



Anti-Bribery and Corruption Policy

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Anti-Bribery and Corruption Policy

1. Introduction

The City of Glasgow College recognises the importance and legal requirement to manage potential bribery and corruption. The principle applicable law regarding bribery and corruption is UK criminal law and in particular the Bribery Act 2010, which has extra-territorial reach and is applicable to the College's activities irrespective of geographic location.

2. Purpose and Aims

The City of Glasgow College values its reputation for ethical behaviour and for financial probity and reliability. The College recognises that any involvement in bribery will reflect adversely on its image and reputation. The College will, therefore, prohibit the offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement to or from any person, company or other organisation. The College shall prevent bribery and corruption by:

Taking a zero tolerance approach towards bribery and/or corruption.

Communicating this policy to all employees and agents working on behalf of the College.

Training employees so that they can recognise and avoid the use of bribery.

Encouraging its employees to be vigilant and to report any suspicion of bribery.

Rigorously investigating instances of alleged bribery.

Taking firm and vigorous action against any individual(s) involved in bribery.

3. Scope

This Policy applies to:

- 3.1. All members of staff and members of the College Board of Management;
- 3.2. All geographical locations and all College functions/services; and
- 3.3. All third parties, including subsidiaries, agency workers, consultants, suppliers, contractors and overseas agents.

4. Policy Statement

4.1. Bribery & Corruption

4.1.1. Bribery occurs when “Anything of Value”¹ is received or offered to be paid to an employee as an inducement or reward for the improper performance of a duty or obligation. This form of bribery also occurs when a party offers gifts, entertainment or hospitality that will breach the College’s gifts and entertainment regulations. “Passive Bribery” occurs when “Anything of Value” is requested by an employee for the improper performance of his/her duties or responsibilities.

4.1.2. Corruption is the misuse of entrusted power or public office for private gain and is a serious criminal offence. The principle applicable law regarding bribery and corruption is the criminal law in the UK and particularly the Bribery Act 2010.

4.2. Third Parties

4.2.1. This Policy also applies to the engagement of Third Party intermediaries. The College expects all Third Parties, including business partners, service providers and contractors, to act with integrity and to undertake their business without bribery or corruption. In addition to the above, the College will investigate reported allegations of bribery, corruption and abuse of position for personal gain, involving, or in any way connected to the College. If necessary, action will be taken as a result of such investigations, including termination of relationships with

¹ See attached glossary

Third Parties and reports to relevant governmental authorities or regulators.

4.2.2. The definition of third parties is broad, and could include agents, business partners, service providers, contractors or any individual who is nominated to act on behalf of the organisation. Whilst the use of agents and business partners can help us reach our goals, we need to be aware that these arrangements can potentially present the College with significant risks.

4.2.3. Risks can be identified where a business partner conducts activities on behalf of the College, so that the result of their actions can be seen as benefiting the College. Business partners who act on behalf of the College must be advised of the existence of and operate at all times in accordance with this policy. Local Management is responsible for the evaluation of each relationship and determining whether or not it falls into this category. Furthermore, a risk assessment exercise should be carried out to determine whether the third party intermediary is a high, medium or low risk to the College. Due diligence checks must be carried out when appointing and retaining third parties and such checks include but are not limited to:

- An assessment of the rationale for engaging the third party intermediary;
- An evaluation of the third party's ability to deliver the service;
- An evaluation of the integrity of the third party, including background checks on publicly available records on individuals/companies;
- Financial and credit checks; and
- Standard terms and conditions which specify the scope of the work and inform the third party of the College's Anti-Bribery & Corruption policy and includes the right to audit, right to exit in the event of a suspicion and/or breach occurring.

4.3. Facilitation Payments

4.3.1. The College will not tolerate or condone the use of facilitation payments by its employees or any person acting on behalf of the College. This requirement covers any Public Official from any country worldwide.

4.4. Political Donations

4.4.1. The College will not make any political donations to candidates for public office, individual politicians, political parties and other political organisations. Members of staff are, therefore, not authorised to make any political donations on behalf of the College.

