

WYCLIFFE HALL

- OXFORD -



Bribery and Fraud Policy

Introduction

Wycliffe Hall is committed to conducting its business fairly, honestly and openly; to the highest standards of integrity; and in accordance with relevant legislation. The Hall has no tolerance of **bribery** and **fraud**, and believes that action against **bribery** and **fraud** is in the broader interests of society. As a charity deriving a significant proportion of its income from public funds, benefactions and charitable organisations, the Hall is concerned to protect its operations and reputation and its funders, donors, staff and students from the detriment associated with **bribery** and other corrupt activity. It is therefore committed to preventing **bribery** and **fraud** by its Council members, employees, junior members (together referred to hereinafter as "Members of the Hall") and any third party acting for or on behalf of the Hall.

This Policy has been adopted by the Hall and applies to all Members of the Hall.

Definitions

Words or phrases that appear in bold are defined in Schedule 1, which forms part of this Policy. **Bribery** and **fraud** are complex legal concepts and the definitions provide more detail about what they mean. For the purposes of this Policy, **bribery** and **fraud** have been treated as separate offences, but it should be recognised that there are circumstances in which they overlap.

The Hall's Approach to Bribery and Fraud

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

No Member of the Hall or **associated person** shall seek a financial or other advantage for the Hall through **bribery**. No Member of the Hall or associated person shall offer, promise, give, request, agree to receive or accept a **bribe** for any purpose.

The payment or acceptance of **facilitation payments** or any other "kickback" by Members of the Hall or **associated persons** is unacceptable. The only exceptions are where the Member of the Hall or **associated person** is in a vulnerable position arising from the circumstances in which the payment was demanded (for example where he or she is in personal danger) or the relevant territory specifically permits such payments in its local written law. In such exceptional cases, the payment should be reported in advance, or if that is not possible, as soon as reasonably practicable afterwards, in accordance with the procedure set out in Schedule 2.

The Hall has no tolerance of **fraud** within its operations. Members of the Hall and **associated persons** must not engage in any form of **fraud** with regard to activity carried out on behalf of the Hall.

A Member of the Hall who suspects that **bribery** or **fraud** has occurred is required to report such instances internally, through the channels described in Schedule 2. The Hall will appropriately investigate, record, and report all suspected instances of **bribery** and **fraud** in accordance with the procedures set out in Schedule 2.

Bribery and Fraud Policy

Bribery or **fraud** by a Hall employee will be treated as a serious disciplinary offence resulting, potentially, in dismissal and legal action.

Excessive or lavish gifts or hospitality in relation to business transactions or arrangements with donors might constitute **bribery**. No Member of the Hall or **associated person** shall give or receive gifts or hospitality otherwise than in accordance with Hall rules. Gifts and hospitality must not exceed normal business courtesy; all gifts or hospitality given by the Hall shall be for the purpose of better presenting the Hall or establishing cordial relations with business partners and supporters and will be for proper charitable and/or business purposes, reasonable, appropriate to the circumstances.

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

This Policy should be read together with any other relevant policies and procedures approved by Hall or made under its delegated authority.

The Hall takes measures to prevent **bribery** and **fraud** by agents or other third parties performing services for or on behalf of the Hall; and will take appropriate action should it discover that they are engaging in **bribery** and **fraud** on behalf of the Hall.

Implementation

Responsibility for implementation of this policy lies with the Bursar.

The commitment by the Hall to preventing **bribery** and **fraud** shall be clearly and regularly communicated to Members of the Hall and **associated persons** by the Bursar or others nominated by the Bursar.

The nature and extent of the risks relating to **bribery** and **fraud** to which the Hall is exposed shall be regularly and appropriately assessed and appropriate procedures to prevent **bribery** and **fraud**, including proportionate preventative and detective internal controls, and effective reporting procedures, shall be implemented to reflect the outcomes of the risk assessments.

Where risk assessments indicate a significant risk that **bribery** and/or **fraud** might occur in relation to a particular transaction, third party or territory, appropriate due diligence shall be conducted prior to proceeding with the relevant transaction.

This Policy shall be available to every Member of the Hall and the Hall shall arrange specific instruction for those deemed likely to need it.

The Hall's procedures to prevent **bribery** and **fraud** shall be monitored and reviewed annually and, where appropriate, amended to reflect legal requirements and in the light of any instances of **bribery** and **fraud**.

