

## ANTI BRIBERY POLICY

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### Vision

Loreto College is centred in God, rooted in Christ and animated by the spirit of Mary Ward, the founder of the Institute of the Blessed Virgin Mary. Our vision is that it will be an educational community where each person has the experience of being loved and valued as a sacred individual created by a loving God; a community where students enjoy an enriching and liberating education that helps them grow into the fullness of life and empowers them to be men and women of courage who are alive to the needs of humanity and committed to making a better world.

### Introduction

The College aims to be an educational community which gives expression to the core values of Mary Ward - freedom, justice, sincerity, truth, joy, excellence and internationality.

Loreto College has the highest expectations of personal, academic and professional excellence. This document sets out Loreto's policy and advice to employees in dealing with bribery or suspected bribery. This policy details the arrangements made for such concerns to be raised by employees whilst ensuring it fulfils all associated legal responsibilities, the college will be mindful of its Mission and core values. It will exercise its duty of care to all its staff and students and will endeavour to act at all times with justice, compassion and respect for the dignity and worth of all those involved in the process. At the heart of the college's activities are the Gospel spirit of freedom, justice and love and Mary Ward's values of Freedom, Justice, Sincerity, Truth and Joy and we aim to affirm and value each member of the community, recognising the dignity and unique nature of each individual, whether student, support staff or teacher. This entails sharing each other's strengths, being tolerant of each other's weaknesses, as well as striving for the highest standards of achievement. This philosophy under-pins everything we try to do. All colleagues are encouraged to be open and work with mutual trust and confidence. Bribery of others or taking bribes, for whatever reason & however well intentioned, would not only be illegal but would be a grave violation of our College's Christian values.

This policy should be read in conjunction with the College's Anti Fraud and Corruption Policy, Anti Fraud and Corruption Response Plan, Whistleblowing Policy.

## Preamble

The College subscribes to the following public service values:

Accountability	Everything done by those who work in the organisation must be able to stand the test of parliamentary scrutiny, public judgements on propriety and professional codes of conduct.
Probity:	Absolute honesty and integrity should be exercised in dealing with assets, staff, suppliers and customers.
Openness:	The organisation's activities should be sufficiently public and transparent to promote confidence between the organisation and its staff and the public.

All those who work in the College should be aware of, and act in accordance with, these values.

### 1. Introduction

- 1.1 The Bribery Act 2010, which came into force on 1 July 2011, introduces a new, clearer regime for tackling bribery that will apply to all businesses based or operating in the UK. It covers all sorts of bribery, the offering and receiving of a bribe, directly or indirectly, whether or not it involves a public official, in the UK or abroad. There are offences by individuals, and a corporate offence for corporates and partnerships, and penalties for non-compliance are serious.
- 1.2 Bribery is a criminal offence for both individuals and commercial organisations and can be punished with imprisonment of up to 10 years or unlimited fines. Ministry of Justice guidance on Adequate Procedures (S7 para 35) states that "As regards bodies incorporated, or partnerships formed, in the UK, despite the fact that there are many ways in which a body corporate or a partnership can pursue business objectives, the Government expects that whether such a body or partnership can be said to be carrying on a business will be answered by applying a common sense approach. So long as the organisation in question is incorporated (by whatever means), or is a partnership, it does not matter if it pursues primarily charitable or educational aims or purely public functions. It will be caught if it engages in commercial activities, irrespective of the purpose for which profits are made. If any employee was accused of bribery, Loreto's reputation might be damaged considerably, and subsequent enforcement action would be time-consuming and hinder Loreto from focussing on its core business and service delivery.
- 1.3 It is therefore the policy of Loreto to prohibit any form of bribery or corrupt practices, whether covered directly by the Bribery Act 2010 or not. The policy applies to Loreto, all its employees and anyone acting for, or on behalf of, the College ("associated persons"), including governors, other volunteers, temporary workers, consultants and contractors, independent of their grade and position, and shall be respected at all times.

## 2. Definitions

- 2.1 Definitions for bribery and corruption vary, but both are covered within The Bribery Act 2010. Some common definitions are:

**Bribery** - “Inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages”. Appendix A is a summary of the Bribery Act 2010.

