

# LINK19 College



## ANTI FRAUD BRIBERY AND CORRUPTION POLICY

Reviewed Date: Autumn 2023

Review Date: Autumn 2025

## **LINK19 College**

### **Anti-fraud, bribery and corruption policy**

#### **1. Policy summary**

LINK19 College has a 'zero tolerance' policy towards fraud, bribery, and corruption. It will always seek to take disciplinary and /or legal action against those found to have perpetrated these things.

LINK19 College is committed to developing an anti-fraud culture and reducing the risk for fraud, bribery, and corruption.

LINK19 College will assess the risks of fraud, bribery, and corruption, establish processes and controls to minimise these risks, and regularly review the effectiveness of its control systems.

LINK19 College requires all staff to immediately report any incidents or suspicions of fraud, bribery, or corruption to an appropriate manager in line with the LINK19 College Whistleblowing Policy.

LINK19 College will not penalise anyone for raising a concern in good faith.

LINK19 College will take all reports of fraud, bribery, and corruption seriously, and investigate proportionately and appropriately.

LINK19 College requires all those receiving LINK19 College funds or representing LINK19 College, including its suppliers, grant recipients, partners, contractors, and agents, to act in accordance with this policy. This includes reporting to LINK19 College any suspected or actual instances of fraud, bribery or corruption involving LINK19 College assets or staff.

#### **2. Introduction**

LINK19 College complies with applicable legislation, including the Fraud Act 2006, the Bribery Act 2010, and with other regulatory requirements and applicable guidance including Managing Public Money.

LINK19 College is committed to conducting business fairly, openly, and honestly and in accordance with the highest ethical and legal standards.

### **3. Purpose**

The purpose of this policy is to set out the LINK19 College's stance on fraud, bribery and corruption and its approach to preventing, detecting, reporting, and investigating fraud, bribery and corruption.

### **4. Scope**

This policy applies to LINK19 College.

This policy is applicable to, and must be followed by, all staff including consultants and contractors. Failure to comply could result in disciplinary action, including dismissal.

LINK19 College requires all those receiving LINK19 College funds or representing the LINK19 College, including its suppliers, grant recipients, partners, contractors, and agents, to act in accordance with this policy.

### **5. Policy**

#### **Policy Statement**

1. LINK19 College has a 'zero tolerance' policy towards fraud, bribery, and corruption. This means that LINK19 College:
  - a) does not accept any level of fraud, bribery, or corruption within the LINK19 College or by any other individual or organisation receiving LINK19 College funds or representing the LINK19 College; and
  - b) will always seek to take disciplinary and/or legal action against those found to have perpetrated, be involved in, or assisted with fraudulent or other improper activities.
2. LINK19 College is committed to developing an anti-fraud culture and keeping the opportunities for fraud, bribery, and corruption to the absolute minimum.
3. LINK19 College requires all staff to act honestly and with integrity at all times and to safeguard the resources for which they are responsible.

## **Risk and internal control systems**

4. LINK19 College will seek to assess the nature and extent of its exposure to the risks of internal and external fraud, bribery, and corruption. It will regularly review these risks, using information on actual or suspected instances of fraud, bribery, and corruption to inform its review.
5. LINK19 College will seek to put in place efficient and effective systems, procedures, and internal controls to: encourage an anti-fraud culture; prevent and detect fraud, bribery and corruption; and reduce the risks to an acceptable level.
6. LINK19 College will seek to equip its staff with the skills, knowledge and expertise to manage its fraud risk effectively. It will provide adequate training to make staff aware of the risks of fraud, bribery, and corruption, and of their responsibilities in preventing, detecting, and reporting it.
7. LINK19 College will make all those receiving LINK19 College funds or representing the LINK19 College, including its suppliers, grant recipients, partners, contractors, and agents aware of this policy.
8. LINK19 College will work with relevant stakeholders, including comparable organisations, relevant regulators and government organisations to tackle fraud.
9. LINK19 College will regularly review and evaluate the effectiveness of its systems, procedures and internal controls for managing the risk of fraud. It will do this through risk management and assurance processes and audit arrangements.