4.5. Charitable Gifts & Sponsorship

4.5.1. The College is committed to investing in the communities it serves. It is important that charitable donations by the College are free from any suspicion of corruption and bribery, whether direct or indirect. Given the College's own status as a charity, it will only be in exceptional circumstances that it will make charitable donations. The exceptions shall include donations to the City of Glasgow College Foundation and the Scottish Colleges Foundation.

4.5.2. A member of the Executive Leadership Team will authorise all such donations in line with the Financial Regulations and ensure that the donations are not made as an inducement for the purpose of obtaining any improper advantage or favour or for influencing a Public Official. Approved donations will be subject to an appropriate due diligence exercise.

4.5.3. The Executive Director Finance will ensure the College's finance system separately identifies and records approved charitable donations.

4.6. Gifts and Hospitality

4.6.1. Board members and members of staff must not accept or offer any gift, reward or hospitality from any individual, company or organisation with whom they have contact in the course of their College work as an inducement either for doing something or not doing something in their official capacity.

4.7. Accepting Gifts & Hospitality or Entertainment

Board members and members of staff **must**:

- Not create suspicion of any conflict between their official duty and their private interest;
- Not give the impression (to any member of the public, to any organisation with whom they deal or to their colleagues) that they have been (or may have been) influenced by a benefit to show favour or disfavour to any person or organisation;
- Not accept inducements which could lead to a contractual position between the College and a supplier, contractor or consultant;
- Not accept substantial offers of entertainment, invitations to social functions, travel or accommodation;
- Not normally accept tickets/invitations to sporting, cultural or social events, particularly from the same source. Given the nature of the College's business it may be necessary to accept invitations to such events. These should be approved in advance by the Board Chairperson for Board members or a member of the College's Executive Leadership Team for members of staff;
- Not accept excessive hospitality offered in substitution for fees for broadcasts, speeches, lectures or other work done; and
- Take care when offered any form of hospitality or gift from a person or organisation, which has, or is hoping to have, a contractual relationship with the College. If a Board member has any doubt, then he/she should consult with the College Secretary. If a member of staff has any doubt about whether to accept hospitality offered they should refer the matter to their line manager/supervisor, who in turn may discuss it with their senior manager.

4.7.1. The College accepts that members of staff or Board members may sometimes receive conventional gifts or hospitality.

- Members of staff must, however, obtain the approval of their senior manager to accept the gift and record any gifts, hospitality or entertainment accepted in the College's register of gifts.

- Board members must record any gifts, hospitality or entertainment accepted in the College's register of gifts

These requirements apply where the estimated value is in excess of £50 for a one-off instance. Repeated instances of transactions less than £50 from the same source must be recorded. Failure to record transactions might result in disciplinary action. Any queries about the contents of the register should be directed to the College Secretary.

4.7.2. If, exceptionally, a member of the Executive Leadership Team agrees that there are circumstances that justify the normal level of hospitality being exceeded, this must be recorded in the register of gifts held by the College Secretary.

4.8. Giving Gifts & Hospitality or Entertainment

4.8.1. The giving of reasonable hospitality, often in the form of food or drink to be consumed at an event or a business meeting, and the giving of promotional items, usually bearing the College's logo, are acceptable and should not give rise to any difficulty if kept within reasonable bounds

Board members and members of staff are:

- Prohibited from giving cash to Public Officials, clients or any third party (such as a supplier);
- Prohibited from giving cash gifts to more senior employees or Board members (this does not apply to gifts of cash where such gifts are made as part of normal office practice, e.g. as collections for wedding or leaving gifts); and
- Prohibited from offering gifts, entertainment or hospitality that they know or suspect will breach the gifts and entertainment policy of the relevant third party.

4.8.2. The College's register of gifts and hospitality should contain details of all gifts/entertainment offered and their monetary value as well as details of the approval routes for these. These requirements apply where the estimated value is in excess of £50 for a one-off instance. Repeated instances of transactions less than £50 to the same person/organisation

must be recorded. Failure to record transactions might result in disciplinary action. Any queries about the contents of the register should be directed to the College Secretary

4.9. Registration & Declaration of Interests

4.9.1. Open cultures are less conducive to bribery, corruption, fraud and irregularity than secretive ones. For this reason, the Second Report of the Committee on Standards in Public Life stressed the need for Board Members to declare and register their interests. The College Secretary will, therefore, maintain the Board's register of interest, which will be updated annually and published in the College's website.