**Corruption** - This can be broadly defined as the offering or acceptance of inducements, gifts, favours, payment or benefit-in-kind which may influence the action of any person. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

It is a common law offence of corruption to bribe the holder of a public office and it is similarly an offence for the office holder to accept a bribe.

## 3. Scope

- 3.1 This policy relates to all forms of bribery and is intended to provide direction and help to employees who may identify, or suspect bribery. The overall aims of this policy are to:

- improve the knowledge and understanding of everyone in Loreto, irrespective of their position, about the risk of bribery within the organisation and its unacceptability
- assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly
- set out Loreto’s responsibilities in terms of the deterrence, prevention, detection and investigation of bribery and corruption
- ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following:
  - Criminal prosecution
  - civil prosecution
  - internal/external disciplinary action (including professional/regulatory bodies)

- 3.2 This policy applies to all employees of Loreto regardless of position held, as well as those acting on behalf of the College, including governors, other volunteers, temporary workers, consultants, contractors, and/or any other parties who have a business relationship with Loreto. It will be brought to the attention of all employees and Board members, and will form part of the induction process for new staff and Governors. It is incumbent on all of the above to report any concerns they may have concerning bribery.

- 3.3 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of Loreto’s Equal Opportunities Policy. Loreto has procedures in place that reduce the likelihood of bribery occurring. These include Standing Orders, Financial Regulations, documented policies and procedures, including on whistleblowing, a system of internal control (including Internal and External Audit) and a system of risk assessment.

## 4. PUBLIC SERVICE VALUES

- 4.1 The three fundamental public service values are:

Accountability	Everything done by those who work in Loreto must be able to stand the tests of parliamentary scrutiny, public judgements on propriety and professional codes of conduct.
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Probity	Absolute honesty and integrity should be exercised in dealing with all aspects of Loreto's operations.
Openness	Loreto's actions should be sufficiently open and transparent to promote confidence between Loreto, our employees and the public.

In addition, all those who work for, or are in a contract with, Loreto should exercise the following when undertaking their duties:

<i>Selflessness</i>	...should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends
<i>Integrity</i>	...should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties
<i>Objectivity</i>	... should, in carrying out public business, (including making public appointments , awarding contracts, or recommending individuals for rewards and benefits), make choices on merit
<i>Accountability</i>	...are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office
<i>Openness</i>	...should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest demands
<i>Honesty</i>	...have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest
<i>Leadership</i>	...should promote and support these principles by leadership and example

## **5. POLICY**

- 5.1.1 All employees have a personal responsibility to protect Loreto from bribery or corruption, are responsible for maintaining the highest standards of business conduct and are expected to behave honestly and with integrity
- 5.1.2 Loreto is absolutely committed to maintaining an honest, open and constructive culture so as to best fulfil its' objectives. It is, therefore, also committed to the elimination of bribery, to the rigorous investigation of any such allegations and to taking appropriate action against wrong doers, including possible criminal prosecution.
- 5.1.3 All gifts, payments or any other contribution, whether in cash or in kind, shall be documented, regularly reviewed, and properly accounted by the Financial Controller.
- 5.1.4 Loreto procures goods and services ethically and transparently with the quality, price and value for money determining the successful supplier/contractor, not by receiving (or offering) improper inducements. Loreto will not engage in any form of bribery, either in the UK or abroad.
- 5.1.5 Loreto prohibits employees and associated persons from offering, giving, soliciting or accepting any bribe in any way, or to give, or be perceived to have given, a financial or other advantage to any person (whether a UK or foreign public official, political candidate, party official, private individual, private or public sector employee, students/applicants and/or their parents/guardians or any other person) in order to induce that person to perform his/her functions or activities improperly. The bribe might include cash, a gift or other inducement, to or from any person or organisation, wherever they are situated, and irrespective of whether or not they are a public official/body or private person or company, by an individual governor, employee, agent or other person or body acting on the College's behalf. The bribe might be in order to:
- Gain any commercial, contractual or regulatory advantage for Loreto in a way which is unethical;
  - Gain any personal advantage, pecuniary, or otherwise, for the individual or anyone connected with the individual.
- 5.1.6 Loreto may, in certain circumstances, be held responsible for acts of bribery committed by intermediaries acting on its behalf such as contractors, suppliers, agents, advisors, consultants or other third parties. The use of intermediaries for the purpose of committing acts of bribery is prohibited.
- 5.1.7 All intermediaries shall be selected with care, and all agreements with intermediaries shall be concluded under terms that are in line with this policy. Loreto will contractually require its agents and other intermediaries to comply with the Anti Bribery Policy and to keep proper books and records available for inspection by the College, auditors or investigating authorities. Agreements with agents and other intermediaries shall at all times provide for the necessary contractual mechanisms to enforce compliance with the anti bribery regime. Loreto will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement even if this may result in a loss of business.
- 5.1.8 All employees should be aware that bribery will normally be regarded as a serious disciplinary offence which will be addressed in accordance with Loreto's existing disciplinary policy and associated procedures.

