



# POLICIES & PROCEDURES

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## Bribery Act Policy

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<b>Policy Owner:</b>	Head of Finance & Governance
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## **1. Policy Statement**

- 1.1 South West College is committed to maintaining the highest standards of ethical conduct and integrity expected in all its business activities, whether conducted in Northern Ireland, the UK or internationally.
- 1.2 This policy outlines the College's framework on preventing and prohibiting bribery, in accordance with the Bribery Act 2010, which came into force on 1 July 2011 and extends to Northern Ireland. This policy sets out a framework to enable employees and other parties dealing with the College to understand and implement arrangements to enable compliance with the Bribery Act 2010. It is also intended that this policy will assist employees and others to identify and report on any potential breaches.
- 1.3 Bribery is a criminal offence. South West College does not, and will not, pay bribes or offer improper inducements for any purpose, nor do we or will we accept bribes or improper inducements.
- 1.4 It is a criminal offence to use a third party to channel bribes to others. The College does not and will not engage indirectly in or anyway encourage bribery.
- 1.5 South West College is committed to the prevention, deterrence and detection of bribery. The College operates a zero-tolerance towards bribery; and will not tolerate any form of bribery by, or of, its employees; or any person or body acting on its behalf.
- 1.6 South West College is committed to carrying out its business in a fair, open and honest way.

## **2. Scope**

- 2.1 This policy applies to all the College's activities. It also applies to all employees, Governors of South West College and associated persons employed by or acting for or on behalf of the College, both locally and overseas. South West College will seek to promote the adoption of policies consistent with the principles of this policy with partners, parties involved with the College on joint ventures, persons or

organisations working for or on behalf of the College and suppliers of services.

### **3. Definitions**

- 3.1 Associated Person – a person is considered an associated person of the College if they “perform services” for or on behalf of the College. This ‘person’ can be an individual, an incorporated body or an unincorporated body. It includes all temporary workers, contractors, consultants, agents and subsidiaries acting for or on behalf of the College, both locally and overseas.
- 3.2 Bribe – is a financial or other advantage or incentive (ie cash or gift) that is offered or requested with the intention of inducing or rewarding improper performance of a function or activity and in the knowledge that accepting such a reward would instigate the improper performance of such function or activity.
- 3.3 Bribery – The offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action; which is illegal, unethical or a breach of trust (NIAO Good Practice Guide 2017).
- 3.4 Facilitation Payments – are unofficial payments made to public officials in order to secure or expedite functions that they are otherwise obligated to perform.
- 3.5 Foreign Public Official – includes officials, whether elected or appointed, who hold a legislative, administrative or judicial position of any kind in a country or territory outside the UK.
- 3.6 Relevant Functions – are functions where the person performing the function is expected to perform it in good faith or impartially or the person performing it does so in a position of trust and the functions are of a public nature, activities connected with a business, activities in the course of employment or activities performed by or on behalf of bodies of persons (whether incorporated bodies or not).

## 4. Responsibilities For Implementation

### 4.1 The Governing Body of South West College

The Governing Body is committed to implementing effective measures to prevent, monitor and eliminate bribery. The Governing Body is responsible for ensuring that the risks associated with bribery, fraud and corruption are managed effectively across the College and for the College's anti-bribery measures.

### 4.2 Chief Executive

The Chief Executive will have overall responsibility for the development, review and monitoring of this policy on a continuing basis and making sure that all employees are aware of their responsibilities under this policy. The Chief Executive will ensure that all employees and associated persons of the College have a safe, reliable and confidential way of reporting any suspicious activities.

### 4.3 Managers

The senior management team will have responsibility for assessing the overall risk of bribery and for identifying risks and evaluating their likelihood and impact. Managers have responsibility for the implementation of this policy and for undertaking bribery risk assessments in their functional areas.

