



Name of Policy: Anti-Bribery and Fraud

RESPONSIBLE COMMITTEE: General Purposes Committee

RESPONSIBLE OFFICER: Principal Bursar

LINKED DOCUMENTS: College: Conflict of Interest, Public Interest Disclosure, Serious Incident Reporting

LINKED DOCUMENTS: Other: The Bribery Act 2010; The Fraud Act 2006, The Terrorism Act 2006, The Proceeds of Crime Act 2002, The Computer Misuse Act 1990

Annual Review date: First meeting of Hilary Term

Introduction

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.
2. Bribery¹ and fraud² are criminal offences. The College prohibits any form of bribery and fraud and believes that action against bribery 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.
3. This Policy applies to all staff and associated persons³ of the College, throughout the whole College and its Estates and other properties.
4. Every College member and associated person who acts on behalf or provides services to the College is responsible for ensuring they comply at all times with this policy and guard against the commission of bribery.
5. The Principal Bursar is responsible for implementation of this policy, co-ordinate the College's response to any investigation or charge under anti-bribery or fraud legislation, ensure that relevant procedures are in place and communicated and appropriate records are kept.

¹ The offering, promising, giving, requesting, or accepting of a financial or other advantage with the intention to induce or reward improper performance.

² An act or omission made with the intent of making financial gain, or causing financial loss, or exposing another to the risk of a financial loss.

³ A person, company or other legal entity that performs services for or on behalf of the College, e.g. agents, subsidiaries, sub-contractors, recipients of grants from the College, partners and collaborators in joint ventures, suppliers of fundraising, professional and other services.

See [University](#) website for further information.



Prevention of Bribery and Fraud

6. The College will take appropriate action to prevent bribery and has no tolerance of fraud within its operations.
7. The College has implemented proportionate procedures to prevent bribery and fraud in respect of its activities in the UK and abroad, including:
 - Transparent policies and supporting guidance and training;
 - Risk management procedures;
 - Effective financial checks and record-keeping;
 - Due diligence in procurement;
 - Monitoring, review and continuous improvement processes.
8. Assessment of bribery and fraud risks is carried out as part of the College's risk management processes so that proportionate preventative and detective controls may be identified and implemented. Significant transactions (those that are of high value, high risk, or high profile) should always be subject to a specific bribery risk assessment with appropriate due diligence. High risk transactions are those where there is a significant increased risk of bribery or fraud due to the nature of the transaction, third party, territory, opportunity or sector.
9. No College employee or associated person shall seek a financial or other advantage for the College through bribery, nor shall they offer, promise, give, request, agree to receive or accept a bribe for any purpose.
10. The payment or acceptance of facilitation payments is unacceptable and will not be tolerated.
11. Fellows, staff and persons acting on behalf of or providing services for the College must abide by the College's procedure on gifts and hospitality outlined below (see also [Conflict of Interest Policy](#)).
12. Any suspicion of bribery or fraud should be reported immediately as per the procedure outlined in this policy. Reports may be treated as a disclosure under the College's [Public Interest Disclosure Policy](#).
13. Bribery and fraud by College employees will be treated as a serious disciplinary offence resulting, potentially, in dismissal and legal action.
14. 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.
15. The College provides staff with training on compliance of this policy. All staff who are budget holders and involved in procuring goods and services are required to complete the training.



16. 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.

Gifts and Hospitality

17. The College realises that giving and receiving of small gifts where nothing is expected in return helps form positive relationships with third parties. This does not constitute bribery where it is proportionate and properly recorded (refer to attached Schedule 1).
18. Gifts include money, goods (e.g. flowers, vouchers, food, drink, event tickets when not used in a hosted context), services or loans given or received as a mark of friendship or appreciation.
19. Hospitality includes entertaining, meals or ticket events (when used in a hosted business context) given or received to initiate or develop relations. Hospitality will become a gift if the host is not present. Where it is thought appropriate to extend hospitality to third parties, this should normally be offered in the College unless the Fellow or employee is travelling on College business, in which case the College's guidelines on business expenses will determine the acceptable level of entertainment.
20. No gift should be given nor hospitality offered by an employee or anyone working on the College's behalf to any part in connection with College business without receiving prior written approval from the Principal Bursar for larger events or gifts. Similarly, no larger gift or offer of hospitality should be accepted by an employee or anyone working on the College's behalf without receiving prior written approval from the Principal Bursar.
21. A record will be made of every instance in which gifts or hospitality are given or received using the register in Schedule 1. (**For trustees:** to be included in annual Conflict of Interest Statement in [Conflict of Interest Policy](#).)
22. On no occasion may staff accept gifts in the form of money. If money is offered or given, it should be returned with a request that the gift is instead given to the College by way of a charitable donation.
23. If a member of staff or anyone working on behalf of the College are in doubt about whether offering or receiving a gift or hospitality could be construed as a bribe, should seek advice and prior written approval from the Principal Bursar.

