

Anti-Bribery Policy

# Anti-Bribery Policy

## 1. Introduction

- 1.1 It is ASET's policy to conduct all of our business in an honest and ethical manner. We take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our business dealings and relationships whenever we operate and implementing and enforcing effective systems of counter bribery and corruption.
- 1.2 This Policy should be read in conjunction with our Anti-Bribery and Corruption Statement, a copy of which is attached,
- 1.3 ASET will uphold all laws relevant to countering bribery and corruption. We remain bound by UK laws, including the Bribery Act 2010, in respect of our conduct both at home and abroad.

## 2. About this policy

- 2.1 The purpose of this policy is to:
  - (a) provide further details of ASET's position, as set out in the Anti-Bribery & Corruption Statement, including details of our responsibilities, and of those working for us, in observing and upholding our position on bribery and corruption; and
  - (b) provide information and guidance to those working for us on how to recognise and deal with bribery and corruption issues.
- 2.2 It is a criminal offence to offer, promise, give, request, or accept a bribe. Individuals found guilty can be punished by up to 10 years' imprisonment and/or a fine. As an employer if we fail to prevent bribery we can face an unlimited fine, exclusion from tendering for public contracts, and damage to our reputation. We therefore take our legal responsibilities very seriously.
- 2.3 ASET has established detailed risk management procedures to prevent, detect and prohibit bribery. ASET will conduct risk assessments for each of its key business activities on a regular basis and, where relevant, will identify employees or officers of ASET who are in positions where they may be exposed to bribery,
- 2.4 In this policy, **third party** means any kind of individual or organisation you come into contact with during the course of your work for us, and includes actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.
- 2.5 This policy has been [agreed OR implements following consultation] with the Local Joint Negotiating Committees for Support and Lecturing Staff.

## Anti-Bribery Policy

- 2.6 This policy does not form part of any employee's contract of employment and we may amend it at any time.

### **3. Who must comply with this policy?**

This policy applies to all persons working for ASET or on our behalf in any capacity, including employees at all levels, directors, officers, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, third-party representatives and business partners, sponsors, or any other person associated with us, wherever located.

### **4. Who is responsible for the policy?**

- 4.1 The board of Management has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it.
- 4.2 The Management Team (HR) has primary and day-to-day responsibilities 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.
- 4.3 Management at all levels are responsible for ensuring those reporting to them understand and comply with this policy.
- 4.4 Managers will receive adequate and regular briefings as appropriate.
- 4.5 You are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Management Team (HR).

### **5. What are bribery and corruption?**

- 5.1 **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.
- 5.2 An **advantage** includes money, gifts, loans, fees, hospitality, services, discounts and the award of a contract or anything else of value.
- 5.3 A person acts **improperly** where they act illegally, unethically, or contrary to an expectation of good faith or impartiality, or where they abuse a position of trust. The improper acts may be in relation to any business or professional activities, public functions, acts in the course of employment, or other activities by or on behalf of any organisation of any kind.

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

### Examples:

#### Offering a bribe

A member of the faculty offers an external inspector tickets to a major sporting event, but only if they agree to rate ASET highly as part of their review.

This would be an offence as the member of staff is making the offer to gain a commercial advantage. ASET may also be found to have committed an offence because the offer has been made to obtain business for us. It would also likely be an offence for the external inspector to accept the offer.

#### Receiving a bribe

The procurement manager of ASET – who is involved in a tender process for services to be provided to ASET – is approached by ASET’s current supplier and offered a two night break in an expensive hotel.

In return the supplier expects the procurement manager to use their influence in ASET to ensure it continues to do business with them, It is an offence for a supplier to make such offer. It would be an offence for the procurement manager to accept the offer as it would be doing so to gain a personal advantage.

#### Bribing a foreign official

Whilst on a field trip abroad, a member of staff arranges for ASET to pay an additional “facilitation” payment to an immigration official to enable students to move through customs more quickly.

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 ASET. We may also be found to have committed an offence.

