

ANTI-BRIBERY AND FRAUD POLICY

1. POLICY STATEMENT

- 1.1. East Kent Colleges Group (the Group) aims to maintain a culture of honesty and openness in all of its dealings, with opposition to bribery, fraud and corruption in any form. The Group therefore aims to promote an organisational culture which encourages the prevention of bribery and fraud by raising awareness of the need for high standards of personal conduct.
- 1.2. The purpose of this Policy is to convey to all staff, students, Governors and interested parties the rules in relation to the Group's unequivocal stance towards the eradication of bribery and fraud and our commitment to ensuring that the Group conducts its business in a fair, professional, ethical and legal manner. It also extends to anyone working for, or on our behalf, such as those engaged by us on a self-employed basis including suppliers, contractors, sub-contractors or any other related third party.
- 1.3. The Governing Body, through the Audit committee, is responsible for the oversight of relevant policies and procedures related to bribery and fraud and the maintenance of good business standards (i.e. that internal systems and controls are in place).

2. POLICY DETAIL

2.1. ANTI-BRIBERY

- 2.1.1. The Group works in accordance with the Bribery Act 2011 and its provisions apply to all Group activities and to all staff and Governors of the Group. The Bribery Act holds businesses and institutions liable for failing to prevent bribery carried out on their behalf, irrespective of whether the bribe takes place in the UK or overseas. Bribery can be the offering or accepting of any gift, loan, payment, reward or advantage for personal gain or on behalf of the Group as an encouragement to do something which is dishonest, illegal or a breach of trust.
- 2.1.2. Bribery is a criminal offence, and the Group prohibits any form of bribery in its business dealings. Integrity and transparency are of utmost importance

to the Group, and we have a zero tolerance stance towards corrupt activities of any kind, whether committed by staff, students or by third parties acting for or on behalf of the Group.

- 2.1.3. It is prohibited, directly or indirectly, to offer, give, request or accept any bribe (i.e. a gift, loan, payment, reward or advantage, either in cash or any other form of inducement), to or from any person (including students) or company in order to gain commercial, contractual or regulatory advantage for the Group, or in order to gain any personal advantage for an individual or anyone connected with the individual in a way that is unethical.
- 2.1.4. If you, as a member of staff or person working on our behalf, suspect that an act of bribery, or attempted bribery, has taken place, even if you are not personally involved, you are expected to report this in accordance with the procedures detailed in Section 4 of this policy. You may be asked to give a written account of events.
- 2.1.5. Appropriate checks will be made before engaging with suppliers or other third parties of any kind to, amongst other reasons, reduce the risk of our business partners breaching our anti-bribery rules. The Group will ensure that all its transactions, including any sponsorship or donations given to charity, are made transparently and legitimately.
- 2.1.6. The Group will take any actual or suspected breach of this policy extremely seriously and will carry out a thorough investigation should any instances arise. The Group will uphold laws relating to bribery and will take disciplinary action against any individual, or other relevant action against persons working on our behalf or in connection with us, should we find that an act of bribery, or attempted bribery, has taken place. This action may result in dismissal if you are a member of staff, exclusion if you are a student or the cessation of our arrangement with you if you are self-employed, an agency worker, contractor etc. Staff are reminded of the Group's Whistleblowing Policy which is available on the Group Intranet.

2.2. **ANTI-BRIBERY PROCEDURES**

- 2.2.1. **Gifts and Hospitality** - a gift is defined by the Group as any item, cash, goods or service offered for personal benefit, and hospitality is defined as any generous material welcome or reception such as lunch, events and

trips. The protocols around giving or receiving gifts and hospitality are outlined below.

The Group realises that the giving and receiving of gifts and hospitality where nothing is expected in return helps form positive relationships with third parties and can be of benefit to students. This will be proportionate and properly recorded in the Group Gifts & Hospitality Register maintained by the Group Director of Corporate Services. This does not constitute bribery and consequently such actions are not considered a breach of this Policy.

- 2.2.2. **Giving of gifts and hospitality** - the Group may provide hospitality in connection with its business affairs. The hospitality may be provided to Governors; Group staff; representatives from firms or companies visiting the Group's premises on business or any other visitors connected with the business of the Group. The hospitality provided should normally not exceed the provision of tea/coffee/sandwiches or lunch. The recipient should be conscious of the need to avoid a position where he/she might be or appear to be influenced in making a decision by such hospitality.

Small gifts given to guest speakers or volunteers may not exceed £50.00. The budget for hospitality will be determined by the Group's Chief Executive Officer (CEO) and will be subject to annual review in accordance with the Group's budget setting process.

- 2.2.3. **Receiving gifts and hospitality** - where a situation arises when a member of staff is uncertain whether it would be appropriate to accept an offer of a gift or hospitality, the offer should be declined or advice sought from the Group Director of Corporate Services. The frequency and scale of hospitality should not be significantly greater than the Group would be likely to provide in return.