Responsibilities of the Bursar

The Bursar shall have the following responsibilities:

- to maintain a register of the incidents of **bribery** and **fraud** that are reported to him or her and to investigate further and to report such incidents in accordance with the procedures set out in Schedule 2;
- to compile an annual report for The Hall Council on the implementation of this Policy including the outcomes of any relevant risk assessments and due diligence and any incidents of reported **bribery** and **fraud**, thereby contributing to the monitoring and review of this Policy; and to recommend any changes to this Policy which may, from time to time, become appropriate;
- to ensure that any standard Hall documents and procedures (including procurement terms and procedures, fundraising documentation, and terms and conditions of employment) reflect the requirements of this Policy;
- to coordinate the Hall's response to any investigation or charge under anti-**bribery** or **fraud** legislation;
- to ensure that procedures are in place to communicate the Standards to all Members of the Hall and any relevant associated persons and to deliver appropriate training to them;

Bribery and Fraud Policy

- to oversee the compilation of specific **bribery** and **fraud** risk assessments and the conduct of appropriate due diligence into significant transactions with a view to assessing **bribery** and **fraud** risks and taking appropriate action to mitigate them; and
- to monitor the effectiveness and review the implementation of this Policy, regularly considering its suitability, adequacy and effectiveness.
- The Bursar may delegate these responsibilities to named individuals as he or she sees fit.

SCHEDULE 1

Definitions

Associated Person

A person, company or other legal entity that performs services for or on behalf of the Hall and which may include for example agents, subsidiaries and sub-contractors of the Hall, recipients of grants from the Hall, partners in joint ventures or collaborative working arrangements of any kind and suppliers of fundraising, professional or other services to the Hall.

Bribery

- a) Offering, promising, giving, requesting, or accepting a financial or other advantage in circumstances occurring inside or outside the UK which are intended to induce or reward performance of a function or activity that :
- is of a public nature, performed in the course of a person's employment, connected with a business or trade, or performed on behalf of a body of people; and
 - a reasonable person in the UK would expect to be performed in good faith, impartially or in accordance with a position of trust;
- b) Offering, promising or giving a financial or other advantage to a **public official** outside the UK (or somebody else nominated by that official) intending to influence the official in the performance of their official functions in order to obtain or retain business or a business advantage.

Facilitation Payments

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.

Fraud

An act or omission, made with the intent of making a financial gain, or causing a financial loss, or exposing another to the risk of a financial loss, in which a person:

- a) dishonestly makes a false representation; or
- b) dishonestly fails to disclose information which he or she is under a legal duty to disclose; or
- c) occupies a position in which he or she is expected to safeguard, or not act against, the interests of another person and;
- dishonestly abuses that position; and
 - intends, by means of that abuse of that position, to make a gain for himself or herself or another, or to cause loss to another or to expose another to the risk of loss.

Improper

- a) a failure to perform a function or activity in good faith, impartially or in accordance with a position of trust; or
- b) not performing the function at all.

In deciding whether a function or activity has been performed improperly outside the UK, any local custom or practice must be disregarded unless it is permitted or required by the written law of the country in which it is performed.

Public Official

Someone who holds a legislative, administrative or judicial position of any kind, whether appointed or elected; someone who exercises a "public function" for any country or territory (or any subdivision of such a country or territory); or an official of or agent of a public international organisation (eg UN, EU, World Bank).