### **6. What you must not do**

It is not acceptable for you (or someone on your behalf) to:

- (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 or accept a gift or hospitality during any commercial negotiations or tender process, if this could be perceived as intended or likely to influence the outcome;

## Anti-Bribery Policy

- (c) accept a payment, gift or hospitality from a third party that you 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 to or from government officials or representatives, or politicians or political parties, without the prior approval of the Management Team (HR);
- (f) threaten or retaliate against another individual who has refused to commit a bribery offence or who has raised concerns under this policy; or
- (g) engage in any other activity that might lead to a breach of this policy

### **7. Facilitation payments and kickbacks**

- 7.1 ASET does not make, and will not accept, facilitation payments or “kickbacks” of any kind
- 7.2 **Facilitation payments**, also known as “back-handers” or “grease payments”, are typically small, unofficial payments made to secure or expedite a routine or necessary action (for example by a government official). They are not common in the UK, but are common in some other jurisdiction.
- 7.3 **Kickbacks** are typically payments made in return for a business favour or advantage
- 7.4 You must avoid any activity that might lead to a facilitation payment or kickback being made or accepted by us or on our behalf, or that might suggest that such a payment will be made or accepted. If you are asked to make a payment on behalf of ASET, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment. If you have any suspicions, concerns or queries regarding a payment, you should raise these with the Management Team (HR).

### **8. Gifts, hospitality and expenses**

- 8.1 This policy allows reasonable and appropriate hospitality or entertainment given to or received from the third parties, for the purpose of:
  - (a) establishing or maintaining good business relationships;
  - (b) improving or maintaining our image or reputation; or
  - (c) marketing or presenting our products and/or services effectively.

## Anti-Bribery Policy

- 8.2 The giving and accepting of gifts is allowed if the following requirements are met:
- (a) it is not made with the intention of influencing a 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;
  - (b) it is given in ASET's name, not in your name;
  - (c) it does not include cash or a cash equivalent (such as gift certificates or vouchers);
  - (d) it is appropriate in the circumstances, taking account of the reason for the gift, its timing and value. For example, in the UK it is customary for small gifts to be given at Christmas; and
  - (e) it is given openly, not secretly;
  - (f) it complies with any applicable law.
- 8.3 Promotional gifts of low value such as branded stationary to or from existing customers, suppliers and business partners will usually be acceptable.
- 8.4 Reimbursing a third party's expenses, or accepting an offer to reimburse our expenses (for example, the cost of attending a business meeting) would not usually amount to bribery. However, a payment in excess of genuine and reasonable business expenses (such as the cost of an extended hotel stay) is not acceptable.
- 8.5 The test to be applied is whether in all circumstances the gift, hospitality or payment is reasonable and justifiable. The intention behind it should always be considered. If a member of staff is unsure of the propriety of any offer of a gift or hospitality or entertainment, he/she should take advice from a member of Senior Management.
- 8.6 It has become quite usual in some colleges for some students to offer small presents to staff at the end of a course. These may come from the class group and may be a natural expression of gratitude. Sometimes gifts may be given by individuals. However it is very important that, in an internally-accessed system, any gift cannot be perceived or portrayed as possibly having influenced decisions taken. As such, staff should only accept gifts if they are clear in doing so does not impinge on their professional integrity. Any gifts received should be tokens of appreciation, rather than anything of substantial value. Any items of substantial value that are offered should be declined politely, or if this is not possible, the member of staff should refer to his/her line manager to ensure that there is transparency in the matter.

### **9. Donations**

- 9.1 We do not make contributions to political parties
- 9.2 We do not make charitable donations

### **9. Record-keeping**

- 10.1 ASET must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third-parties.
- 10.2 You must declare and record all hospitality or gifts given or received, which are out with the allocated limits identified in this Policy in the Central Register held by the Secretary to the Board which will be subject to managerial review.
- 10.3 You must submit all expenses claims relating to hospitality, gifts or payments to third parties in accordance with our expenses policy and record the reason for expenditure.
- 10.4 All accounts, invoices, and other records relating to dealings with third parties including suppliers and customers should be prepared with strict accuracy and completeness. Accounts must not be kept “off-book” to facilitate or conceal improper payments.

### **11. Your responsibilities**

- 11.1 You must ensure that you read, understand and comply with this policy.
- 11.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for us or under our control. You are required to avoid any activity that might lead to, or suggest, a breach of policy.
- 11.3 You must notify ASET as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future. For example, if a client or potential client offers you something to gain a business advantage with us, or indicates to you that a gift or payment is required to secure their business. Further “red flags” that may indicate bribery or corruption are set out in clause 16.

