



Anti-bribery and Corruption Policy

Anti-bribery and Corruption Policy

Version	V2
Policy number	4
Linked: Policy number(s) Procedure number(s)	Conflicts of Interest Policy (#12) Whistleblowing Policy (#51) Financial Regulations (#19) Travel, Subsistence and Expenses Policy (#49) Procurement Policy (#50) Grievance Policy Trustees' Code of Conduct Risk Management Framework Employee contracts Centre Agreement

1. Policy Statement

- 1.1. Fraud, bribery and corruption divert money and management attention away from NCFE's core operations and purpose and could threaten NCFE's reputation.
- 1.2. NCFE is committed to high standards of ethical behaviour, acting with integrity and upholding the law. Acts of fraud, bribery or other corrupt behaviour will not be tolerated in any part of NCFE's activities, at home or abroad, including where such activities are carried out by third parties acting for or on behalf of NCFE.
- 1.3. Where justified, disciplinary and/or legal action will be taken against any individual or group who perpetrates any act constituting fraud against NCFE and all necessary steps will be taken to recover any losses incurred.

2. Purpose

- 2.1. The purpose of this Policy is to:
 - outline our expectations of employees of NCFE and third parties acting on our behalf in observing and upholding our position on bribery and corruption;
 - describe what fraud, bribery and corruption are to help those persons working for and with us to recognise potential occurrences; and

- provide guidance on how concerns should be raised, investigated and resolved.

2.2. This Policy supports our compliance with our legal and regulatory requirements, namely:

- Bribery Act 2010
- The Charity Commission Regulations
- Ofqual's General Conditions of Recognition and any other similar awarding regulatory requirements.

3. Scope

3.1. This Policy applies to:

- NCFE, which for the avoidance of doubt comprises the Charity and all of its subsidiaries and business units (together 'NCFE');
- all employees working for NCFE, at all levels including Board Members, Executives, directors, officers, agency workers, seconded workers and interns ('NCFE Employees'); and
- all centres, customers, suppliers, agents, contractors, external consultants, third-party representatives, business partners, sponsors, or any other person associated with NCFE or performing work on behalf of NCFE, wherever located ('NCFE Associated Persons')

3.2. In addition to this Policy, the 'Code of Conduct for Trustees' governs the actions of members of the Board of Trustees. A copy can be obtained from the Company Secretary.

4. What are fraud, bribery and corruption?

4.1. **Fraud** is a broad term used to describe several activities including theft, embezzlement, false accounting, misappropriation, bribery, corruption, deception and collusion. In general, fraud involves deception to dishonestly make a personal gain and/or create a loss for another party.

4.2. **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.

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

- 4.4. The UK Bribery Act 2010 sets out offences relating to:
- making a bribe;
 - requesting or accepting a bribe; and
 - bribing foreign public officials (wherever that takes place).
- 4.5. There is also a corporate offence of 'failing to prevent bribery'. NCFE must have 'adequate procedures' in place to avoid being convicted of this offence.
- 4.6. Under the Bribery Act it is a criminal offence to give or receive (or promise to give or receive) a bribe anywhere in the world.
- 4.7. Bribes usually take the form of improper payments or personal 'commissions'. They can however take on forms such as gift cards, gifts, entertainment and shopping trips, payment or travel and other expenses, secret rebates or charitable or political donations.
- 4.8. Facilitation payments, which are common in some countries, are also outlawed under the Bribery Act. These payments secure or expedite routine or necessary Government action by a public official.
- 4.9. Under the Bribery Act, NCFE is accountable for the actions of any NCFE Associated Persons who work on its behalf (including international agents and contractors).
- 4.10. Examples of situations involving fraud and bribery are shown at Appendix 1.

5. NCFE's position on fraud, bribery and corruption

- 5.1. NCFE will not tolerate fraud, bribery or any other corrupt activity, carried out by NCFE Employees or NCFE Associated Persons.
- 5.2. NCFE will seek to prevent such activity through a variety of measures including:
- Strong internal controls to prevent and detect irregularities;
 - Strict recruitment and induction procedures; and
 - Staff awareness and training
- 5.3. NCFE will encourage its Employees and Associated Persons to report concerns and suspicious activity (see section 10).