### 4.4 Employees

Employees should:

- Act honestly and with integrity at all times.
- Raise any concerns if they believe that a conflict with this policy has occurred or is likely to occur.
- Be vigilant and report any suspicions of bribery as soon as possible.
- Be aware of their responsibilities and adhere to this policy at all times.
- Comply with the laws and regulations of all jurisdictions in which the College operates in.
- Safeguard all College resources for which they are responsible.
- Avoid any activities that may breach this policy.

Employees will be provided with training so that they recognise bribery and can avoid the use of bribery, by themselves or others.

## 5. The Bribery Act 2010

- 5.1 Under the Bribery Act 2010, bribery is a criminal offence. There are 4 key offences contained in the Bribery Act 2010:
- i. **Section 1** – Bribery of another person. It is an offence to offer, promise or give a bribe (active bribery).
  - ii. **Section 2** – Accepting a bribe. It is an offence to request, agree to receive or accept a bribe with the intention that a relevant function or activity will be performed improperly (whether by the person asking for or receiving the bribe or by a third party) (passive bribery).
  - iii. **Section 6** –Bribing a foreign public official. It is an offence under the Bribery Act 2010 to bribe a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. There is no requirement under this section for the intention of improper behaviour. Merely seeking to influence in an attempt to obtain or retain business, or an advantage in the conduct of business for the organisation, will be sufficient for an offence to occur.
  - iv. **Section 7** – Failing to prevent bribery. Under section 7, a commercial organisation can be guilty of an offence if it fails to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business for the organisation. The organisation will have a defence if it can show that it had adequate procedures in place designed to prevent bribery by persons associated with the organisation or the bribery of persons associated with the organisation.
- 5.2 Adequate procedures need to be applied proportionately, based on the level of risk of bribery in the College. Government guidelines (Bribery Act Guidance 2012, Ministry of Justice) contain six key principles which organisations should follow when devising bribery prevention procedures. It is for the College to determine what is proportionate in the recommended areas of the six principles (See Appendix 1 for a list of the six principles). These principles are intended to be flexible and outcome focused. Ultimately, the outcome should always be robust with effective anti-bribery

procedures.

## **6. Unacceptable Conduct**

- 6.1 Employees and associated persons of the College are required to familiarise themselves with and comply with the contents of this policy and any future updates. Employees or associated persons of the College should not:
- (i) Accept or offer a bribe in the course of their employment with the College and/or any services they perform for or on behalf of the College;
  - (ii) Accept a gift or hospitality from a third party if they know or suspect that it is offered or provided with the expectation that an advantage will be provided in return.
  - (iii) Retaliate against a person or threaten a person who has refused to commit a bribery act or who has raised concerns under this policy.
  - (iv) Use or threaten blackmail, or coerce any person or organisation, to achieve any advantage for the College or for personal benefit.
  - (v) Respond to or comply with blackmail or coercive threats related to their duties and should report any such attempts to the Director of Corporate Services or Head of Finance immediately.
  - (vi) Engage in any activity which is in breach of this policy.

Please refer to Appendix 3 for specific prohibitions on coercive and blackmail practices.

## **7. Risk Assessment Procedures**

- 7.1 South West College has established detailed risk management procedures to prevent, detect and prohibit bribery. The College will assess the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by employees or persons associated with it. This will involve the completion of risk assessments periodically which will identify, evaluate and prioritise the risks it faces, both internally and externally, and, where relevant, will identify employees of the College who are in positions where they may be more prone to be exposed to bribery. (Examples of high-risk areas are included in Appendix 2) This risk

assessment procedure will include consideration of financial, operational and reputational risks; and will be administered by senior management in the College.

## **8. Due Diligence**

- 8.1 The College will apply due diligence procedures on a proportionate and risk based approach in respect of person(s) or organisations which perform or will be performing services for or on behalf of the College, in order to mitigate identified bribery risks. Appropriate due diligence should also be undertaken by employees and associated persons prior to entering into any contract, arrangement or relationship with a potential supplier of services, agents, consultants or representatives in accordance with the College's procurement procedures. Other appropriate control measures should be implemented where necessary; examples include separation of duties, rotation of staff in key posts, authorisation levels, comprehensive accounting records.