## **5.2 WHAT IS BRIBERY?**

A bribe is any inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.

### **5.3 GIFTS AND HOSPITALITY**

- 5.3.1 This policy is not intended to prohibit appropriate corporate entertainment and/or hospitality undertaken in connection with Loreto's business activities, provided the activity is customary under the circumstances, is proportionate, and is properly recorded / disclosed to Loreto in accordance with its procedures.
- 5.3.2 Courtesy gifts and hospitality must not be given or received in return for services provided or to obtain or retain business but shall be handled openly and unconditionally as a gesture of esteem and goodwill only. Gifts and hospitality shall always be of symbolic value, appropriate and proportionate in the circumstances, and consistent with local customs and practices. They shall not be made in cash.
- 5.3.3 It is not acceptable to:
- 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;
  - give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
  - accept payment from a third party that is known or suspected to have been offered with the expectation that it will obtain a business advantage for them;
  - accept a gift or hospitality from a third party if it is known or suspected that it is offered or provided with an expectation that a business advantage will be provided by the college in return;
  - threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or
  - engage in any activity that might lead to a breach of this policy.

### **5.4 FACILITATION PAYMENTS**

Facilitation payments are payments made to secure or expedite the performance of a routine action by a government official or agency to which the payer (or the company) has legal or other entitlement.

Facilitation payments are prohibited under the Bribery Act like any other form of bribe. They shall not be given by Loreto or Loreto's employees in the UK or any other country.

### **5.5 POLITICAL & CHARITABLE CONTRIBUTIONS**

- 5.5.1 Loreto does not make any contributions to politicians, political parties or election campaigns.
- 5.5.2 As a responsible member of society, the Loreto community may make charitable donations. However, these payments shall not be provided to any organisation upon suggestion of any person of the public or private sector in order to induce that person to perform improperly the function or activities which he or she is expected to perform in good faith, impartially or in a position of trust or to reward that person for the improper performance of such function or activities.
- 5.5.3 Any donations and contributions must be ethical and transparent. The recipient's identity and planned use of the donation must be clear, and the reason and purpose for the donation must be justifiable and documented. All charitable donations will be publicly disclosed. An annual report of all charitable donations will be presented to F&GP.
- 5.5.4 Donations to individuals and for-profit organisations and donations paid to private accounts are incompatible with Loreto's ethical standards and are prohibited.

### **5.6 SPONSORING**

- 5.6.1 Sponsoring means any contribution in money or in kind by Loreto towards an event organised by a third party in return for the opportunity to raise Loreto's profile. All sponsoring contributions must be

transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the consideration offered by the event host. They may not be made towards events organised by individuals or organisations that have goals incompatible with Loreto's ethical standards or that would damage Loreto's reputation. All sponsorships will be publicly disclosed. An annual report of all sponsorships will be presented to F&GP.

#### 5.6.2

5.6.3 Where commercial sponsorship is used to fund Loreto's training events, training materials and general meetings, the sponsorship must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the occasion. Where meetings are sponsored by external sources, that fact must be disclosed in the papers relating to the meeting and in any published minutes/proceedings.

5.6.4 Where sponsorship links to the development of guidelines and advice, this should be carried out in consultation with Loreto's nominated member of the senior management team.

## **6. RAISING CONCERNS**

6.1 Employees and associated persons are requested to remain vigilant in preventing, detecting and reporting bribery. Employees and associated persons are expected to report any concerns regarding any suspected bribery in accordance with the College's procedures outlined in the Whistleblowing Policy. Loreto's policy, which will be rigorously enforced, is that no individual will suffer any detrimental treatment as a result of reporting reasonably held suspicions. The Public Interest Disclosure Act 1998 came into force in July 1999 and gives statutory protection, within defined parameters, to staff who make disclosures about a range of subjects, including bribery and corruption, which they believe to be happening within the organisation employing them. Within this context, 'reasonably held' means suspicions other than those which are raised maliciously and are subsequently found to be groundless.