4.9.2. There is also a need for senior managers to declare and register their interests where appropriate. Staff at many levels will have an opportunity to influence the choice of suppliers and contractors. Members of staff must, therefore, ensure that the selection of suppliers and contractors always reflects the best interests of the College, and not the personal or family interest of any member of the College. The Executive Director People & Culture will, therefore, ensure a register of interest records the relevant information about the College's senior managers and other resource managers. The register entry for each member of staff will be updated annually and checked by the relevant line manager plus a member of the Executive Leadership Team.

4.10. Training and Awareness

4.10.1. The College Secretary will ensure that this Policy is communicated to all Board members and employees at least once per year.

4.10.2. The Executive Director People & Culture will ensure that appropriate and regular training is established, updated and implemented for members of staff. Consideration of the appropriate level of training should also be given to those members of staff who are to be involved in higher-risk activities, either specifically or as part of other training and

such higher-risk training will usually include case studies and practical small group seminars.

4.11. Consequences of Non-compliance

4.11.1. The penalties for contravention of the laws can include under the UK Bribery Act 2010 unlimited corporate fines, and for individuals unlimited fines plus up to ten years imprisonment. Penalties from more than one jurisdiction may also apply in a single case of bribery or corruption.

4.11.2. Failure to comply with this Policy may lead to:

- Criminal, civil or regulatory liabilities or penalties including fines and imprisonment;
- Serious reputational damage; and
- The unenforceability of contracts entered into by College.

4.11.3. Failure to comply with this Policy may lead to members of staff:

- Being held personal liable, such as fines or imprisonment potentially under the laws of more than one jurisdiction;
- Being subject to disciplinary action, up to and including dismissal; and
- Being subject to other sanctions imposed by regulators, including a ban from working in the financial services industry.

4.11.4. Any allegations of bribery made will be investigated in accordance with the College's Disciplinary Policy and Procedure. Such action may be considered not only against those found to have perpetrated bribery, but also against those whose negligence may have facilitated it.

4.11.5. The Chairperson of the Audit Committee will be kept informed of any bribery investigations and the resultant outcome. The Principal and the Audit Committee Chairperson will be notified prior to any Police involvement.

5. Definitions

BRIBERY AND CORRUPTION GLOSSARY

The following definitions are intended to assist understanding of this Policy and are not intended to restrict or limit the application of the Policy.

- 5.1. **"Anything of Value"** means any advantage, financial or otherwise, and includes, but is not limited to money, loan, fee, stock, contractual right of interest, real estate, personal property, or other interests arising from business relationships, gifts, meals, entertainment, contributions or donations, including those made at the suggestion or direction of a Public Official, travel and travel related expenses, offers of employment or internships, below-market discounts, refunds, rebates, preferential treatment in the provision of, or preferential access to business opportunities, goods or services that does not have a commercially reasonable justification, or has other improper inducements.
- 5.2. **"Bribe" or "Bribery"** is the offer, promise, payment, transfer request for or receipt of Anything of Value, including a financial or other advantage, whether directly or indirectly, to or from any person, for that person (or any other person) to improperly perform any official or other duties, or breach any contractual or other obligations, . A Bribe can take the form of a "reward" and be paid after the improper performance of the relevant duty or obligation has taken place. Bribery also occurs when a party offers Anything of Value e.g. gifts, entertainment or hospitality that they know or believe will breach the gifts and entertainment policy of the prospective third party recipient or otherwise constitute the improper performance of a relevant function or activity of the third party.
- 5.3. **"Cash"** means any payment, or quasi-cash instrument, e.g. store vouchers, cheque made to cash or bearer, loans, gold or other precious metals or other easily liquidated asset, etc.
- 5.4. **"Corruption"** is the misuse of entrusted power or public office for private gain. This involves, on the one hand, offering or promising Anything of Value, including a financial or other advantage, whether directly or indirectly, to a Public Official to influence a Public Official. On the other

hand, Corruption involves the demanding or accepting of Anything of Value, including a financial or other advantage, by a Public Official or private sector individual, as a condition to conferring business, obtaining a preferential position or other improper advantage whether directly or indirectly. Corruption is often associated with organised crime, money laundering and sometimes the financing of terrorism. Corruption may include 'kick-backs', i.e. payment of a proportion of a contract payment to an employee or representative of another contracting party.