### **12. How to raise a concern**

- 12.1 You are encouraged to raise concerns about any issue or suspicion of bribery or corruption at the earliest possible stage.
- 12.2 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 report it in accordance with our whistleblowing Policy as soon as possible.
- 12.3 If you are unsure about whether a particular act constitutes bribery or corruption, raise it with your manager of the Management Team (HR).

### **12. Protection**

- 13.1 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

## Anti-Bribery Policy

encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

- 13.2 ASET is 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 the Management Team (HR) 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 the intranet.

### **14. Training and communication**

- 14.1 Briefings on this policy from part of the induction process for all individuals who work for us, and regular updates will be provided as necessary.
- 14.2 Our zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and business partners at the outset of our business relationship with them and as appropriate thereafter.

### **15. Breaches of this policy**

- 15.1 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for misconduct or gross misconduct.
- 15.2 We may terminate our relationship with other individuals and organisations working on our behalf if they breach this policy.

### **16. Potential risk scenarios: “red flags”**

The following is a list of possible red flags that may arise during the course of you working for us and which may raise concerns under various anti-bribery and anti-corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only.

If you encounter any of these red flags while working for us, you must report them promptly:

- (a) You become aware that a third party engages in, or has been accused of engaging in, improper business practices;
- (b) You learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a “special relationship” with foreign government officials;

## Anti-Bribery Policy

- (c) A third party insists on receiving a commission or fee payment before committing to sign up to a contract with us, or carrying out a government function or process for us;
- (d) A third party requests payment in cash and/or refuses to sign a formal commission of fee agreement, or to provide an invoice or receipt for a payment made;
- (e) A third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business;
- (f) A third party requests an unexpected additional fee or commission to “facilitate” a service;
- (g) A third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
- (h) A third party requests that a payment is made to “overlook” potential legal violations;
- (i) A third party requests that you provide employment or some other advantage to a friend or relative;
- (j) You receive an invoice from a third party that appears to be non-standard or customised;
- (k) A third party insists on the use of side letters or refuses to put terms agreed in writing;
- (l) You notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
- (m) A third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to us;
- (n) You are offered an unusually generous gift or offered lavish hospitality by a third party.

## ANNEX A – ANTI-BRIBERY AND CORRUPTION STATEMENT

### Introduction

The Board of Management of ASET recognise that bribery and corruption has a detrimental effect on communities wherever they occur. Corrupt acts expose ASET and its employees to the risk of prosecution, fines and imprisonment, as well as endangering ASET's reputation.

It is ASET's policy to comply with all anti-bribery and corruption laws. In line with the requirements of the UK Bribery Act 2010, ASET has taken steps to introduce "adequate procedures" which are rigorously applied and reviewed to ensure that we are full compliant.

It is ASET's policy to maintain the highest level of ethical standards in the conduct of its business affairs and ASET has a zero-tolerance towards bribery and corruption.

### Scope

ASET's zero-tolerance of bribery and corruption is intended to be all encompassing. It applies to all members, officers, directors, employees, agency/seconded workers, volunteers, intern, as well as any agents, contractors, external consultants, third-party representatives or other parties acting on behalf of ASET or any subsidiary, of which ASET has effective control, in any country that we operate. ASET has developed a detailed internal policy setting out the expectations on, and responsibilities of, everyone working for or on behalf of ASET.

ASET also expects our business partners, sponsors, suppliers, contractors or any other person associated with us to act with integrity, and not be involved in bribery and/or corruption. We will, where appropriate, include clauses to this effect in relevant contracts.

### The Statement

ASET has prepared the following Anti-Bribery statement setting out clearly its position in relation to bribery and corruption.

*The Board of Management of ASET prohibits: the offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement to or from any person or company, wherever they are situated and whether they are public official or body or private person or company by any individual employee, agent or other person or body acting on ASET's behalf in order to gain any commercial, contractual or regulatory advantage for ASET in a way which is unethical or in order to gain any personal advantage, financial or otherwise, for the individual or anyone connected with the individual.*

### Responsibility

The Management Team has lead responsibility for compliance with ASET's obligations under the Bribery Act 2010 and this statement is signed by the Principle to demonstrate the Board of Management's commitment.