6. Expectations of NCFE Employees

- 6.1. We expect all NCFE Employees:

- To discharge duties in accordance with their employment contract and with due regard to NCFE's policies and procedures;
- To undertake all training associated with this Policy;
- To avoid all activities which are fraudulent or corrupt including bribery, including:
 - Acting dishonestly to cause a loss to NCFE or to make a gain for themselves and/or parties known to them;
 - Offering (or promising to offer), requesting or receiving (or promising to receive) a bribe at any time;
 - The payment of facilitation payments; or
 - Abusing their position
- To follow NCFE's guidance on the offer and acceptance of gifts and hospitality (see sections 8 and 9);
- To remain vigilant and report to the appropriate person concerns related to suspected fraud, bribery or other corrupt behaviour;
- To co-operate fully with any internal or external investigations carried out into reported concerns; and
- To maintain confidentiality about any suspected or actual incidents involving NCFE.

7. Expectations of NCFE Associated Persons

7.1. In line with NCFE's Centre Agreement, its standard terms of business and/or our contractual terms with you, we expect NCFE's Associated Persons:

- To read and abide by the contents of this Policy;
- To have dedicated anti-bribery and corruption policies and procedures which can be made available to NCFE on request;
- To fully adhere to your policies and procedures in the identification, minimisation and mitigation of risks of anti-bribery and corruption;
- To adhere to any contractual arrangement you may have with us in relation to bribery or corruption; and
- To tell us where you have identified an incident of, or a significant risk of, bribery and corruption that may adversely affect NCFE.

- 7.2. Failure to comply with this Policy and/or your Centre Agreement or Contract with NCFE may lead to immediate termination of our contract with you.
- 7.3. Associated Persons should direct risks or instances of bribery or corruption to NCFE's Head of Audit, Risk and Assurance ('Head of ARA') or a member of the Executive Team. Contact details are included in this document. Executive member details may be obtained from NCFE's website.

8. Gifts and hospitality

- 8.1. The giving and receiving of gifts and hospitality is conducive to good customer and stakeholder relationships and NCFE encourages gifts and hospitality to be given or received as appropriate in line with customary business practice and this Policy.
- 8.2. Consideration must always be given to our charitable status in the decision to offer or accept gifts and hospitality. As such, the following figures are generally deemed to be reasonable:
- Up to £25 per gift for receiving gifts
 - Up to £50 per gift for giving gifts
 - Up to £50 per person for giving or receiving hospitality
- 8.3. All cash gifts will be refused. Gifts with a value of less than £25 may be retained by the recipient. All gifts of more than £25 may be accepted but must be given to the Governance Team who will include the gift in a raffle for charity.
- 8.4. Hospitality, also referred to as 'business entertaining' includes meals, entertainment (which includes cultural events, tourist visits etc) transport, accommodation and any other activities that could reasonably be interpreted as hospitality. Hospitality given (or hosted) by NCFE requires pre-authorisation as per NCFE's Travel, Subsistence and Expenses Policy.
- 8.5. To protect Employees and NCFE from allegations of bribery and corruption, all gifts and hospitality received must be reported to the Employee's line manager and registered by emailing the details of the gift to giftsandhospitality@ncfe.org.uk. Employees and their line manager are responsible for ensuring that all gifts and hospitality are registered in this way. This inbox is checked by the Group Governance and Executive Support leader on behalf of the CFO and shared with the CFO periodically. Any queries or anomalies will be discussed with the relevant Head of Department / Executive member.

- 8.6. The giving of cash as a gift is not permitted. Cash-equivalent gifts (including gift certificates and vouchers) are generally not appropriate, however, they can on occasion be given as gifts for learners. Please check with your line manager if you are unsure prior to giving a gift.
- 8.7. There may be rare occasion where it is reasonable to exceed the figures in paragraph 8.2 however we must be open and transparent in such circumstances. The giving of gifts or hospitality over the value of £50 per person therefore must receive prior authorisation from an Executive member.
- 8.8. In the case of an Executive member wishing to exceed the figures in paragraph 8.2, prior approval must be granted by the Chair of the Audit, Risk and Investment Committee or Chair of the Board of Trustees.
- 8.9. No gifts or hospitality should be offered to or accepted from government officials or representatives, or politicians or political parties without the prior approval of the CFO who will decide whether the gift or hospitality is customary and lawful, in addition to being appropriate and reasonable.
- 8.10. No NCFE Employee or Associated Person may accept or give and discount, gift or favours that may influence, or be perceived to influence the exercise of their employment function, the performance of their employment duties or their professional judgement.