## **9. Gifts And Hospitality**

- 9.1 All staff are reminded that the College operates a separate Gifts and Hospitality Policy. This policy is not meant to change the requirements of that Policy.

## **10. Facilitation Payments**

- 10.1 The College prohibits its employees or associated persons from making or accepting facilitation payments. Facilitation payments are distinct from any official and publicly available fast tracking option or legally required administrative fees. Facilitation payments, or the offer of such payments, will constitute a criminal offence under the Bribery Act 2010, even where such payments were made, or requested, overseas. Employees and associated persons are expected to act with greater vigilance when dealing with government procedures overseas.



## 11. Reporting Of Bribery

- 11.1 The College depends on its employees and associated persons to ensure that the highest standards of ethical conduct are maintained in all of its business activities. Employees and associated persons are asked to assist the College and to remain vigilant in respect of any suspicious activity. If any employee or associated person of the College has any suspicions or concerns in relation to bribery or potential bribery, potential blackmail, coercion, corruption or wrongdoing, they should report their concerns as soon as possible. While any suspicious activities should be reported, employees and associated persons should pay particular attention to the following for example:
- (i) Close personal / family or business ties that a prospective agent, representative or business partner may have with government or corporate officials, directors, employees;
  - (ii) Requests for cash payments;
  - (iii) Requests for unusual payment arrangements, such as payments made via third parties;
  - (iv) Requests for reimbursement for any unsubstantiated or unusual expenses;
  - (v) A lack of invoices or proper financial practices within an organisation; or
  - (vi) A reputation of corruption in the country in which the business is being undertaken.
- 11.2 There are a number of mechanisms whereby persons can report concerns they may have in relation to the College, its service delivery, other employees or associated persons. For example, concerns can be raised under the College's Fraud and Corruption Policy or under the Raising a Concern Policy.
- 11.3 Staff also have access to the external Working in Confidence online platform which provides an anonymous, secure, and confidential mechanism for raising concerns.
- 11.4 In addition, if employees or associated persons have any concerns specifically in relation to bribery or potential bribery, then they should notify the Head of Finance in the first instance. Reports under this policy should be in writing. Whilst concerns can be raised anonymously internally, it will assist the College if any concerns raised were not anonymous.

- 11.5 The Head of Finance will act as soon as possible to evaluate the situation. If necessary, a senior manager will be appointed to investigate the concerns raised. All instances of alleged bribery will be thoroughly and promptly investigated in the strictest of confidence.
- 11.6 If the allegations are so serious, or if there is a potential conflict of interest, allegations can be raised directly with the Chief Executive, the Chairman of the Governing Body or the Chair of the Audit & Risk Committee.
- 11.7 It is preferable that any disclosures are made and resolved internally, however the College recognises that there may be circumstances where an internal disclosure would be inappropriate. In that situation, concerned persons can raise the matter externally with the PSNI, the Serious Fraud Office or the Northern Ireland Audit Office.
- 11.8 The College aims to encourage openness and will support any person who raises a genuine concern in good faith under this policy, even if their concerns turn out to be unfounded.
- 11.9 The College is committed to ensuring that individuals will not suffer any detrimental treatment through refusing to take part in bribery or corruption or because they have reported a concern in good faith.
- 11.10 If employees or associated persons have any concerns about this policy, they should contact the Head of Finance.

## **12. Potential Consequences**

- 12.1 Employees and associated persons should be aware that the Bribery Act 2010 created new offences which could result in a criminal prosecution if an offence has occurred. Convictions of individuals under sections 1, 2 and 6 of the Bribery Act 2010 can result in imprisonment for a maximum term of 10 years and / or a fine. The College will report any matter of concern to the relevant authorities (including the PSNI, HMRC and the Serious Fraud Office). The College will co- operate with

the PSNI and other appropriate authorities in any investigation into bribery conducted by them and any resultant prosecution.