## **Reporting - internal**

10. All staff must immediately report any suspected or actual instances of fraud, bribery or corruption, using the staff report form (see appendix A). This includes offers to pay bribes, solicitation of bribes and demands to make facilitation payments. Failure to report could result in disciplinary action.

11. Reports should be made to the LINK19 College Lead. If staff are not comfortable reporting their concerns to the LINK19 College Lead, the Whistleblowing Policy sets out who else staff can report to.
12. LINK19 College also requires all those receiving LINK19 College funds or representing LINK19 College, including its suppliers, grant recipients, partners, contractors and agents, to report to any suspected or actual instances of fraud, bribery or corruption involving LINK19 College assets or staff. Reports should be made to the LINK19 College Lead or Chair of the LINK19 College board.
13. LINK19 College will not penalise anyone for raising a concern in good faith, even if it turns out to be unfounded. Any member of staff who harasses or victimises someone for raising a concern in good faith will themselves be subject to disciplinary action.
14. LINK19 College will maintain a system for recording: all reports of actual or suspected fraud, bribery, and corruption; the action taken; and the outcome of any investigation. It will use this information to inform its review of the risks and the effectiveness of its controls.

#### **Reporting – external**

15. LINK19 College will fully meet its obligations to report fraud, bribery, and corruption to third parties.

#### **Investigation**

16. LINK19 College will take all reports of actual or suspected fraud, bribery, and corruption seriously, and investigate proportionately and appropriately as set out in this policy.
17. LINK19 College will always seek to take disciplinary and/or legal action against those found to have perpetrated or assisted with fraudulent or other improper activities in any of its operations. For staff, this may include dismissal. It will also seek to recover any assets lost through fraud.

#### **Approval of losses**

18. All losses as the result of fraud must be recorded on the loss register and approved in compliance with the LINK19 College's delegated authorities.

### **Specific risk mitigation measures**

19. To manage the exposure to bribery and corruption, all gifts and hospitality received by staff and given to Public Officials must be approved in line with the delegated authorities and recorded on the Gifts and Hospitality Register.
  
20. Conflicts of interest are known to increase the risk of fraud. Therefore, all staff who have an interest in an actual or potential supplier (whether personally, or through family members, close friends or associates) must report that conflict of interest to their manager.

### **Responsibilities**

21. The **LINK19 College Lead** is responsible for creating and implementing the LINK19 College's counter fraud strategy and for managing the counter fraud function.
  
22. The **LINK19 College Lead** is responsible for recording all instances of actual or suspected fraud, bribery, and corruption, ensuring that they are investigated proportionately and appropriately, and reported to external parties. They are also responsible for providing advice and training to staff on preventing, detecting, and investigating fraud. This includes investigating cases where specialist input is required due to the complex nature of the case.
  
23. The LINK19 College Lead is responsible for ensuring that staff are aware of and support this policy and that all incidents of fraud, bribery or corruption are reported. They are also responsible for ensuring that all incidents of fraud, bribery or corruption are managed and investigated in line with this policy.
  
24. **Staff receiving reports** of fraud, bribery and corruption are responsible for reporting them to the LINK19 College Lead, and agreeing with them how the case will be managed and who will be responsible for investigation.
  
25. **All staff** are responsible for complying with this policy.

### **Definitions**

26. **Fraud** is knowingly making an untrue or misleading representation with the intention of making a gain for oneself or another or causing a loss, or risk of loss, to another.
27. **Bribery** is giving or offering someone a financial or other advantage to encourage that person to perform their functions or activities improperly, or to reward someone for having already done so.
28. A **facilitation payment** is a type of bribe. An example is an unofficial payment or other advantage given to a public official to undertake or speed up the performance of their normal duties.
29. **Corruption** is the misuse of entrusted power for personal gain. This would include dishonest or fraudulent behavior by those in positions of power, such as managers or government officials. It would include offering, giving, and receiving bribes to influence the actions of someone in a position of power or influence, and the diversion of funds for private gain.
30. A **conflict of interest** is where an individual has private interests that may or actually do influence the decisions that they make as an employee or representative of an organisation.