Investigation Procedure

24. Individuals who reasonably suspect bribery or fraud in the College should report their concerns as soon as possible to the Principal Bursar (or the President in



case the Principal Bursar is the subject of the concern), providing a brief description of the alleged irregularity and any evidence that supports the allegations or irregularity and identifies the individual or individuals responsible.

25. 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. (The President, Vice-President or Provost for Academic Affairs will appoint alternates should any of the above be the subject of complaint.)
26. In cases which may involve students, the Senior Dean and Senior Tutor will be informed by the Principal Bursar at the outset of the investigations. 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.
27. The panel will decide on further steps as necessary, including: investigating the concerns; establishing and securing evidence as necessary for criminal and disciplinary proceedings; ensuring that appropriate action is taken against those responsible, taking steps to minimise further loss and/or recover losses; and communicating internally and with external organisations with a need to know.
28. In cases 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.
29. 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 members of College in order to conduct a proper investigation. The suspension does not constitute a finding of misconduct against the College member. Any person suspended as a result of a suspected bribery or fraud will be informed of the reason for the suspension.
30. Individuals suspended for suspected 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's IT facilities. During the period of any suspension they will not be permitted to return to the premises, to make contact with College members or witnesses, or to act on behalf of the College, unless given express permission to do so by the relevant College authority. Any infringement of this requirement may be treated as a disciplinary offense.
31. 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. An unwarranted breach of confidence may be the subject of disciplinary action.



32. In all cases where the police are involved, the College reserves the right, where it is reasonable to do so, to proceed with its own disciplinary procedures or with civil proceedings.
33. In the case of insured claims, the Finance Bursar will ensure that any requirements of the insurance cover are observed.
34. In cases of financial losses, 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.

Reporting and record keeping

Interim reporting

35. The President will notify the Governing Body that a matter has been reported under this policy and will provide 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

36. The Principal Bursar will notify the Charity Commission under the College's Serious Incident Reporting procedure 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.

Final report

37. The investigating panel will prepare a final report, which will be provided in strict confidence to the Governing Body and include:
- 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

38. 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.
39. The Register will be maintained and will be available for inspection, subject to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.
40. 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;
 - 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 applied 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.

Communication with parties involved

41. Subject to the findings of the final report and agreement of recommended actions, the individual(s) involved will be informed of the outcome of the investigation as soon as possible.
42. 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(s) accused and others identified in the report.



Schedule 1

Record of Gifts and Hospitality

I as a member of St John's College, Oxford, report the following gift / hospitality*
received / given*.

(*delete as appropriate)

Details of gift or hospitality received/given (e.g. food, drinks, meals, vouchers, event tickets)	
Date when gift or hospitality was received/ given	
Estimated value of gift/hospitality	
Name of individual/organisation that extended gift or hospitality	
Reason for extending gift or hospitality	
Gift/hospitality accepted/not accepted	

Name (please print): Date

Position/Title

Signature

*Please return this form to the Principal Bursar's office (Trustees: return to the
President's office)*



POLICY HISTORY

<i>Date of GB approval</i>	<i>Brief summary of changes</i>	<i>Confirmation that linked documents have updated if necessary</i>	<i>College policy register updated</i>
HT12	Policy generated and approved by GB	Confirmed	Yes (Iris Burke)
MT21	Policy reviewed and amended to include Gifts and Hospitality clauses; re-ordering of some clauses	Confirmed	Yes (Iris Burke)
HT23	Policy reviewed, no changes	Confirmed	Yes (Iris Burke)
HT24	Policy reviewed, updated University link, updated College Officer titles	Confirmed	Yes (Iris Burke)
HT25	Policy reviewed, linked to Serious Incident Reporting; agreed by GB	Confirmed	Yes (Iris Burke)
HT 26	Procedures added to prevent bribery and fraud (clauses 7, 8, 15); approved by GB	Confirmed	Yes (Iris Burke)