12.2 Employees also face the possibility of disciplinary action (and possible dismissal) if they breach this policy.

### 13. Review

13.1 The College will ensure that adequate resources are made available to promote this policy effectively and it is committed to reviewing this policy at least once every three years. The College will also communicate any additional anti-bribery measures to employees and associated persons and will arrange training, where appropriate.

Signed Principal and Chief Executive:  
Date:



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20.11.24

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Signed Chair of the Governing Body:  
Date:



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20/11/2024

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## Appendix 1 – The Six Principles

### 1. **Proportionate Procedures**

An organisation's procedures to prevent bribery by persons associated with it should be proportionate to the bribery risks it faces and to the nature, scale and complexity of the organisations activities. An organisation might need to do more to prevent bribery if the organisation is large, or if it is operation in an overseas market where bribery is known to be commonplace. Bribery procedures should also be clear, practical, accessible, effectively implemented and enforced.

### 2. **Top Level Commitment**

Those at the top of an organisation are in the best position to ensure their organisation conducts business without bribery. The management of an organisation should be committed to preventing bribery. They should foster a culture within the organisation in which bribery is never acceptable. Organisations should make sure staff (including any middle management) and the key people who do business with and for the organisation understand that it does not tolerate bribery.

### 3. **Risk Assessment**

The organisation should assess the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by employees and persons associated with it. The assessment should be periodic, informed and documented.

### 4. **Due Diligence**

The organisation should consider and apply appropriate due diligence procedures, taking a proportionate and risk based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, in order to mitigate identified bribery risks.

### 5. **Communication (including training)**

The organisation should seek to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, (including processes for training staff), that is proportionate to the risks it faces. This will enhance awareness and help to deter bribery by making clear the basis on which the organisation does business.

## **6. Monitoring and Review**

The risks an organisation faces and the effectiveness of its procedures may change over time. The organisation should monitor and regularly review procedures designed to prevent bribery by employees and persons associated with it and their effectiveness given the current activities of the organisation. Organisations should ensure that changes are made, where necessary.

## Appendix 2 – Key Risk Areas for Bribery

A number of areas of within the College could have an inherent risk of bribery:

Procurement of goods and services;

- Regulatory functions (including exams, assessment and moderation);
- Grant funding;
- Recruitment;
- Partnership working.

Examples of Potential Bribery and Corruption:

- A public official may be offered, or may request, a bribe to draft tender evaluation criteria to suit a particular contractor or supplier;
- A public official may abuse their position by accepting a late bid from a relative or friend's company.
- A public official may be influenced, by a bribe or other inducement, to make a biased decision at tender evaluation stage;
- A public official may be offered, or may request, a bribe to turn a blind eye to the use of sub-standard materials or provision of sub-standard goods at contract implementation stage;
- A public official may be offered, or may request, a bribe to collude with contractors or suppliers in negotiating changes in price or specification;
- An education training inspector may be offered, or may request, a bribe to overlook weaknesses and give a favourable inspection report to a school or training facility.
- A public official may be offered, or may request, a bribe from the funded organisation in return for ensuring the successful award of a grant.
- An elected official with links to a grant-funded organisation may seek to influence a decision-maker who has discretion in the award of a grant to that organisation.
- A public official with links to a grant-funded organisation may request a bribe from the organisation to help prepare a grant application that would be successful.

(Extract from NIAO – Managing the Risk of Bribery and Corruption Nov 2017)

## Appendix 3 – Specific Prohibitions on Coercive and Blackmail Practices

South West College is committed to maintaining the highest ethical standards and has a zero-tolerance policy for any form of coercion, blackmail, or threats used to obtain an advantage or to manipulate behaviour inappropriately. The College recognises that coercive tactics and blackmail are serious breaches of ethical conduct and constitute criminal offenses.

