



CHURCHILL COLLEGE  
CAMBRIDGE CB3 0DS

## Anti-Corruption and Bribery Policy

<b>Purpose</b>	The purpose of this policy is to assist those working for, or acting on behalf of, the College by: setting out their responsibilities in observing and upholding the College's position on Bribery and Fraud; and providing information and guidance on how to recognise and deal with Bribery and Fraud.
<b>Owner</b>	Bursar
<b>Contact</b>	Bursar
<b>Approved By</b>	Council
<b>Approval Date</b>	October 2024
<b>Next Review Due</b>	October 2027
<b>Version and Recent Changes</b>	1 <sup>st</sup> version as a standalone policy, October 2024. Previously within the Staff Handbook.

# Anti-Corruption and Bribery Policy

## 1. Background and Purpose

- 1.1. The College is committed to ensuring that high standards of integrity apply in all of its areas of operation and that all of its business is conducted in an honest and transparent manner. As an educational establishment and a charity deriving a proportion of its income from public funds and benefactions, the College is concerned to protect itself and its funders, donors, employees and students from the detriment associated with Bribery and other corrupt activity. It is therefore committed to preventing Bribery and Fraud by Staff, Fellows and any third party performing services for or on behalf of the College.
- 1.2. The College recognises that the risk of Bribery and Fraud will arise in various contexts and will seek to advise, inform and/or train its employees appropriately to assess the risk of Bribery and Fraud being practised and implement practices which reduce the risk of it occurring or being undetected where existing processes are not already in place.
- 1.3. The purpose of this policy is to assist those working for, or acting on behalf of, the College by: setting out their responsibilities in observing and upholding the College's position on Bribery and Fraud; and providing information and guidance on how to recognise and deal with Bribery and Fraud.

## 2. Scope/Application of the Policy

- 2.1. This policy applies to all Staff, Fellows and other Associated Persons.

## 3. Definitions

- 3.1. The College uses the following definitions in this policy:
- 3.2. Staff refers to all individuals working for the College including employees (permanent, fixed term or temporary), workers and apprentices.
- 3.3. Associated Person/s refers to any individual or organisation performing services for and on behalf of the College, contractors, consultants or any self-employed individuals working for the College.
- 3.4. Bribery refers to:
  - a) offering, promising, giving, requesting, or accepting a financial or other advantage in circumstances occurring inside or outside the UK which are intended to induce or reward Improper performance of a function or activity that
    - (i) is of a public nature, performed in the course of a person's employment, connected with a business or trade, or performed on behalf of a body of people; and
    - (ii) a reasonable person in the UK would expect to be performed in good faith, impartially or in accordance with a position of trust;
- 3.5. offering, promising or giving a financial or other advantage to a Public Official outside the UK (or somebody else nominated by that official) intending to influence the official in the performance of their official functions in order to obtain or retain business or a business advantage.
- 3.6. There are four offences under the Bribery Act 2010:

- i. Being bribed
  - ii. Bribing another person
  - iii. Bribing a foreign public official; and
  - iv. Failure to prevent bribery.
- 3.7. Fraud refers to an act or omission, made with the intent of making a financial gain, or causing a financial loss, or exposing another to the risk of a financial loss, in which a person:
  - a) dishonestly makes a false representation; or
  - b) dishonestly fails to disclose information which he or she is under a legal duty to disclose; or
  - c) occupies a position in which he or she is expected to safeguard, or not act against, the interests of another person and;
  - d) dishonestly abuses that position; and
  - e) intends, by means of that abuse of that position to make a gain for themselves or another, or to cause loss to another or to expose another to the risk of loss.
- 3.8. Improper means where the person concerned:
  - a) fails to perform a function or activity in good faith, impartially or in accordance with a position of trust; or
  - b) does not perform the function at all.

In deciding whether a function or activity has been performed Improperly outside the UK, any local custom or practice must be disregarded unless it is permitted or required by the written law of the country in which it is performed.
- 3.9. Public Official refers to someone who holds a legislative, administrative or judicial position of any kind, whether appointed or elected; someone who exercises a "public function" for any country or territory (or any subdivision of such a country or territory); or an official of or agent of a public international organisation (e.g. UN; EU).

