



Bribery and Corruption Policy

Clare College Bribery and Corruption Policy

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1. Introduction

This policy has been introduced in response to the Bribery Act 2010 ('the Act').

The Act creates four key offences:

- Active bribery (the offence of offering to bribe another)
- Passive bribery (the offence of accepting or requesting a bribe)
- Bribery of a foreign public official
- Failing to prevent bribery (the offence by a commercial organisation, including potentially a university, of failure to prevent bribery by any person associated with it).

2. Background and Purpose

2.1 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 significant proportion of its income from benefactions the College is concerned to protect itself, its donors and all members of the College from the detriment associated with bribery and other corrupt activity. It is therefore committed to preventing bribery and fraud by members of the College and any third party performing services for or on behalf of the College.

2.2 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 Fellows and 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.

2.3 The Bursar shall oversee the implementation of this policy, provide advice as necessary, and monitor and report to the Finance Committee on breaches of policy, and the general application of the policy.

2.4 The purpose of this policy is to assist those working for or on behalf of the College by:

- (a) setting out their responsibilities in observing and upholding the College's position on bribery and fraud; and
- (b) providing information and guidance on how to recognise and deal with bribery and fraud issues.

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2.5 Bribery and fraud are punishable for individuals by up to ten years' imprisonment. If the College is found to have taken part in corruption it could face an unlimited fine and face damage to its reputation. The College therefore takes its legal responsibilities very seriously.

2.6 This policy has been adopted by the Finance Committee.

3. Application of the Policy

3.1 This policy applies to all Fellows and 'staff', meaning all individuals working within the College at all levels and grades, including College officers, Fellows, employees (whether permanent, fixed term, or temporary), workers, trainees, agency staff, volunteers, interns, or any other person working in any context within the College.

3.2 This policy also applies to 'associated persons', meaning any individual or organisation performing services for and on behalf of the College, recipients of grants, partners in collaborative working arrangements, suppliers, distributors, business contacts, agents, advisers, and public bodies.

4. Statement of Policy

4.1 The College will take appropriate action to prevent bribery and all forms of fraud in the College.

4.2 No Fellow, member of staff or associated person shall seek a financial or other advantage for the College through bribery. No Fellow, member of staff or associated person shall offer, promise, give, request, agree to receive, or accept a bribe for any purpose.

4.3 The College prohibits any form of fraud within its operations, and no College Fellow, member of staff or associated persons may engage in any form of fraud with regard to activity carried out within or on behalf of the College.

4.4 College Fellows or staff who suspect that bribery or fraud has occurred are required to report such instances to the Bursar or directly to the Finance Committee. The matter will be appropriately investigated.

4.5 Bribery and fraud by staff will be treated as a serious disciplinary offence resulting, potentially, in dismissal and legal action.

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4.6 Schedule 1 contains more detailed guidance in relation to areas of activity where it is considered that the risk of bribery and fraud is particularly high, namely:

- Donations
- Hospitality and entertainment
- Facilitation payments

5. Implementation

5.1 Responsibility for implementation of this policy lies with the Finance Committee, supported by the Bursar.

5.2 The commitment by the College to preventing bribery and fraud shall be clearly and regularly communicated to staff and associated persons. All College Officers and HODs will complete an annual on line training course available through the University on the Bribery Act.
<http://training.csx.cam.ac.uk/event/1202501>

5.3 Fellows, staff and associated persons are encouraged to undertake risk assessments 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.

5.4. This policy shall be available to all Fellows, every member of staff and the Heads of Department. The College's prohibition of bribery and fraud shall be communicated to all suppliers, contractors, and business partners at the outset of any business relationship with them and as appropriate thereafter.

5.5. The College's procedures to prevent bribery and fraud through this and other policies shall be monitored and reviewed by the Finance Committee at least every five years to assess their suitability, adequacy, and effectiveness. This policy may be amended from time to time to reflect legal requirements or best practice recommendations and in the light of any instances of bribery and fraud.

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6. Schedule 1 – Specific Guidance

The College has policies and procedures which include provisions to combat fraudulent or corrupt practices with which Fellows and employees are expected to comply for all aspects of College business.

There are also specific areas where it is considered advisable to provide more specific guidance;

6.1 Financial Procedures

The College's Financial Procedures not only govern in detail the required financial practice within the College, but establish ethical considerations for the conduct of all College business and clarify individual responsibility. In addition, the Procedures provide greater detail on day to day administration of College finances and clarity in certain areas such as business and staff entertainment, and the receipt of gifts and hospitality by Fellows and staff.

6.2 Donations

The College does not make political donations, and only makes and receives charitable donations in accordance with the Financial Procedures of the College. Any charitable donations received by the College must be requested and received for exclusively charitable purposes and shall not improperly influence any decisions made by or on behalf of the College.

6.3 Hospitality and Entertainment

Excessive or lavish gifts or hospitality in relation to business transactions or arrangements with donors might constitute bribery.

No College Fellow, employee or associated person may receive gifts or hospitality in connection with College business otherwise than in accordance with and subject to the limits contained in the Financial Procedures.

No gift or hospitality should be accepted from a third party where there is or could be any expectation that it will lead to a business advantage for them whether or not provided directly by the College.

6.4 Provision of Gifts and Hospitality

Where a gift or hospitality is being provided by or on behalf of the College

- It must not exceed normal business courtesy.
- It must not be made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits.
- It must comply with local law(s).

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- It should be given in the name of the College and not in an individual's name.
- It should be appropriate in the circumstances, of an appropriate type and value, and given at an appropriate time.
- It should be given openly, not secretly.
- Gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the Bursar.

6.5 Facilitation Payments and Kickbacks

The College will not make any unlawful facilitation payments. Facilitation payments are payments intended to secure or expedite routine or necessary Government action by a public official. A facilitation payment includes a payment to a public official to do their job properly as well as payment to do their job improperly.