## **FURTHER GUIDANCE ON FRAUD**

### **Summary of legislation**

The relevant legislation in the UK is [The Fraud Act 2006](#).

The Fraud Act 2006 defines a general offence of fraud and sets out three ways by which fraud can be committed:

- fraud by false representation. A representation is false if it is untrue or misleading, and the person making it knows that it is, or might be, untrue or misleading.
- fraud by failing to disclose information.
- fraud by abuse of position. This applies to those occupying a position in which they are expected to safeguard, or not to act against, the financial interests of another person.

In each case, the offence is to act dishonestly with the intention of making a gain for oneself or another or causing a loss, or risk of loss, to another. The criminal act is the attempt to deceive, and attempted fraud is therefore treated as seriously as accomplished fraud.

### **Examples of fraud relevant to the LINK19 College:**

Procurement fraud:

- Staff colluding with suppliers and ordering and paying for goods or services that are not required and / or have not been delivered or are charged at an excessive rate.
- Staff or third parties creating false invoices, receipts, purchase orders or supplier identities to obtain payment for goods and services that have not been supplied.
- Staff awarding a contract, or preferential terms, to a supplier in return for payments, personal discounts, commission, or other benefits; or awarding a contract to a relative or other connected party.

Fraudulently altering documents or records:

- Grant recipients not spending grant funds on purposes intended, or keeping funds for personal use, and falsifying records to support false claims.
- Staff issuing false receipts to customers in order to keep the funds paid for personal use.
- Staff or third parties altering vendor payment details to divert supplier payments to own bank account.



- Staff fraudulently altering exam papers or exam results or releasing details of exam papers in return for a bribe or in order to favour a relative.
- Staff fraudulently altering accounting records.

Expenses fraud:

- Staff claiming expenses or allowances to which they are not entitled, including by falsifying receipts.
- Staff using LINK19 College assets, such as mobile phones, for their own personal use.
- Staff or contractors falsifying travel and subsistence or other expense claims.

Fraud involving impersonation:

- Staff or third parties impersonating the LINK19 College in order to extract fees for a service which LINK19 College does not provide or does not charge for.
- Staff or third parties submitting false applications from real or fictional individuals or organisation for grants.

Payroll fraud:

- Staff creating non-existent employees for directing payments.
- Staff or temporary staff making false or inflated claims for overtime or flexible working.

## **FURTHER GUIDANCE ON BRIBERY**

### **Summary of legislation**

The relevant legislation in the UK is [The Bribery Act 2010](#).

The Act makes it an offence to give or receive a bribe, ie to:

- Offer, promise or give a financial or other advantage to another person with the intention of inducing them to perform their functions improperly, or to reward them for having done so.
- Request, agree to receive or accept a financial or other advantage as the reward for an improper function or activity.

It also makes it an offence to bribe a foreign public official. A foreign public official is someone elected or appointed to a legislative, administrative, or judicial position in an overseas government or other public agency or organisation. It is an offence to offer such a person a financial or other advantage with the intention of influencing them in the performance of their official duties.

The Act also creates a corporate offence of failing to prevent bribery. This means that the LINK19 College could be liable if someone offers a bribe on its behalf, including employees and third parties carrying out LINK19 College business, such as partners and suppliers.