#### **4. Responsibilities**

- 4.1. The College Council has overall responsibility for ensuring that the College complies with its legal and ethical obligations, and that all those under its control comply with the provisions of this policy.
- 4.2. The College's management team and the College Council are responsible for the prevention and detection of fraud and other financial irregularities.
- 4.3. The Bursar, through the College's management team, has responsibility for implementing this policy, monitoring its use and effectiveness, dealing with any queries about it, and auditing internal control systems and procedures to ensure they are effective in countering bribery and corruption.
- 4.4. Heads of Department are responsible for ensuring those reporting to them understand and comply with this policy and are given adequate and regular training on it.
- 4.5. Staff and Fellows must declare any personal interest that may affect any College business and act in accordance with the instructions given as to management of any conflict, as outlined in the Conflict of Interest Policy.

- 4.6. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all Staff , Fellows and Associated Persons, who must
- i. ensure that they read, understand and comply with this policy;
  - ii. avoid any activity that might lead to or suggest a breach of this policy; and
  - iii. report as soon as possible if they believe or suspect that a breach this policy has occurred or may occur in the future (see Section 10)

## 5. Prohibited Activities

- 5.1. Staff, Fellows or Associated Persons must not:
- a) 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;
  - b) give, promise to give, or offer, a gift or hospitality during any commercial negotiations or tender process, if this could be perceived as intended or likely to influence the outcome;
  - c) accept a payment, gift or hospitality from a third party that they know or suspect is offered with the expectation that it will provide a business advantage for them or anyone else in return;
  - d) accept hospitality from a third party that is unduly lavish or extravagant under the circumstances.
  - e) offer or accept a gift from government officials or representatives, or politicians or political parties without the prior approval of the Bursar;
  - f) threaten or retaliate against another individual who has refused to commit a bribery offence or who has raised concerns under this policy;
  - g) make or accept "kickbacks" of any kind. Kickbacks are typically payments made in return for a business favour or advantage;
  - h) engage in any other activity that might lead to a breach of this policy.
- 5.2. Staff, Fellows or Associated Persons are prohibited from making or accepting any facilitation payments. These are payments made to government officials for carrying out or speeding up routine procedures. They are more common overseas. Facilitation payments are distinct from an official, publicly available fast-track process.
- 5.3. Facilitation payments, or offers of such payments, will constitute a criminal offence by both the individual concerned and our organisation, even where such payments are made or requested overseas. Employees and associated persons are required to act with greater vigilance when dealing with government procedures overseas.
- 5.4. Where a public official has requested a payment, employees or associated persons must seek permission from the Bursar to make such a payment. The College will takes steps to establish if the payment is legitimate or permitted locally before authorising the payment
- 5.5. No member of Staff, Fellow or Associated Person may engage in any form of Fraud with regard to activity carried out within or on behalf of the College.

## **6. Gifts and Hospitality**

- 6.1. Receipt of gifts or hospitality must not cause a member of Staff, Fellow or Associated Person to be in a position whereby they might be, or might be perceived by others to have been, influenced in making a business decision as consequence of accepting such a gift or reward. If in doubt, gifts and hospitality must be refused. Excessive or lavish gifts or hospitality may constitute Bribery.
- 6.2. No member of Staff, Fellow or Associated Person, should accept
  - i. a cash gift of any amount, or any gift of more than nominal value (£25 or more), or
  - ii. hospitality of more than nominal value (£50 or more)

from any person or firm having relations, or prospective relations with the College, without prior authorisation to do so by the Bursar of the College, through the Governance Manager.

- 6.3. Acceptance of a gift or cash or benefit without the prior authorisation of the Bursar, may lead to disciplinary action which could result in summary dismissal.
- 6.4. Heads of Departments should maintain an electronic record of all gifts received and also log gifts through the central form. The central record will be monitored by the Governance Manager. Gifts to the College should be notified to the Development Director.
- 6.5. Minor gifts made primarily for the purposes of advertising and including a company logo (such as pens, notebooks, diaries) may be excluded for this purpose.
- 6.6. The College permits corporate entertainment, gifts, hospitality and promotional expenditure that is undertaken
  - iii. for the purpose of establishing or maintaining good business relationships;
  - iv. to improve the image and reputation of the College;
  - v. or to present its services effectively;provided that it is: arranged in good faith; and not offered, promised or accepted to secure an advantage for the College or any of its Staff or Associated Persons or to influence the impartiality of the recipient.
- 6.7. No member of Staff or Fellow may sell or give away any item belonging to the College without the permission of the Bursar.