6.2 Any unfounded or malicious allegations will be subject to a full investigation and appropriate disciplinary action.

## **7. ROLES & RESPONSIBILITIES**

### **7.1 THE BOARD**

7.1.1 The Board has a duty to ensure that it provides a secure environment in which to work, and one where people are confident to raise concerns without worrying that it will reflect badly on them. This extends to ensuring that staff feel protected when carrying out their official duties and are not placed in a vulnerable position. If staff have concerns about any procedures or processes that they are asked to be involved in, the College has a duty to ensure that those concerns are listened to and addressed.

7.1.2 The Board and/or the Principal will be liable to be called to account for failing to prevent bribery. Loreto therefore has a duty to ensure employees receive adequate training and support in order to carry out their responsibilities. Therefore, the Principal and/or another nominated member of the senior management team will monitor and ensure compliance with this policy.

### **7.2 EMPLOYEES**

7.2.1 For the purposes of this policy, 'Employees' include Loreto's staff, Governors, volunteers, temporary workers, consultants and contractors.

7.2.2 Governors and staff at all levels will lead by example in acting with the utmost integrity and ensuring adherence to all relevant regulations, policies and procedures.

- 7.2.3 Employees must act in accordance with Loreto's Financial Regulations and Procedures which include guidance on the receipt of gifts or hospitality and declarations of interest.
- 7.2.4 Employees who are involved in receiving offers of sponsorship, funding or gifts from outside agencies also should comply with their own professional codes of practice where applicable.

### **7.3 MANAGERS**

- 7.3.1 Line managers at all levels have a responsibility to ensure that an adequate system of internal control exists within their areas of responsibility and that controls operate effectively. The responsibility for the prevention and detection of bribery therefore primarily rests with managers but requires the co-operation of all employees.
- 7.3.2 As part of that responsibility, line managers need to:
- Inform staff of Loreto's Financial Regulations and Procedures and anti fraud and anti bribery policies as part of their induction process, paying particular attention to the need for accurate completion of personal records and forms
  - ensure that all employees for whom they are accountable are made aware of the requirements of the policy
  - assess the types of risk involved in the operations for which they are responsible
  - ensure that adequate control measures are put in place to minimise the risks. This must include clear roles and responsibilities, supervisory checks, separation of duties wherever possible so that control of a key function is not invested in one individual, and regular reviews, reconciliations and test checks to ensure that control measures continue to operate effectively
  - be aware of Loreto's anti bribery policy
  - identify sensitive/at-risk posts
  - ensure that controls are being complied with
  - contribute to their line manager's assessment of the risks and controls within their area, which feeds into Loreto's overall statements of accountability and internal control.
- 7.3.3 All instances of actual or suspected bribery, which come to the attention of a manager, must be reported immediately. It is appreciated that some employees will initially raise concerns with their manager, however, in such cases managers must not attempt to investigate the allegation themselves, and they have the clear responsibility to refer the concerns in line with Loreto's Whistleblowing Policy as soon as possible.

### **7.4 INFORMATION MANAGEMENT & TECHNOLOGY**

- 7.4.1 The Network Manager will contact the Director of Finance, Resources and Estates immediately in all cases where there is suspicion that Loreto's IT infrastructure is being used for the purposes of bribery. This includes inappropriate internet/intranet, e-mail, telephones and PDAs.

### **7.5 PROCUREMENT**

- 7.5.1 Procurement practices will be conducted in a fair and transparent manner and not deal with contractors or suppliers known or reasonably suspected to be paying bribes. Before engaging contractors and suppliers, Loreto will undertake properly documented due diligence. Loreto will require contractors and suppliers to comply with its Anti-Bribery Policy as a minimum standard. Agreements with contractors and suppliers shall, at all times, provide for the necessary contractual mechanisms to enforce compliance with the anti bribery arrangements. Loreto will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement. Further details of procurement procedures are documented in the Financial Regulations.