5.5. **“Facilitation payment”** is a payment made to a public official to facilitate or expedite approval of some type of routine business transaction or activity.

5.6. **"Public Official"** means:

- any officer or employee of, or other person acting in an official capacity for a government, whether national, federal or local;
- any individual or group exercising a legislative, administrative or judicial function, whether appointed or elected, including officials exercising a public function on behalf of any entity controlled or owned by a government, including but not limited to central banks, sovereign wealth funds, state-run hospitals, any public international organisation and any business venture that is owned or controlled by a government entity;
- any candidate for or holder of public office;
- any official of a political party;
- any official or agent of a public international organization;
- any member of a royal family; and
- the relevant Public Official's close family members (e.g. spouse, children, parents, and siblings) and close associates (e.g. key business colleagues, personal advisers and legal entities owned or controlled by that person).

5.7. **“Third Party”** means any agent, representative, consultant, or other intermediary, associated with the College by providing it services or acting for or on behalf of the College, and includes (but is not limited to) consultants, finders, introducers, lobbyists (of any kind), tax advisers, lawyers, sales and marketing firms, outsourcers, charities, members of joint ventures in which the College has a minority stakeholding of less than 50%

(excluding passive investments) and any organisation or partnership that the College may wish to acquire a stake in, whether as a controlling stakeholder or as a minority stakeholder (excluding passive investments).

- 5.8. **“Whistleblowing”** means in the context of the Public Interest Disclosure Act is the disclosure by an employee (or other party) about malpractice in the workplace. A whistleblower can blow the whistle about crime, civil offences (including negligence, breach of contract, etc), miscarriage of justice, danger to health and safety or the environment and the cover-up of any of these. It does not matter whether or not the information is confidential and Whistleblowing can extend to malpractice occurring in the UK and any other country or territory.

6. Responsibilities

Members of staff and Board members are:

- 6.1. Required to familiarise themselves with the College’s anti-bribery policy;
- 6.2. Prohibited from offering, promising, or paying a bribe of any kind;
- 6.3. Prohibited from offering gifts, entertainment or hospitality that they know or believe will breach the gifts and hospitality policy of the relevant third party recipient;
- 6.4. Prohibited from accepting or soliciting a bribe of any kind (and must report any such offers);
- 6.5. Prohibited from accepting “Anything of Value” from a Public Official;
- 6.6. Prohibited from giving, offering, or transferring “Anything of Value” to a Public Official or to another person at the request or with the consent of a Public Official in order to influence a Public Official; and

Required to report any suspicion of corruption or bribery to a member of the College’s Executive Leadership Team or the Chairperson of the Audit Committee. Alternatively the member of staff can follow the procedures set in the College’s Whistleblowing Policy.

The Audit Committee of the Board will consider the suitability and effectiveness of this Policy. In addition, the Executive Leadership Team will establish adequate procedures to monitor the implementation and compliance with this Policy.

7. References

7.1. Policy Framework

Associated Policies and Procedures	Title

7.2. Other College Policies and Procedures

Policy / Procedure	Title
Code of Conduct;	Code of Conduct Policy
Financial Regulations;	Financial Regulations;
Fraud Policy;	Fraud Policy;
Whistleblowing Policy.	Whistleblowing Policy.

7.3. External References

Source	Title

8. Document Control and Review

Approval Status	Approved	
Approved by	Audit Committee	
Date Approved	5 th March 2014	
EQIA Status	Initial Screening Conducted?	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>
	Full EQIA Conducted?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Proposed Review Date	January 2016	
Lead Department	Finance	
Lead Officer(s)	Executive Director Finance	
Board Committee	Audit Committee	
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9. Revision Log

Version Date	Section of Document	Description of Revision
V1		Initial post merger policy
V2 01/11/2011		
V3 05/03/14		Overall review and update to reflect new structure