Staff must not accept or offer any gift, reward or hospitality of any value from any individual, company or organisation with whom they have contact in the course of their work as an inducement, perceived or otherwise, either for doing something or not doing something in their official capacity. Any such offers must be reported to the Group Director of Corporate Services. Gifts or hospitality must always be declined where the offering party is involved in a tender process with the Group.

Below are examples of gifts and hospitality:

- **Non-Cash Gifts** - Gifts which are small and inexpensive in nature such as pens, flowers, chocolates, calendars, or diaries may be accepted.

If students of any age gift alcohol to staff, they should be politely reminded that alcohol should not ordinarily be brought onto site and as such staff members should not encourage the receipt of these gifts. However, staff can accept the item on a one off basis (as returning it to the student would mean they have to continue to carry the alcohol on site).

- **Cash or Cash Equivalents** - this includes cash in any currency, lottery tickets, and gift vouchers. These, at any value, should not be accepted under any circumstances.
- **Trade Discount Cards** - Trade discount cards, other than those negotiated by the Group on behalf of its staff, by which an employee may benefit from the purchase of goods or services at a discounted price are classified as gifts and should be declined, and where already accepted be returned to the sender.
- **Prizes or Awards** - Staff should seek advice from their line manager or the Group Director of Corporate Services if they are offered an award or prize in connection with their official duties under the name of the Group. Staff will normally be allowed to keep the prize or award provided that there is no risk of public criticism, and the nature of the gift cannot be perceived as a payment in favour of desirable outcomes, commercial or otherwise.
- **Donations** - The Group does not make contributions to political parties, to religious organisations or to charities which have political or religious foundations. The Group supports charitable giving and initiatives by its colleagues; however it is only open to the Group to make charitable donations at an organisational level. The Fundraising and Events Policy which is available on the Group Intranet should be read in conjunction with this Policy.
- **Sponsorship for Attendance at Courses, Seminars & Conferences** - The offering of financial assistance or sponsorship by another organisation to

attend relevant courses, conferences or seminars must be brought to the attention of the Group Director of Corporate Services. Such sponsorship may be permitted however it may only be permitted on the understanding that its acceptance will not compromise in any way future purchasing decisions either directly or indirectly, nor shall it lead to any other conflict of interest between the Group and the organisation offering sponsorship. Invitations of a social kind, for example sporting or cultural events, should be declined, except where the Group has a set interest in the event (e.g. the organisation hosting the event is a stakeholder) or the CEO has given prior approval.

2.2.4. **The Gifts and Hospitality Register** - it is the responsibility of all staff to inform the Group Director of Corporate Services of any offers of gifts or hospitality whether accepted or not in the following scenarios:

- The value exceeds £50.00.
- The cumulative value exceeds £50.00 during a 12-month period and is offered by the same organisation or individual.
- At any value as an inducement either for doing something or not doing something in their official capacity (perceived or otherwise).
- Gifts and hospitality of this nature can be reported via the Gifts and [Hospitality reporting form](#).

2.2.4.1 The Group Director of Corporate Services will maintain a Gifts & Hospitality Register on behalf of the Group, recording any offers of gifts and hospitality as stipulated in 2.2.4. Items purely for student benefit above £50.00 (e.g. curriculum equipment provided by a stakeholder) should still be reported for entry into the Gifts & Hospitality Register.

2.2.4.2 The Gifts and Hospitality Register may be disclosed under the Freedom of Information Act and will be subject to regulatory audit reviews. As the law is constantly changing, this Policy is subject to review and the Group reserves the right to amend this Policy without prior notice.

3. FRAUD

3.1. Fraud comprises both the use of deception to obtain an unjust or illegal financial advantage and/or intentional misrepresentations by one or more

individuals amongst management, staff, students, contractors and other third parties. It may include (but is not limited to):-

- falsification or alteration of accounting records or other documents;
- misappropriation of assets or theft;
- suppression or omission of the effects of transactions from records or documents;
- plagiarism;
- recording of transactions without substance;
- intentional misapplication of accounting policies; or
- wilful misrepresentations of transactions

3.2. Measures to Minimise the Risk of Fraud - in order to maintain the Group's high standards, procedures and controls have been established to provide an environment which will minimise the opportunity for fraud. The procedures and controls help the Group conduct its operations in a manner beyond reproach. They establish the rules to which the management team, Governors, staff and students must adhere.

3.2.1. It is the responsibility of Management to ensure that internal systems and standards are applied and brought to the attention of their staff. Procedures are operated throughout the Group to ensure:

- an adequate separation of duties (more than one employee is involved in key tasks);
- proper authorisation procedures (transactions must be approved);
- independent monitoring and checking of data and documentation (checks and balances).

