Alexdd
Training

ANTI-CORRUPTION, BRIBERY AND FRAUD POLICY

1. Policy statement

1.1 It is our policy to conduct all of our business in an honest and ethical manner. We take a zero-tolerance approach to corruption, bribery, fraud or other financial irregularity and we are committed to acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate and in implementing and enforcing effective systems to counter any acts of bribery or corruption.

1.2 We will uphold all laws relevant to countering bribery, corruption and fraud. However, we remain bound by the laws of the UK, including the Bribery Act 2010 (the "Act"), in respect of our conduct both at home and abroad.

1.3 The purpose of this policy is to:

(a) set out our responsibilities and of those working for us, in observing and upholding our position on corruption, bribery, fraud or other financial irregularity; and

(b) provide information and guidance to those working for us on how to recognise and deal with corruption, bribery and fraud issues.

1.4 Bribery legislation has extensive global reach and Alex D&D Training and individuals working for it can be liable no matter where in the world the unlawful act takes place. Bribery and corruption are punishable for individuals by up to ten years' imprisonment and if we are found to have taken part in corruption we could face an unlimited fine, be excluded from tendering for public contracts and face damage to our reputation. We therefore take our legal responsibilities very seriously.

1.5 It should be stressed that, in common with other Higher Education Institutions in the UK, the Center faces a range of bribery and corruption risks throughout its activities, operations and geographies. These risks include, but are not limited to, bribery in relation to admissions, examinations, awards, procurement, joint ventures and construction.

1.6 In this policy, **third party** means any individual or organisation you come into contact with during the course of your work for us, and includes actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

1.7 This policy should be read in conjunction with other Centre procedures and regulations such as:

- Whistleblowing Policy
- Anti-Money Laundering Policy
- Donations Policy and Procedure

1.8 This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. Who is covered by and must comply with this policy?

2.1 This policy applies to all individuals working at all levels, including senior managers, directors, employees (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, casual workers and agency staff, volunteers, interns, agents, sponsors, or any other person associated with us, or any of our subsidiaries or their employees, wherever located (collectively referred to as **workers** in this policy).

2.2 It is a condition of employment that employees will abide by the rules and policies made by the Centre from time to time, which includes this policy. Any alleged failure to follow this policy will be investigated (and, where appropriate, action taken) in accordance with the Centre's disciplinary procedures. We reserve our right to terminate our contractual relationship with other workers and organisations if they breach this policy.

3. Definitions of Bribery, Corruption, Fraud or other Financial Irregularity

3.1 A **financial irregularity** may be defined as the breach of the standards of financial integrity required by the Centre, including a breach of the Finance Policies and Procedures. Irregularities fall broadly within the categories set out below. These definitions are not intended to be exhaustive, but give an indication of the range of matters covered by this policy:

3.2 **Bribery** is offering, promising, giving or accepting any financial or other advantage, to induce the recipient or any other person to act improperly in the performance of their functions, or to reward them for acting improperly, or where the recipient would act improperly by accepting the advantage.

3.3 An **advantage** includes money, gifts, loans, fees, hospitality, services, discounts, the award of a contract or anything else of value.

3.4 A person acts **improperly** where they act illegally, unethically, or contrary to an expectation of good faith or impartiality, or where they abuse a position of trust. The improper acts may be in relation to any business or professional activities, public functions, acts in the course of employment, or other activities by or on behalf of any organisation of any kind.

3.5 **Facilitation payments**, also known as "back-handers" or "grease payments" are unofficial payments made to secure or expedite a routine or necessary action (for example, by a government official). They are not common in the UK, but are common in some other jurisdictions in which we operate.

3.6 **Kickbacks** are typically payments made in return for a business favour or advantage.

3.7 **Corruption** is the abuse of entrusted power or position for private gain.

3.8 **Fraud** is intentionally deceiving someone in order to gain an unfair or illegal advantage or to deprive someone of their legal rights. Fraud generally implies an act of theft, the intentional distortion of financial statements or other accounting records by persons internal or external to the Centre (or in collusion) to conceal the misappropriation

of assets, or otherwise, for gain. The Centre will investigate all reports of fraud or potential fraud and will make every attempt to recover its losses and restore assets. The Centre will report fraud or attempted fraud, as appropriate to the police and Office for Students ("OFS"). Further details can be found at Appendix 1.

3.9 **Theft** is the dishonest taking of property belonging to the Centre, a sub-contractor employed by the Centre, a member of staff or a student of the Centre or a visitor to the Centre.

