to the matter in hand.
 - b) You should always ask for clarification, preferably written, if in doubt about what you are being asked for.
 - c) Sometimes you may need to seek further advice to distinguish between properly payable fees and disguised requests for facilitation payments.
- 7.4. If members of the College have any suspicions or concerns in respect of a payment then, subject to the following paragraph, they must not make the payment. Staff and External Members must report those concerns using the processes under sections 10.
- 7.5. The College recognises that there may be circumstances in which a person could face a request for such payments in circumstances of duress, including actual or implied threat to their personal safety. Common sense must be used in deciding whether to make a payment in such circumstances. The College will not penalise payments made in such circumstances. Where the circumstances set out in this paragraph apply, members of the College must as soon as possible report the circumstances using one of the processes under sections 6 & 7 above.

- 7.6. In the event that a demand for a facilitation payment is made in circumstances where an employee is in a vulnerable position or there is an immediate threat to life, limb or liberty then put safety first, make the payment and report immediately to the Chief Financial Officer to record the payment appropriately within the College's records to reflect the substance of the underlying transaction.

8. Overseas Jurisdictions

- 8.1. Certain jurisdictions present a heightened risk of bribery. Transparency International publishes a helpful Corruption Perceptions index by jurisdiction which can be used by staff to access the perceived risks of bribery activity associated with a particular part of the world. The index can be found at:

http://www.transparency.org/policy_research/surveys_indices/cpi

- 8.2. Staff travelling, as part of their research, teaching or for any other reason, to countries identified in the index as having a perceived high risk of corruption should be especially vigilant and prepared to identify and resist bribery.

9. 'High Risk' Areas

- 9.1. The provisions of this policy clearly state that the College must remain vigilant and proactively seek to identify and avoid bribery and corruption.
- 9.2. Whilst it would be impossible to list all of the potential bribery situations that may be encountered, certain areas and business relationships require particular scrutiny, for example improper hospitality, facilitation payments (see section 7) and certain overseas jurisdictions (see section 8). Such 'high risk' areas will change over time as circumstances dictate.
- 9.3. However, the College as a Higher Education Institution, areas of high risk which will require enhanced levels of due diligence and caution will almost certainly include the following:
- a) Agents and Intermediaries, particularly those who operate in a jurisdiction where bribery is prevalent or endemic
 - b) Joint Ventures and consultancies, where the College could be held liable for any bribery or corruption committed by a third party with whom the College is associated by means of the joint venture or consultancy agreement
 - c) Contracts, particularly construction contracts where the values involved are likely to be high
 - d) All aspects of the procurement of goods and services carried out by the College
 - e) Gifts and hospitality
 - f) Fundraising and donations

9.4 Effective monitoring and control are required to ensure that, once the risks have been identified, any procedures which may need to be amended to mitigate those risks are refined on an ongoing basis. Key steps to prevent bribery and corruption include:

- i. Risk assessment is essential to the successful implementation of this policy as it identifies the specific areas where the University is exposed to the risk of bribery, allows the risks to be evaluated and appropriate risk mitigation to be put in place. All activities, especially those conducted overseas, should be assessed for vulnerability on an ongoing basis. This monitoring, review and repeated risk assessment will protect the institution better and facilitate more effective responses to changes in external circumstances and new activities.
- ii. The keeping of accurate records is a key strand of managing the risks. Many serious bribery and corruption offences have been found to involve a level of inaccurate record keeping. Financial reporting and good record keeping should be maintained for all activities and for all third-party representatives acting on behalf of the University. Misleading or inaccurate records could damage the institution's reputation and result in a perceived failure to take the necessary steps to prevent corrupt practices.

10. How to raise a concern

- 10.1. All Members of the College are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If an individual is unsure whether a particular act constitutes bribery or corruption, or if they have any other queries, these should be raised with their line manager. Concerns should be reported by following the procedure set out in the College Whistleblowing Policy. The College will take all reasonable steps in accordance with that Policy to protect the confidentiality of those raising concerns.
- 10.2. If it is suspected that the line manager is involved in the irregularity, the matter should be notified to the Chief Financial Officer directly. If it is suspected that the Principal or the Chief Financial Officer is involved in the irregularity the matter should instead be notified to the Clerk to the Board and the Chair of the Board of Governors. Where the Chair of the Board of Governors is concerned, report shall be to the Chair of the Audit and Risk Committee.
- 10.3. Failure to inform the appropriate person immediately may mean that further losses are incurred or that evidence is lost.

11. Protection

- 11.1. The College is committed to ensuring no one 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 other corruption offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If any member of the College believes that they have suffered any such treatment, they should inform their line manager immediately. If the matter is not remedied it may be raised formally using the College's Grievance Procedure (where the individual concerned is an Employee), or through the Student Complaints Procedures.

12. Monitoring and review

- 12.1. The Chief Financial Officer 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.

Document Control

Title: Anti-Bribery Policy

Applicable to: All Staff Groups

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Approved by: Audit and Risk Committee Chair

Policy Owner: Clerk to the Board