9. Charitable Donations

- 9.1. Charitable donations, including charitable sponsorships, may customarily be made by some companies to other companies and/or individuals undertaking activities to raise money for charities. Such sponsorships may be interpreted as gifts.
- 9.2. There must be no risk of the perception of bribery or corruption in charitable giving or receiving by/to NCFE. Therefore, before proceeding with or accepting charitable donations and/or sponsorships, it is important to consider the examples in Appendix 1 to evaluate whether a donation to/from NCFE could be considered as or perceived to be a bribe.

10. Reporting concerns about suspected fraud, bribery or corruption

- 10.1. You are encouraged to raise concerns about any issue or suspicion of fraud, bribery or corruption at the earliest possible stage.
- 10.2. If you are offered a bribe, or are asked to make one, or if you believe or suspect that any bribery, corruption or other breach of this Policy has occurred or may occur, you must notify the Head of ARA as soon as possible. You may also report it in confidence (wherever possible) in

accordance with our Whistleblowing Policy, a copy of which can be found on Colin.

- 10.3. You can also contact us by telephone on 0191 239 8000 or by post:

**NCFE
Q6, Quorum Park
Benton Lane
Newcastle upon Tyne
NE12 8BT**

- 10.4. If you are unsure about whether a particular act constitutes bribery or corruption, raise it with a member of Executive or your line manager.

- 10.5. Concerns should normally be communicated in writing but may be made orally in exceptional circumstances. The report should include:

- A brief description of the alleged irregularity
- The loss (or potential loss) involved
- The individual(s) possibly involved; and
- Any evidence supporting the concern

- 10.6. It can be difficult to assess and investigate anonymous allegations. For this reason, anonymous reporting is discouraged but in exceptional circumstances and where supported by evidence, may form the basis of an investigation.

- 10.7. Individuals who refuse to accept or offer a bribe, or 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.

- 10.8. We are committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery 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, you should inform your line manager or Executive member immediately. If the matter is not remedied, and you are an Employee, you should raise it formally using our Grievance Procedure, which can be found on Colin.

- 10.9. **For centre related instances:** the Head of ARA will keep a register of all reported concerns, including concerns relating to fraud, bribery, and corruption. The register will include reference to any associated investigations and outcomes and will be kept for at least six years.

11. How NCFE will respond to concerns

- 11.1. The Head of ARA is responsible for co-ordinating NCFE's response to actual or suspected incidents under the scope of this Policy.
- 11.2. Upon notification and initial consideration of a concern, the Head of ARA shall inform the Chief Financial Officer ('CFO') where possible within 24 hours.
- 11.3. The CFO will consider who will lead the investigation into the concern. Investigations will typically be led by the Head of ARA but the CFO may determine that it is more appropriate for an Executive Team Member or NCFE's Internal Auditors to lead an investigation ('the Investigating Lead').
- 11.4. Investigations into suspected fraud, bribery and corruption will be carried out in a fair and impartial way, taking account of relevant guidance issued by the Charity Commission or any other relevant regulatory body.
- 11.5. The Investigating Lead will ensure that the investigation secures appropriate evidence of any fraud, bribery and corruption and quantifies the amount of any loss to NCFE.
- 11.6. The CFO, supported by NCFE's People Services, will decide whether Employee suspension is required during the investigation under NCFE's disciplinary procedure. Individuals suspected of fraud, bribery or corruption may be suspended immediately (on full pay) pending a full investigation. In some cases, it may also be necessary to suspend other staff (on full pay) to conduct a proper investigation. The suspension of a member of staff does not constitute a finding of misconduct against them.
- 11.7. On completion of the investigation, the Investigating Lead will produce a written report for the CFO. The report will include the following:
 - A conclusion as to whether the reported concern has any substance;
 - The nature and extent of the fraud or irregularity;
 - Its impact, financial or otherwise, on NCFE;
 - who was involved;
 - internal control weaknesses which may have allowed the irregularity to occur; and
 - recommendations regarding actions required to prevent a recurrence.
- 11.8. The CFO will present the investigation findings to the Audit, Risk & Investment Committee, and the Board of Trustees as appropriate including, where allegations of fraud, bribery or corruption have been upheld:

- A recommendation regarding legal action through criminal or civil law; and
- A recommendation regarding disciplinary action.