### Prohibited Conduct

Employees, associated persons, and any individuals or entities acting on behalf of the College are strictly prohibited from:

1. **Engaging in Blackmail**  
Directly or indirectly using threats to obtain a financial, personal, or professional advantage. This includes threatening to disclose information, damage reputations, or cause financial or reputational harm unless demands are met.
2. **Using Coercion**  
Attempting to force or intimidate another person or organisation into taking actions that are unethical, illegal, or in conflict with the College's policies. Coercion includes any undue pressure, intimidation, or manipulation intended to influence decisions improperly.
3. **Responding to Blackmail or Coercive Threats**  
No employee or associated person should comply with or concede to blackmail or coercive threats. Instead, such incidents must be reported promptly as outlined below.

### Reporting Blackmail and Coercion

Employees and associated persons must report any instances of blackmail, coercion, or threats immediately to the Head of Finance or Director of Corporate Services. The College will treat all reports confidentially, investigate them thoroughly, and protect any person reporting in good faith from retaliation.

### Consequences of Violations

Any employee or associated person found engaging in or responding to blackmail or coercion in violation of this policy will face disciplinary action, up to and including dismissal, and may also be subject to criminal prosecution. The College is committed to cooperating fully with relevant authorities in investigating and prosecuting such offenses.

## Related Documentation

Title	Location	Owner
Asset Management Policy	Gateway	
Finance Procedures	Gateway	
Fraud & Corruption Policy and Response Plan	Gateway	
Employee Standards Policy	Gateway	
Hospitality & Gifts Policy	Gateway	
Procurement Policy	Gateway	
Risk Management Policy & Strategy	Gateway	
Raising a Concern Policy	Gateway	

## Change Log

Location	Change from deletion/addition	Change to
11.4, 11.5, 11.10	Risk and Compliance Officer	Head of Finance and Governance
Throughout	Legal and Compliance Officer	Risk & Compliance Officer
Throughout	Whistleblowing Policy	Raising a Concern Policy
Page 10	<b>Addition:</b> Staff also have access to the external Working in Confidence online platform which provides an anonymous, secure, and confidential mechanism for raising concerns.	
Whole Document	Convert to new template	
6.1	Added: (iv) Use or threaten blackmail, or coerce any person or organisation, to achieve any advantage for the College or for personal benefit. (v) Respond to or comply with blackmail or coercive threats related to their duties and should report any such attempts to the Director of Corporate Services or Head of Finance immediately. (vi) Engage in any activity which is in breach of this policy. (This was previously 6.2 which didn't make sense.)	
11.1	Added the words added the words "potential blackmail, coercion.	
Appendices	Added Appendix 3 Specific Prohibitions on Coercive and Blackmail Practices	



### Communication

<b>Who needs to know (for action)</b>	Senior Management Team
<b>Who needs to be aware</b>	All staff

### Communication Plan

Action	By Whom	By When
Upload to Gateway	N Nugent	On approval
Circulation to all staff	Head of Finance & Governance	On approval

### Document Development

Details of staff who were involved in the development of this policy:

Name	Role
Nicola Nugent Sean O'Donnell Claire Baxter Sharon McGrath	

Details of staff, external groups or external organisations who were consulted in the development of this policy:

Name	Organisation	Date
N/A		

### Approval Dates

Approved by	Date
Governing Body	20 November 2024

**Document History**

Issue no. under review	Date of review:	Persons involved in review	Changes made after review? Yes/No If Yes refer to change log	New Issue No.	If changes made was consultation required?	If changes made was Equality Screening required?
V3.0	September 2021	Joanne Lucas	Yes	V.4	No	No
V4.0	September 2024	Nicola Nugent Sean O'Donnell Claire Baxter Sharon McGrath	Yes	V.5	No	No