SCHEDULE 2

Investigation, Recording and Reporting of Bribery and Fraud

1. Members of the Hall who reasonably suspect **bribery** or **fraud** in the Hall should report their concerns as soon as possible to the Bursar, providing a brief description of the alleged irregularity, the loss or potential loss involved, and any evidence supporting the allegations or irregularity or identifying the individual or individuals responsible.
2. Where concerns are to be taken forward under this policy, they will be considered by a Bribery and Fraud Review Group (BFRG) comprising the Principal, the Bursar, the Academic Dean, a member of the Hall Council, the Bursar of Keble Hall and a solicitor nominated by the Principal.
3. In cases which involve or may involve students, the allegations will in the first instance be investigated by the Bursar. If he or she finds that there is a serious case to answer it will be dealt with by the BFRG.
4. **Bribery** and **fraud** may include behaviour which would also be an offence under the provisions of the Proceeds of Crime Act 2002, or the Terrorism Act 2006 and related anti-terror legislation. If at any point there is a suspicion that the conduct complained of includes unlawful conduct of this nature, the BFRG will take immediate steps to secure appropriate professional advice as to the steps required to fulfil the Hall's obligations under the relevant legislation before proceeding further.
5. The BFRG will decide on such further steps as are necessary as soon as is reasonably practicable, including:
 - a) to investigate the concerns;
 - b) to notify the police and other relevant authorities;
 - c) to minimise further loss;
 - d) to comply with any requirements of the Hall's insurance cover;
 - e) to establish and secure evidence necessary for criminal and disciplinary action;
 - f) to recover losses;
 - g) to ensure that appropriate action is taken against those responsible;
6. In any case where immediate action is required, the Bursar may take the necessary steps and in that case will report to the BFRG on the actions taken and the reasons for them as soon as possible thereafter.
7. In any case where an individual with responsibility under this policy is the subject of an investigation under the policy, the Bursar, or if he or she is the subject of complaint, a member of the BFRG unconnected with the matter in question, will appoint an alternate or alternates to fulfil the role or roles specified under the policy.
8. Investigations will normally be carried out by the Bursar, taking account of appropriate professional practice, and any relevant guidance issued from time to time by HEFCE, the Charity Commission or any other relevant regulatory body.
9. The investigator will keep the BFRG informed as to the progress of the investigation and will complete the investigation in as timely a manner as is reasonably possible.
10. Any individual who is suspected of **bribery** or **fraud** may be suspended immediately (without deduction of pay) pending a full investigation. In some cases it may also be necessary to suspend other staff in order to conduct a proper investigation. The suspension of a member of staff does not constitute a finding of misconduct against him or her. Any staff suspended as a result of suspected **bribery** or **fraud** will be informed of the reason for the suspension.
11. Individuals suspended for suspected of **bribery** or **fraud**, and individuals suspended to enable a proper investigation to be carried out, will normally be required to leave Hall premises immediately and/or will be denied access to the Hall's IT facilities. During the period of any suspension they will not be permitted to return to the premises, to make contact with staff or witnesses, or to act on behalf of the Hall, unless given express permission to do so by the relevant Hall authorities. Any infringement of this requirement may be treated as a disciplinary offence.

Bribery and Fraud Policy

12. All persons concerned with the investigation must treat the information in strict confidence. An unwarranted breach of confidence may be the subject of disciplinary action.
13. In all cases where the police are involved, the Hall reserves the right, where it would be reasonable to do so, to proceed with its own disciplinary procedures or with civil proceedings.
14. In the case of insured claims, the BFRG will ensure that any requirements of the insurance cover are observed.
15. The BFRG will notify the Hall Council that a matter has been reported under this policy and will provide such further and confidential interim reports as to the progress of the investigation as are deemed necessary. Such reports may be oral or written as appropriate. If the matter is deemed sufficiently serious the BFRG will also notify the University and, if appropriate, the Charity Commission.
16. The Assistant Bursar shall, on the Bursar's behalf, maintain a register of all cases of **bribery or fraud** which are reported within the Hall including those where there was found to be no case to answer. The register will be maintained and will be available for inspection, subject to the requirements of Data Protection and Freedom of Information legislation.
17. Final report
 - a) The final report by the BFRG, which will be provided in strict confidence to the Chairman, will contain:
 - b) a description of the allegations and the steps taken to investigate them;
 - c) a conclusion as to whether the allegations made had substance and if so the extent of any loss and any other adverse impact on the Hall;
 - d) a description of any steps taken in relation to the individual or individuals concerned together with recommendations as to any disciplinary action;
 - e) the steps taken to mitigate any losses to the Hall;
 - f) the measures taken to minimise a recurrence; and
 - g) any action needed to strengthen future responses **bribery or fraud**, which may include provision for a follow up report within a specified time frame.
18. The complainant will be informed in broad terms of the outcome of the investigation, having due regard to the confidentiality of information relating to the individual or individuals accused and others identified in the report.

All requests for references for members of staff known to have been disciplined or dismissed for **bribery or fraud** must be referred to the Principal for advice on how to respond in accordance with employment law. In no circumstances must any person provide a reference for a member of staff whom they know to have been dismissed for bribery or fraud, without first consulting the Principal.

References for Students who have been the subject of disciplinary sanction under this policy must be referred to the Academic Dean.

VERSION CONTROL					
Version Number	Policy Gatekeeper	Date of Approval	Committee	Date to Take Effect	Date of Next Review
V.1	AJB	1.11.12	Finance	1.11.12	Hilary 2017
V.2		24.11.14		24.11.14	

It is the responsibility of the Gatekeeper of each policy to check annually whether there have been any legislative and/or University policy changes that are relevant to Wycliffe Hall.