## **8. EXTERNAL COMMUNICATIONS**



Individuals (be they employees, temporary workers, volunteers, consultants, contractors or suppliers) must not communicate directly with any member of the press, media or any other third party about a suspected act of bribery, but should address any such concerns in accordance with Loreto's Whistleblowing Policy.

## **9. TRAINING**

- 9.1** Loreto will provide anti bribery training to all relevant employees to make them aware of our Anti Bribery Policy and guidelines, in particular of possible types of bribery, the risks of engaging in bribery activity, and how employees may report suspicion of bribery.

## **10. RELATED POLICIES**

- Financial Regulations/Procedures
- Anti-fraud and corruption policy
- Whistleblowing policy
- Disciplinary policy

## Appendix 1 – Offences under the Bribery Act 2010

The following business practices constitute criminal offences under the Bribery Act 2010 and are therefore prohibited:

### *Offences of bribing another person*

*Case 1* is where a Loreto employee offers, promises or gives a financial or other advantage to another person *and* intends the advantage

- (i) to induce that or another person to perform improperly a relevant function or activity, *or*
- (ii) to reward that or another person for the improper performance of such a function or activity.

*Case 2* is where a Loreto employee offers, promises or gives a financial or other advantage to another person *and* knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity by that person.

The bribery must relate to

- (i) a function of a public nature,
- (ii) an activity connected with a business,
- (iii) an activity performed in the course of a person's employment, *or*
- (iv) an activity performed by or on behalf of a body of persons (whether corporate or unincorporated).

The person performing the function or activity must be expected to perform it in good faith, impartially or in a position of trust. It does not matter whether the function or activity is performed inside or outside the UK, whether the other person(s) involved is/are in the public or private sector and whether the advantage is offered, promised or given directly by the Loreto employee or through a third party, e.g. an agent or other intermediary.

### *Offences relating to being bribed*

*Case 3* is where a Loreto employee requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly (whether by him-/herself or another person).

*Case 4* is where a Loreto employee requests, agrees to receive or accepts a financial or other advantage, *and* the request, agreement or acceptance itself constitutes the improper performance by him-/herself of a relevant function or activity.

*Case 5* is where a Loreto employee requests, agrees to receive or accepts a financial or other advantage as a reward for the improper performance (whether by him-/herself or another person) of a relevant function or activity.

*Case 6* is where, in anticipation of or in consequence of a Loreto employee requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly

- (i) by that Loreto employee, *or*
- (ii) by another person at his/her request or with his/her assent or acquiescence.

Again, the bribery must relate to

- (i) a function of a public nature,
- (ii) an activity connected with a business,
- (iii) an activity performed in the course of a person's employment, *or*
- (iv) an activity performed by or on behalf of a body of persons (whether corporate or unincorporate).

The person performing the function or activity must be expected to perform it in good faith, impartially or in a position of trust. It does not matter whether the function or activity is performed inside or outside the UK, whether the other person(s) involved is/are in the public or private sector, whether the employee requests, agrees to receive or accepts the advantage directly or through a third party, e.g. an agent or other intermediary, and whether the advantage is for the benefit of a Loreto employee or another person.

In Cases 4 to 6, it does *not* matter whether the Loreto employee knows or believes that the performance of the function or activity is improper.

#### *Bribery of foreign public officials*

Case 7 is where a Loreto employee bribes a foreign public official and intends

- (i) to influence that official in his/her capacity as a foreign public official *and*
- (ii) to obtain or retain a business or an advantage in the conduct of business.

A foreign public official is someone who holds a legislative, administrative or judicial position of any kind or exercises a public function of a country outside the UK, or is an official or agent of a public international organisation.

*The following paragraph will apply if any part of the organisation is considered as a 'commercial' one.  
Failure of commercial organisations to prevent bribery (applicable only to corporates and partnerships  
- included for information)*

A corporate or partnership is guilty of a corporate bribery offence if an employee, agent, subsidiary or any other person acting on its behalf bribes another person intending to obtain or retain business or an advantage in the conduct of business for the corporate or partnership. For a definition of bribery, please refer to Cases 1, 2 and 7 above.

It should be the policy of a corporate or partnership not to tolerate any bribery on its behalf, even if this might result in a loss of business for it. Criminal liability must be prevented at all time.