



# ETC International College

## Anti-Bribery and Corruption Policy

July 2024

### **Purpose**

The purpose of this policy is to:

- set out the responsibilities of the College and those working for the College (referred to as “worker(s)” in this Policy) in observing and upholding its position on bribery and corruption; and
- provide information and guidance to Governors and those working for the College on how to recognise and deal with bribery and corruption issues.

Bribery and corruption are punishable for individuals by up to ten years’ imprisonment and if the College is found to have taken part in corruption it could face an unlimited fine and significant damage to its reputation. The College therefore takes its legal responsibilities very seriously.

This policy should be read in conjunction with the School’s Gifts and Hospitality Policy.

### **Scope of this Policy**

This policy applies to all Governors. It also applies to all employees, consultants, volunteers, agents, intermediaries or any other person associated with the College.

All Governors and workers must make sure that they have read, understood and comply with this policy.

In this policy, “third party” means any individual or organisation with which a Governor or a worker comes into contact during the course of their work for the College, and includes actual and potential students, and parents of students, alumni, suppliers, business contacts, college inspectors, agents and advisers.

### **Policy Statement**

It is the policy of the Governors to conduct all of their activities in relation to the College in an honest and ethical manner. The Governors take a zero-tolerance approach to bribery and corruption.

The Governors will uphold all laws relevant to countering bribery and corruption, including the Bribery Act 2010 (the “Act”), in respect of the College.

The Governors have overall responsibility for ensuring this policy complies with the College’s legal and ethical obligations, and that all those under the Governors’ control comply with it.

## Overview of the Act

The Act covers all instances of corruption, in UK and abroad, by individuals as well as corporates, and between and within businesses as well as in the public sector.

The Act's definition of bribery is: *'Anything that induces or is intended to induce improper performance'*.

There are four main offences:

- requesting, agreeing to receive or accepting a bribe;
- bribing a foreign public official;
- offering, promising or giving a bribe; and
- a corporate offence of failing to prevent bribery.

An organisation's employees, consultants, volunteers, agents and intermediaries are covered by the Act.

A bribe may be given or received in the form of a gift or hospitality.

## What is a Bribe?

A bribe is an inducement or reward offered, promised or provided in order to:

- obtain or retain any commercial, contractual, regulatory or personal advantage;
- induce a person to perform improperly a relevant function or activity; or
- reward a person for the improper performance of a relevant function or activity, a 'relevant function or activity' being any activity connected with a business, any function of a public nature, any activity performed in the course of a person's employment and any activity performed by or on behalf of a body or person (including a company).

The Act is not intended to prevent the giving and receiving of normal and appropriate gifts or hospitality to or from third parties.

## Risk Assessment

The success of the College is dependent to some extent on maintaining close and strong relationships with other individuals and organisations. The Governors must therefore be careful and stringent to observe and ensure that all relationships are conducted with the utmost integrity and in accordance with all applicable anti-corruption laws.

## What is Not Acceptable?

It is not acceptable for a Governor or worker to:

- give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to “facilitate” or expedite a routine procedure;
- accept payment from a third party that a Governor or worker knows or suspects is offered with the expectation that it will obtain a business advantage for them;
- accept a gift or hospitality from a third party if a Governor or worker knows or suspects that it is offered or provided with an expectation that a business advantage will be provided by the College in return;
- threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or
- engage in any activity that might lead to a breach of this policy.

### **Gifts and Hospitality**

This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties.

The giving or receipt of gifts is not prohibited, if the following requirements are met:

- it 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, or in explicit or implicit exchange for favours or benefits;
- it complies with local law;
- it does not include cash;
- it is appropriate in the circumstances (for example, it is customary for small gifts to be given by students to staff members at the end of their course);
- taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time;
- it is given openly, not secretly; and
- it is otherwise in compliance with the Gifts and Hospitality Policy.

### **Facilitation Payments and Kickbacks**

The College does not make, and will not accept, facilitation payments or “kickbacks” of any kind. Facilitation payments 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.

If a Governor or a worker is asked to make a payment on the College's behalf, they should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. The Governor or worker should always ask for a receipt which details the reason for the payment. If the Governor or worker has any suspicions, concerns or queries regarding a payment, they should be raised with the Bursar or direct to the Governing Body if appropriate.

Kickbacks are typically payments made in return for a business favour or advantage. All Governors and workers must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by the School.

### **Donations**

The Governors do not make contributions to political parties on behalf of the College. The School only makes charitable donations that are legal and permitted within its own charitable objects. No donation must be offered or made without the prior approval of the Governing Body.

### **Record-Keeping**

The Governors and workers must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

All Governors and workers must declare and keep a written record of all hospitality or gifts accepted or offered with a value in excess of £100, which will be subject to review by the Board of Governors. A 'bribery book' notebook is kept by the Chair of the Board of Governors who keeps a record.

All Governors and workers must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the College's expenses policy and specifically record the reason for the expenditure.

All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off-book" to facilitate or conceal improper payments.

### **Protection for Governors and Staff in Incidences of Bribery**

Governors and workers who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, may be worried about possible repercussions. The College strongly encourages honesty and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

The College is committed to ensuring that no one suffers any detrimental treatment as a result 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 concern. If a Governor or worker believes that they have suffered any such treatment, they should inform one of the Governors immediately.

**Training and Communication**

Training on this policy forms part of the induction process for all new Governors and workers. All existing Governors and workers will receive regular, relevant training on how to implement and adhere to this policy.

The Governors' zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and business partners at the outset of the School's business relationship with them and as appropriate thereafter.

**Monitoring and Review**

The Director of Studies will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness and report to the Board of Governors as required.

Governors and workers are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.

Workers are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Board of Governors.

**Version 2 updated July 2024 Board of Governors**

**Next update due July 2027**



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### Confirmation of Reading

I confirm I have read and understood the **Anti-Bribery and Corruption Policy**

Name: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

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