3.2.2. The Group has a rigorous audit process which monitors compliance with regulations and undertakes a rolling programme of checks to detect, deter and prevent fraud and corruption. The Group's internal auditors work closely with Managers, monitoring their systems and procedures, to ensure that they are compliant and remain appropriate.

3.2.3. As a consequence of the above, Management is responsible for:-

- identifying the risks to which systems and procedures are exposed;
- developing and maintaining effective controls to prevent and detect fraud;
- ensuring that controls are being complied with by all staff.

3.2.4. Individual members of staff have a responsibility to:-

- act with propriety in the use of Group resources and in the handling and use of public funds and resources.

3.3. **Procedures for the prevention of Fraud** - The Group utilises the following procedures to minimise its exposure to incidents of fraud:

- maintains appropriate Financial Regulations and Procedures;
- ensures all staff are aware of their responsibilities under the Financial Regulations and Procedures and staff code of conduct;
- recruits staff in accordance with the approved staff recruitment policy and ensure that all staff receive adequate training to fulfil their job requirements to a high standard;
- draws attention to the responsibility of staff under the Financial Regulations and other related procedures during the staff induction process;
- maintains and updates, on a regular basis, a Register of Interests for all staff, Corporation and Committee Members.
- ensures that the internal audit function reviews financial and other systems on a risk based cyclical basis and that systems categorised as high risk are reviewed on an annual basis;
- ensures that both internal and external audit have access to all financial and other relevant documentation and appropriate reporting rights to the highest level of the Corporation;
- reviews internal and external auditors' reports through meetings of the Senior Management Team, Audit Committees, Committees and appropriate meetings of the full Corporation;
- established procedures as set out below for the reporting and investigation of fraud and other irregularities.

4. PROCEDURES WHEN FRAUD OR BRIBERY IS SUSPECTED

4.1. All persons who have an interest in the Group (staff, students, consultants, contractors, suppliers etc.) are encouraged to raise concerns about any suspicion or actual malpractice at the earliest possible stage. If there is any uncertainty as to what constitutes bribery or fraud, advice should be sought from the Group Director of Corporate Services. Malpractice may also be reported following the procedures set out in the Group's Whistleblowing Policy available on the Group Intranet.

- 4.2. Should preliminary investigations suggest the suspicion is reasonable, the Group Director of Corporate Services will inform the CEO, without delay. The Group Leadership Board will then take the appropriate course of action including any steps to be taken under the disciplinary procedures and whether formal investigation by an external body e.g. the Education and Skills Funding Agency, is required.
- 4.3. If the suspicions stem from a financial audit, the Group Head of Financial Planning and Analysis or the Group Head of Finance will inform the Chief Financial Officer.
- 4.4. Members of the public are encouraged to report any concerns to the CEO.
- 4.5. All reports of suspected fraud or bribery made internally should be reported to the Group Director of Corporate Services in all instances without delay.
- 4.6. Where investigations indicate an offence may have occurred the matter will ordinarily be handled in accordance with the Group's Disciplinary Procedures and involve the Police where necessary.
- 4.7. All instances of fraud will be reported to the Audit Committee who have the authority to commission a special investigation by the Internal Audit Service or others.
- 4.8. All reports will be treated in confidence and will be thoroughly investigated. The Group have an obligation to investigate all concerns relating to Bribery and Fraud irrespective of whether the individual raising the concern would like the matter taken further or not. At the time of reporting any actual or suspected malpractice, the person submitting the report will be assured that they will not be penalised for raising genuine concerns (even if subsequently unfounded but made with good intent). If anonymity is requested, every effort will be made to ensure such confidentiality.
- 4.9. The person to whom the concerns are expressed will take prompt action and the person making the report will be notified of any action taken as soon as possible after the report is submitted. Where action is not considered appropriate, a timely and thorough explanation of the reasons for this will be given. In the event of a disagreement, the person making the report will be advised how to pursue the matter formally. All persons should be aware

that if a suspicion is reported and results in a prosecution or disciplinary hearing, their involvement as a witness in those processes may be necessary, unless other substantial reliable evidence is available.

4.10. There is also a need to ensure that the investigative process is not misused. Therefore, any abuse, such as raising unfounded or malicious allegations, may be dealt with as a disciplinary matter in itself if the matter is raised by a member of staff or student. This should not deter persons from raising genuine concerns (even if subsequently unfounded but made with good intent) as, in so doing, they will be supported in every possible way.

5. Related Policies and Procedures

- Assessment and Examinations Policy
- Corporate and Social Responsibility Policy
- Data Protection/CCTV Policy
- Due Diligence Procedure
- Expenses Policy
- Financial Regulations
- Fundraising and Events Policy
- Procurement Policy
- Staff Code of Conduct
- Subcontracting Policy
- Whistleblowing Policy