11.9. NCFE will follow disciplinary proceedings against any Employee who has committed fraud, bribery or corruption which may result in dismissal.

11.10. All proven incidents of fraud, bribery and corruption will be reported to the police for possible prosecution. In addition to any criminal prosecution brought by the policy, NCFE may instigate civil legal proceedings.

12. Location and access to Policy

12.1. This Policy is located as follows:

- Intranet (Colin): NCFE employees
- NCFE website: Centres, customers, stakeholders, 3rd party contractors and suppliers

13. Governance and Control

Classification level: General/Public

Approval status: Board

13.1. Different parties and responsibilities

Date version approved: 6 December 2021		
Approved by:	Executive/Board	Register of Decision ref: D107
Next review date:	6 December 2022	Frequency: Annual
Responsible Manager: Director of Commercial Services		
Contributors: Company Secretary Director of Commercial Services and Legal Counsel (legal) Head of Audit, Risk and Assurance		
Executive Owner: CFO		
Author: Legal Counsel		

13.2. Persons responsible for the policy:

- The Chief Finance Officer is the Executive owner of this policy and responsible for its implementation.
- The Head of Audit, Risk and Assurance is responsible for the creation, maintenance and annual review of this policy.
- All line managers are responsible for ensuring this Policy is understood by colleagues within their teams.

- All Individuals are responsible for familiarising themselves and complying with the Company's requirements under this Anti-bribery and Corruption Policy and seeking advice from the Head of Audit, Risk and Assurance if in doubt as to their obligations.

13.3. Change History:

Date	Version	Created by	Description of change
Sept 2018	V1.0	Head of QIRC	Set up
Sept 2021	V1.1	CFO	Rebrand
Oct 2021	V2.0	Legal Counsel	Technical and legal review & update

Appendix 1

Fraud: examples
Deliberate personal gain/benefit as a result of misuse of NCFE funds and/or activities
Falsifying financial statements
Embezzlement, taking money which you have been entrusted with on behalf of another party
Illegal diversion of funds e.g. receiving cash and not recording its receipt
Submitting false qualifications, professional registrations and/or references to obtain employment
Falsifying expense claims e.g. excessive expenses or expenses which are not reflective of actual activities or were never wholly incurred
Falsely claiming to be off sick
Competing private work during NCFE time
Corporate identify fraud e.g. using NCFE's logo or letterhead for personal reasons and/or to imply NCFE has sanctioned the content of the document
Bribery: examples
<p>You offer a potential customer tickets to a major sporting event, but only if they agree to do business with us.</p> <p>This would be an offence as you are making the offer to gain a commercial and contractual advantage. NCFE may also be found to have committed an offence because the offer has been made to obtain business for us. It may also be an offence for the potential customer to accept your offer.</p>
<p>A supplier gives your nephew a job but makes it clear that in return they expect you to use your influence in our organisation to ensure we continue to do business with them. It is an offence for a supplier to make such an offer. It would be an offence for you to accept the offer as you would be doing so to gain a personal advantage.</p>
<p>Payment of a facilitation payment to a foreign official.</p> <p>The offence of bribing a foreign public official is committed as soon as the offer is made. This is because it is made to gain a business advantage for us. We may also be found to have committed the offence.</p>
Alteration of academic outcomes or awards in return for an inducement.
Alteration of the outputs or findings of work undertaken (e.g. research or consultancy work) in return for an inducement.
Alteration, including destruction, of any documentation or records in return for an inducement.
Accepting gifts and/or hospitality from current or potential suppliers of goods/services during procurement exercises. This could be an attempt to influence NCFE's actions during the process and should be refused.
Accepting excessive levels of gifts or hospitality knowing that it is intended to influence the outcome of a decision or other outcome.