ST JOHN’S COLLEGE OXFORD: Policy on Bribery and Fraud

1. St John’s College is committed to conducting its business fairly, honestly and openly; to the highest standards of integrity; and in accordance with relevant legislation. The College 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 its income from both private benefactions and public funds, the College is concerned to protect its operations and reputation and its funders, donors, staff and members of the College from the detriment associated with bribery and other corrupt activity. It is therefore committed to preventing bribery and fraud by its staff, members of the College and any third party acting for or on behalf of the College.

2. This Policy has been adopted by the Governing Body of St John’s College and applies throughout the whole College and its Estates and other properties. Words or phrases that appear in bold are defined in schedule 1. The three attached schedules form part of this Policy.

B. Definitions
3. Bribery and fraud are complex legal concepts and the definitions section in schedule 1 provides 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.

C. The College’s Approach to Bribery and Fraud
4. The College will take appropriate action to prevent bribery and all forms of fraud in the College.

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

6. The payment or acceptance of facilitation payments or any other “kickback” by College employees and associated persons is unacceptable. The only exceptions are where the employee 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.

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

8. College employees who suspect that bribery or fraud have occurred are required to report such instances internally, through the channels described in schedule 2. The College will appropriately investigate, record, and report all suspected instances of bribery and fraud in accordance with the procedures set out in schedule 2.

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

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

11. The College does not make political donations. 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.
12. This Policy should be read together with the College’s relevant policies and procedures approved by Governing Body, which may be altered from time to time.

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

D. Implementation

14. Responsibility for implementation of this policy lies with the Principal Bursar.

15. The commitment by the College to preventing bribery and fraud shall be clearly and regularly communicated to staff, members of the College and associated persons by the Principal Bursar. For this purpose Governing Body has approved the Standards expected of College employees, members of the College and associated persons. These are set out in schedule 3.

16. The nature and extent of the risks relating to bribery and fraud to which the College is exposed shall be regularly and appropriately assessed by the Risk Management Committee 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.

17. 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.

18. This Policy shall be available to every College employee and the College shall arrange specific training for those deemed most likely to encounter bribery and fraud.

19. The College’s procedures to prevent bribery and fraud shall be monitored and reviewed and, where appropriate, amended to reflect legal requirements and in the light of any instances of bribery and fraud.

E. Responsibilities of the Principal Bursar

20. The Principal Bursar shall have the following responsibilities:

   a) 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;

   b) to report annually to the Risk Management Committee 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;

   c) to ensure that any standard College documents and procedures (including procurement terms and procedures, fundraising documentation, and terms and conditions of employment) reflect the requirements of this Policy;

   d) co-ordinate the College’s response to any investigation or charge under anti-bribery or fraud legislation;

   e) ensure that procedures are in place to communicate the Standards to all staff, members of the College and any relevant associated persons and to deliver appropriate training to them;

   f) 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;

The Principal Bursar may delegate these responsibilities to named individuals or external advisors as he or she sees fit.
**Schedule 1 – Interpretation**

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

**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 improper performance of a function or activity that
   1) 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
   2) 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.

**College** means St John Baptist College in the University of Oxford

**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:

   dishonestly makes a false representation; or dishonestly fails to disclose information which he or she is under a legal duty to disclose;

   OR

   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) failing 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).

**Standards** - the document attached as schedule 3.
Schedule 2: Investigation, Recording and Reporting of Bribery and Fraud

Making a disclosure

1. Members of staff or members of the College or other individuals who reasonably suspect bribery or fraud in the College, should report their concerns as soon as possible to the Finance Bursar or the Principal 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. Although bribery and fraud can overlap, for clarity references to both offences have been included within this procedure.

3. Where concerns are to be taken forward under this policy, they will be considered by a panel comprising the President, Principal Bursar and Finance Bursar, who may seek further support and advice as they consider necessary.

4. In cases which involve or may involve students, the Senior Dean and Senior Tutor will be informed by the Principal Bursar or President at the outset of the investigation. If a student is the subject of an allegation of bribery or fraud, this will be dealt with by the Senior Dean under the disciplinary procedures applicable to students. If necessary, matters involving students may also be referred to the University Proctors.

5. Bribery and fraud may include behaviour that 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 President and Principal Bursar will take immediate steps to secure appropriate professional advice as to the steps required to fulfil the College’s obligations under the relevant legislation before proceeding further.

6. The College will
   a) investigate the concerns and
   where appropriate;
   b) notify the police and other relevant authorities;
   c) take steps to minimise further loss;
   d) ensure compliance with any requirements of the College’s insurance cover;
   e) establish and secure evidence necessary for criminal and disciplinary action;
   f) take steps to recover losses;
   g) ensure that appropriate action is taken against those responsible;
   h) prepare a report for Governing Body, who will decide on such actions as it decides are necessary.

7. By adoption of this policy, where immediate action is required, the President, Principal Bursar or Finance Bursar may take the necessary steps individually without further consultation and in that case will report to the other two responsible officers on the actions taken and the reasons for them as soon as possible thereafter.

8. In any case where an individual with responsibility under this policy is the subject of an investigation under the policy, the President, or if he or she is the subject of complaint, the Vice-President, will appoint an alternate or alternates to fulfil the role or roles specified under the policy.