3.10 The Centre could also be liable if someone who performs services for it, for example an employee or agent, pays a bribe on behalf the Centre for the purpose of getting/keeping business or to gain a business advantage and the Centre did not have adequate procedures in place to prevent such conduct.

3.11 Examples of possible "red flags" that may arise during the course of your work with us and which may indicate bribery, fraud, corruption or other irregularity are set out in Appendix 2. You should familiarise yourself with these examples to help you recognise circumstances under which the Act and this policy could be breached and when to raise a concern.

4. What is not acceptable?

4.1 It is not acceptable for you (or someone on your behalf) 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 or approval process;
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us 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.

5. Facilitation payments and kickbacks

5.1 We do not make, and will not accept, facilitation payments or "kickbacks" of any kind.

5.2 If you are asked to make a payment on our behalf, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment. If you have any suspicions, concerns or queries regarding a payment, you should raise these with the Centre Secretary.

5.3 All workers must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by us.

6. Gifts and Hospitality

6.1 This policy does not prohibit the giving or accepting of reasonable and appropriate hospitality (given and received) to or from third parties for legitimate purposes, such as building relationships, improving or maintaining our image or reputation or marketing the Centre effectively.

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

- it complies with the Centre's current Financial Regulations and, where required is reported to the appropriate person in accordance with the Expenses and Benefits Policy and Procedure;
- 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, for example during contractual negotiations or a tender process;
- it complies with local law;
- it is given or received in the Centre's name, not in your name;
- it is appropriate in the circumstances and is not unduly lavish or extravagant. For example, in the UK it is customary for small gifts to be given at Christmas time;
- it is not given or received in cash (or a cash equivalent);
- it is given openly, not secretly; and
- gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the Centre Secretary.

6.3 We appreciate that the practice of giving business gifts varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered. Promotional gifts of low value such as branded stationery to or from existing customers, suppliers and partners will usually be acceptable.

7. Donations

7.1 We do not make contributions to political parties. We only make charitable donations that are legal and ethical under local laws and practices. No donation must be offered or made without the prior approval of the Centre Secretary. The Centre's Donations Policy and Procedure should be followed in circumstances where a donation or gift is proposed to be made to the Centre.

8. Your responsibilities

8.1 You must ensure that you read, understand and comply with this policy.

8.2 The prevention, detection and reporting of bribery, fraud and other forms of corruption are the responsibility of all those working for us or under our control. All workers are required to avoid any activity that might lead to, or suggest, a breach of this policy.

9. Risk Management

9.1 It is important that an assessment is undertaken of the risks of bribery, fraud or corruption occurring, or of the perception arising that such acts may have occurred. This enables areas of specific vulnerability to be identified and mitigating actions to be put in place which are proportionate and prioritised, recognising that risks will vary across the centre, and may depend on the location of the activity.

9.2 The risk of bribery, fraud or corruption occurring should therefore be addressed through the Centre's risk management processes. Whilst this forms part of the Centre's institutional risk assessment processes, it is also important that assessment of risk is done at all levels, and Schools and Services should consider the vulnerability of their activities to bribery, corruption and fraud and take appropriate action to mitigate or eliminate any risk identified.

9.3 A guide to diagnosing bribery risk has been produced by Transparency International UK, which can be a useful resource for these purposes.

10. Record-keeping

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

10.2 You must declare and keep a written record of all hospitality or gifts accepted or offered in accordance with the Centre's Financial Regulations and Expenses and Benefits Procedures Manual. You must also ensure that all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with such regulations and the manual.

10.3 All accounts, invoices, and other records relating to dealings with third parties including suppliers and customers should be prepared with strict accuracy and completeness. Accounts must not be kept "off book" to facilitate or conceal improper payments.

11. How to raise a concern

11.1 You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery, fraud, corruption or other irregularity, or if you have any other queries, these should be raised by following the procedure set out in Appendix 1. You should raise a concern as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.

11.2 For example, if a supplier, agent or client or potential supplier, agent or client offers you something to gain a business advantage with us, or indicates to you that a gift or payment is required to secure their business, you should raise concerns in accordance with this policy. Further "red flags" that may indicate bribery, fraud or corruption are set out in Appendix 2.

12. What to do if you are a victim of bribery, fraud or corruption

12.1 It is important that you follow the procedure set out in Appendix 1 as soon as possible if you are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of financial irregularity.

13. Protection

13.1 Workers who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. We aim to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

13.2 We are committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery, fraud 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 you believe that you have suffered any such treatment and you are:

(a) an employee, you should raise it formally using our Grievance Procedure; or

(b) a student, you should raise it formally using our Student Complaints Procedure; or

(c) a person external to the organisation, you should raise it formally using our External Complaints Procedure.