### **Examples of bribes relevant to the LINK19 College:**

Advantages that could be offered as part of a bribe:

- Cash, vouchers or other cash equivalents, or a 'fee'.
- Gifts.
- Hospitality or entertainment (outside what would be modest and reasonable in the business context).
- The LINK19 College paying travel and accommodation costs to a third party where this is not standard business practice (e.g., not expenses for staff or exam invigilators).
- LINK19 College staff receiving travel or accommodation free of charge from a supplier
- Loans
- Favourable business terms.
- Discount of services, or providing services free of charge (or 'un-invoiced')
- Provision of information that offers a business or personal advantage.

Offering or receiving one of the above advantages could count as a bribe if any of the following was offered or given in return:

- Award of contract to particular bidder.
- Performance of normal duties by a foreign public official.
- Altering exam paper or marks.
- Obtaining information that would put an individual or the LINK19 College at an advantage, such as the content of exam papers, or information about a competitive tender.
- Any other preferential treatment influenced by the receipt of an advantage.

The following would not usually count as bribes:

- Payment of an official charge, such as a visa
- Normal hospitality provided during business, such as provision or acceptance of a modest meal at a working event.

Whether a provision of a particular item or service counts as a bribe depends upon the context and level of hospitality (etc) offered. The Bribery Act is not intended to prohibit reasonable and proportionate hospitality or business expenditure. Genuine hospitality or similar business expenditure that is reasonable and proportionate, in line with normal LINK19 College policy and practice. Judgement is required and the decision depends upon level of hospitality provided and the level of influence the person receiving it had on the business decision in question.

## **FURTHER GUIDANCE ON FACILITATION PAYMENTS**

A facilitation payment is making a payment or offering an advantage to a public official to undertake or speed up the performance of their normal duties. Facilitation payments are a form of bribe and are illegal under [The Bribery Act 2010](#).

### **Examples of facilitation payments relevant to the LINK19 College:**

- Making a payment to clear items through customs. These are not acceptable and must not be made.
- Offering a government minister exceptional hospitality (ie beyond a modest meal) whilst trying to win a contract.
- Making a 'non-official' payment to police to guard a building or provide security services.
- LINK19 College staff being offered free meals or accommodation (outside what would be modest and reasonable in the business context) in an effort to obtain favourable treatment.
- Making a payment to pass through border controls.

### **Exceptions**

The Bribery Act recognises that there are circumstances in which individuals are left with no alternative but to make payments in order to protect against loss of life, limb or liberty, and the common law defence of duress is likely to be available.

This might apply in particular to being asked to make a payment to pass through border controls. In these circumstances, staff should follow these steps:

1. If asked for a payment, refuse. If the official insists, ask them where the requirement for a fee is displayed, and also ask for a receipt.
2. If they continue to insist, without being able to provide evidence that the fee is legitimate, ask for a supervisor and inform them that you would be prosecuted if you make this payment.
3. The Bribery Act recognises that there are circumstances in which individuals are left with no alternative but to make payments in order to protect against loss of life, limb or liberty, and the common law defence of duress is likely to be available. If you feel that refusing to pay puts you at risk of loss of life, limb or liberty make the payment and report it to as soon as possible to your manager and the Head of LINK19 College. They will decide whether this should be reported to authorities. The fact that you have made it difficult for the official to obtain a bribe may deter them from asking others.

**Single Equalities Scheme Impact Assessment**

This policy has been developed to ensure that there is no negative or adverse impact on any individual or group in terms of disability, race, belief, gender, sexual orientation or age. All opportunities for potential positive impact on individuals, groups and the community are embedded within the ethos, vision and values of the college.

***LINK19 College is committed to achieving Best Value in all decisions made. We use the principles of Best Value as they apply to securing continuous improvement in this college.***

Reviewed Date: Autumn 2023

Review Date: Autumn 2025

Signed by Chair of LINK19 College board of directors:.....

Signed by LINK19 College Lead:.....



**Appendix A**

**Staff Report Form**

Name of staff member concerned:		Date:
Staff member completing form:		
Details:		
Action taken:		
Signature of staff member concerned:		
Signature of staff member completing form:		