Suspension

9. No one person, acting on his or her own volition, may move to suspend a member of staff or member of the College suspected of bribery or fraud.

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 or members of the College in order to conduct a proper investigation. The suspension of a member of staff or member of the College does not constitute a finding of misconduct against him or her. Any persons 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 College premises immediately and/or will be denied access to the College and University IT facilities. During the period of any suspension they will not be permitted to return to the premises, to make contact with staff, members of the College or witnesses, or to act on behalf of the College, unless given express permission to do so by the relevant College authorities. Any infringement of this requirement may be treated as a disciplinary offence.

Confidentiality
12. All persons concerned with the investigation must treat the information in strict confidence. Where necessary, information will be transmitted in confidence to relevant regulatory bodies.

13. An unwarranted breach of confidence may be the subject of disciplinary action.

Police Involvement
14. In all cases where the police are involved, the College reserves the right, where it would be reasonable to do so, to proceed with its own disciplinary procedures or with civil proceedings.

Insurance
15. In the case of insured claims, the Finance Bursar will ensure that any requirements of the insurance cover are observed.

Interim reporting
16. The President will notify the Governing Body 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.

Notifying the Charity Commission of serious incidents
17. The Charity Commission should be notified where there is evidence that any theft, fraud, loss of charity assets or other irregularity results in any of the following circumstances:
   a) the sums of money involved are, or potentially are, in excess of £25,000; or
   b) the particulars of the fraud, theft, loss of charity assets or other irregularity may reveal a systemic weakness of concern beyond the institution, or are novel, unusual or complex; or
   c) there is likely to be public interest because of the nature of the fraud, theft, loss of charity assets or other irregularity, or the people involved.

Recovery of losses
18. The Finance Bursar will endeavour to quantify the amount of any loss. The Principal Bursar will seek independent legal advice about whether there should be a civil action to recover outstanding losses in those cases where there is a reasonable prospect of success. In cases of substantial loss, consideration may also be given to an application for an order to freeze the suspect’s assets pending completion of the investigation.

Final report
19. The final report, which will be provided in strict confidence to the Governing Body will contain:
   a) a description of the allegations and the steps taken to investigate them;
   b) 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 College;
   c) a description of any steps taken in relation to the individual or individuals concerned together with recommendations as to any disciplinary action;
   d) the steps taken to mitigate any losses to the College;
   e) the measures taken to minimise a recurrence; and
   f) any action needed to strengthen future responses bribery or fraud, which may include provision for a follow up report within a specified time frame.

Records
20. The Principal Bursar shall maintain a register (the “Register”) of all cases of bribery or fraud which are reported within the College, including those where there was found to be no case to answer.

21. The Register will be maintained and will be available for inspection, subject to the requirements of the Data Protection Act 1998, and the Freedom of Information Act 2000.
22. The Principal Bursar shall specify the following, in an anonymised form, in relation to each case of bribery or fraud:
   a) what the suspected or actual incident was;
   b) whether the incident was suspected or actual;
   c) when the suspected or actual incident occurred and if actual who was (allegedly) involved;
   d) what the actual and potential impact of the incident on the College might be;
   e) what inquiries were made and/or action was taken, including any reports to other regulators or the police;
   f) how any decision to terminate the investigation of the incident was made, and why;
   g) what policies and procedures were in place that apply to the incident, whether they were followed, and if not, why; and
   h) whether policies and procedures need to be introduced or revised, and if so, how and by when.

23. 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.

References for employees or students disciplined or prosecuted for fraud
24. All requests for references for members of staff or members of the College known to have been disciplined or dismissed for bribery or fraud must be referred to independent legal 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 Bursar.

25. References for Junior Members, who have been the subject of disciplinary sanction, must be referred to the Senior Dean and Senior Tutor.
Schedule 3 – College Standards

The College is committed to carrying out its activities to the highest standards of integrity and in accordance with relevant legislation.

The College has no tolerance of bribery and fraud, and believes that action against bribery and fraud is in the broader interest of society.

The College will not offer, promise, give, request, agree to receive or accept bribes for any purpose, and will take appropriate action to prevent bribery in the University. The College will not make unlawful facilitation payments.

The College will expect third parties acting on behalf of the College not to commit bribery or fraud; the College will take measures to prevent third parties from taking part in bribery or fraud on its behalf; and the College will take appropriate action should it discover that third parties are involved in bribery or fraud on its behalf.

Any hospitality or gifts the College offers or receives relating in any way to its activities will always be for proper purposes, reasonable, appropriate and in accordance with properly approved policies.

The College will not make political donations; any charitable donations we make will comply with properly approved policies; and 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.

The College will require those employees who suspect bribery and fraud to report such instances internally, and will provide channels for them to do this.

The College will appropriately investigate all suspected instances of bribery and fraud. The College will co-operate fully with the University in any investigations of bribery and fraud that the University may initiate.

Where bribery and fraud are shown to have occurred, the College will take firm action, including, potentially, dismissal and legal action.

The College will seek to understand the risk of bribery and fraud in various contexts; implement policies and procedures to support these standards in view of its understanding of this risk; advise, inform and/or train its people appropriately concerning relevant standards, policies and procedures.

The Governing Body has instructed the Principal Bursar to oversee the implementation of these standards and supporting policies, provide advice as necessary, and monitor and report upon breaches of policy, and the general application of policy.