14. Training and Communication

14.1 Training on this policy is available to all workers to whom this policy applies and is compulsory for all staff working in higher risk areas and budget holders to ensure that they are aware of their obligations and responsibilities. If you wish to undertake appropriate training, please contact the Centre Secretary's Office.

14.2 Our zero-tolerance approach to corruption, bribery and fraud must be communicated to all suppliers, contractors and business partners at the outset of our business relationship with them and as appropriate thereafter.

15. Who is responsible for the policy?

15.1 The Managing Director has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it.

15.2 The Centre Secretary has primary and day-to-day responsibility for implementing this policy, and for monitoring its use and effectiveness and dealing with any queries on its interpretation. Management at all levels are responsible for ensuring those reporting to them are made aware of, understand and comply with this policy.

15.3 The centre Secretary 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 financial procedures will be subject to regular audits to promote best practice in countering corruption, bribery and fraud.

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

Appendix 1

Senior Officers' Response Plan

The following is intended to clarify the procedures for reporting suspected bribery, fraud or other form of corruption and financial irregularity and how the University's Senior Officers should respond. The Response Plan should be read in conjunction with the Whistleblowing Policy and the University's Disciplinary Procedures.

Individuals should raise concerns about the actions of a worker with their Line Manager without delay (if the concern relates to an individual's line manager, then the individual should raise it with their Line Manager's Manager). The Line Manager should either ask the individual to put their concern in writing, or interview them and record their concerns in writing. Further investigation (and appropriate action) should be taken in accordance with the Centre's disciplinary procedures. In accordance with the Centre's disciplinary procedures, the Line Manager will notify the Director of Finance (or nominee) without delay.

Individuals who have a concern about the actions of a person who is not a worker that may be a breach of this policy should raise their concerns by following the Whistleblowing Policy.

On receipt of a report of a concern under the Centre's disciplinary procedures, or the Whistleblowing Policy, as the case may be, the Director of Finance will determine whether the matter should be investigated by Internal Audit, whether other specialist investigators are required; and whether the matter should be reported to the police. If the Director of Finance is involved the Managing Director will direct the investigation. In the event that both the Managing Director and and Director of Finance are implicated, the Chair of the Audit Committee will direct the investigation.

The person responsible for the investigation will inform the Director of the Centre's Internal Audit service, as soon as possible, of all attempted, suspected or actual fraud or irregularity. The Centre reserves the right to notify the police where it believes a criminal office has taken place. Any action taken in accordance with the Centre's disciplinary procedures will be independent of any police investigation. The Director of Finance shall take appropriate action for the prevention of any further loss and for the recovery of any loss suffered, including legal costs where appropriate. Recovering losses is a major objective of any fraud investigation. Internal Audit or the internal investigator (as appropriate) shall ensure that in respect of all investigations of financial irregularity, the amount of any loss will be quantified. Repayment of loss should be sought in all cases. Any requests for information from the press or anyone outside the Centre must be referred to the Director.

Appendix 2

Potential risk scenarios: "red flags"

The following is a list of possible red flags that may arise and which may raise concerns about possible bribery, corruption or fraud.

The list is not intended to be exhaustive and is for illustrative purposes only.

If you encounter any of these red flags, you must report them promptly using the procedure set out in set out in Appendix 1:

- you become aware that a third party engages in, or has been accused of engaging in, improper business practices;
- you learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a "special relationship" with foreign government officials;
- a third party insists on receiving a commission or fee payment before committing to sign up to a contract with us, or carrying out a government function or process for us;
- a third party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made;
- a third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business;
- a third party requests an unexpected additional fee or commission to "facilitate" a service or approval process;
- a third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
- a third party requests that a payment is made to “overlook” potential legal violations;
- a third party requests that you provide employment or some other advantage to a friend or relative;
- you receive an invoice from a third party that appears to be non-standard or customised;
- a third party insists on the use of side letters or refuses to put terms agreed in writing;
- you notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
- a third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to us;
- a third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier and it is not clear what goods or services they will be supplying;
- you are offered an unusually generous gift or offered lavish hospitality by a third party.
- as a budget holder/manager you have been asked to approve an expenses claim which shows unaccustomed expenditure, possibly with no receipts;
- you have been asked to falsify or alter accounting/auditable records
- you are offered money or a gift by a student or on a student’s behalf to “facilitate” a good mark in an assessment.

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