## **7. Charitable and Political Donations**

- 7.1. The College does not make contributions or charitable donations to political parties.
- 7.2. The College may make charitable donations which reflect the College's charitable purpose, and are legal and ethical under local laws and practices. No donation must be offered or made with the prior approval of the Bursar.
- 7.3. The College may also support fundraising events involving Staff and Fellows

## **8. Records**

- 8.1. Staff and, where applicable, Associated Persons, are required to take particular care to ensure that all records are accurately maintained in relation to any contracts or business

activities, including financial invoices and all payment transactions with clients, suppliers and public officials.

- 8.2. Due diligence should be undertaken by Staff and Associated Persons prior to entering into any contract, arrangement or relationship with a potential supplier of services, agent, consultant or representative in accordance with our procurement and risk management procedures, as set out in College Regulations..
- 8.3. Staff and Associated Persons are required to keep accurate, detailed and up-to-date records of all corporate hospitality, entertainment or gifts accepted or offered.

## **9. Risk Management**

- 9.1. The College will conduct risk assessments for each of its key business activities on a regular basis and, where relevant, will identify employees or officers of our organisation who are in positions where they may be exposed to bribery.
- 9.2. Heads of Department are responsible for ensuring that appropriate risk assessments are undertaken, where they consider that there is a risk that Bribery and/or Fraud might occur in relation to a particular transaction, third party or territory and to undertake appropriate due diligence prior to proceeding.
- 9.3. The Bursar shall compile an annual report for the Audit and Risk Committee on the implementation of this Policy, including the outcomes of any relevant risk assessments and due diligence and any incidents of reported Bribery and Fraud, thereby contributing to the monitoring and review of this Policy; and to recommend any changes to this Policy which, may from time to time, become appropriate.

## **10. Reporting**

- 10.1. The College aims to encourage openness and will support anyone who raises genuine concerns about the occurrence or potential occurrence of bribery or corruption in good faith under this policy, even if they turn out to be mistaken.
- 10.2. Staff and Associated Persons are encouraged to raise concerns about any issue or suspicion of bribery at the earliest possible stage. They should raise concerns with their Head of Department, or with the Bursar. Issues that should be reported include:
  - i. any suspected or actual attempts at bribery;
  - ii. concerns that other employees or associated persons may be being bribed; or
  - iii. concerns that other employees or associated persons may be bribing third parties, such as clients or government officials.
- 10.3. Any suspicion of fraud or other financial irregularity should be notified immediately to the Bursar, in accordance with the College's Financial Regulations.
- 10.4. Employees or Associated Persons who report instances of suspected bribery, fraud or financial irregularity in good faith will be supported. The College will ensure that the individual is not subjected to detrimental treatment as a consequence of their report. Any instances of detrimental treatment by a fellow employee because an employee has made a report will be treated as a disciplinary offence. An instruction to cover up wrongdoing is itself a disciplinary offence.
- 10.5. Concerns may also be raised as a disclosure in accordance with the provisions of the College's Public Interest Disclosure Policy.

## **11. Review of Procedures and Training**

- 11.1. The College will regularly communicate its anti-bribery measures to Staff and Associated Persons. Training will be delivered where applicable, including but not limited to Staff working in the Finance Department.
- 11.2. The Bursar will monitor and review the implementation of this policy and related procedures on a regular basis, including reviews of internal financial systems, expenses, corporate hospitality, gifts and entertainment policies.
- 11.3. Employees and those working for, or on behalf of, our organisation are encouraged to contact the Bursar with any suggestions, comments or feedback that they may have on how these procedures may be improved.

## **12. Breach of Policy**

- 12.1. The College will fully investigate any instances of alleged or suspected bribery. Employees suspected of bribery may be suspended from their duties while the investigation is being carried out. The College will invoke its disciplinary procedures where any employee is suspected of bribery, and proven allegations may result in a finding of gross misconduct and immediate dismissal. The College may terminate the contracts of any associated persons, including consultants or other workers who act for, or on behalf of, our organisation who are found to have breached this policy.
- 12.2. The College may also report any matter to the relevant authorities, including the Serious Fraud Office and the police. It will provide all necessary assistance to the relevant authorities in any subsequent prosecution.

## **13. Related Documents**

- Public Interest Disclosure (Whistleblowing) Policy
- College Regulation 10 Financial Regulations
- Appendix 10D -Procurement Procedures

## **14. Review**

- 14.1. This Policy will be reviewed every 3 years.