

ANTI-BRIBERY, CORRUPTION & FRAUD POLICY

INCLUDING ANTI-MONEY LAUNDERING MEASURES

Responsible for Implementation: CHIEF FINANCIAL OFFICER

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Authorised By: CHIEF FINANCIAL OFFICER

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About Us

Access Further Education Limited ('The College') has subsidiary companies, trading names and trading partnerships through which it operates. The trading names and partnerships might have their own names or brands, but the legal entity for the purpose of this policy is Access Further Education Limited. Trading subsidiaries, trading names and trading partnerships include Access Creative College ('ACC'), National College for Creative Industries ('NCCI'), and Access Sport. The dBs Institute (DBS Music UK Holdings and its subsidiaries), whilst a separate legal entity, shares common Directorships with the College, however, responsibility for this policy within dBs falls to the Chief Financial Officer of Access to Music Limited.

Purpose

This policy is designed to set out the College's approach to ensuring compliance with the Bribery Act 2010, and to prevent all activities which may lead to, encourage or promote bribery, fraud and corruption. It also details the approach to preventing money laundering within its business operations.

Scope

This policy applies to all individuals associated with The College, including all employees, agency and freelance workers, consultants and the self-employed. It extends to all activities conducted for and on behalf of all departments, entities and subsidiaries.

Responsibilities

The Chief Financial Officer accepts overall responsibility for all matters relating to bribery, corruption, fraud, error and money laundering within the College.

People Services are responsible for ensuring that staff are suitably trained, and that managers are provided adequate guidance and support when dealing with investigations into suspected bribery, corruption, fraud, error and money laundering within the College. They are also responsible for ensuring accuracy within timesheets and expense claim submissions, and ensuring that all changes to employee pay, hours etc... are administered in a timely manner to prevent overpayments or other financial implications for employees.

All employees, agency, freelance workers and consultants should be mindful of this policy and any associated procedures, and should act accordingly at all times. Where an employee suspects bribery, corruption, fraud, error or money laundering, they should raise their concerns immediately with their line manager, or if this is not appropriate, with People Services.

Anti-Bribery & Corruption

Bribery and corruption in any form is not tolerated by The College. The College expects every business and individual (whether College employee, representative or agent) performing services for it or on its behalf to do so in an honest and professional manner.

Under the Bribery Act 2010, a bribe is a 'financial or other advantage' offered, promised or given to induce a person to perform a relevant function or activity improperly, or to reward them for doing so.

The Act makes it a criminal offence to:

- offer, promise or give a bribe
- request, agree to receive or accept a bribe
- bribe a foreign public official to obtain or retain business or a business advantage
- (by an organisation) fail to prevent bribery by those acting on its behalf ('associated persons') to obtain or retain business or a business advantage for the organisation.

Small payments made to government officials or others to make something happen, or happen sooner, (commonly called facilitation payments) are likely to be bribes and unlawful under the Act.

Under the Bribery Act, individuals can be prosecuted for accepting bribes or offering bribes. In addition, the Company can be prosecuted for failing to prevent bribery committed to obtain or retain business or a business advantage for the Company by an employee or other individual or organisation (including University employees, representatives, agents or third parties engaged by the Company - see paragraph (2) below) who is performing services for the Company.

1. The Company does not tolerate any form of bribery, whether direct or indirect, by its agents, consultants, contractors, suppliers, subsidiaries, joint venture partners and any other third parties performing services for or on behalf of the Company.
2. All such third parties must comply with the Company's standards with regard to bribery and with the requirements of the Bribery Act 2010 and must ensure that their staff are required to comply with those standards and requirements and receive appropriate training. The Company may require written assurance from a third party of their compliance with the Company's standards and the requirements of the Act, including details of the anti-bribery measures that they have taken.

3. Individuals should note that bribery is a criminal offence in the UK that may result in up to 10 years imprisonment and/or an unlimited fine for the individual and an unlimited fine for the organisation on behalf of which the bribery offence is committed.
4. As part of its anti-bribery measures, the Company is committed to proportionate, reasonable and bonafide hospitality and promotional expenditure. The frequency and scale of any hospitality accepted by a third party should in general not be significantly greater than they or the Company would be likely to provide in return.

While there is no requirement to report one-off very small token gifts, employees should seek advice from their line manager if:

- they are offered or receive gifts of higher value, or
 - they receive a succession of small gifts within a short period of time, or otherwise have any concern that there is an intention to influence them to change their behaviour or act improperly.
5. Depending on the circumstances, the appropriate action may be to:
 - accept and keep the gift or hospitality;
 - accept the gift but raffle it among colleagues and donate the money to charity;
 - accept the gift but share it with colleagues;
 - politely decline the gift or hospitality;

Making clear to the donor that the recipient of the gift will not be involved in decision making relating to business relations between the Company and the donor.

Any expenditure which does not comply with this principle must be authorised in advance in writing by email by the appropriate line manager. It is a personal responsibility of both the individual requesting authorisation by email and the line manager giving his response to that request to retain a copy of all such email correspondence as all individuals may be called by the Company to produce evidence of any such requests and the responses given at any time.

6. The Company will not conduct business with third parties who do not support the Company's anti-bribery objectives.
7. The Company reserves the right to terminate its contractual arrangements with any third party providing services for or on behalf of the Company with immediate effect and without compensation for any loss where there is reasonable evidence that they/their staff have committed an act of bribery. Where appropriate, the Company will include terms in its contracts with third parties requiring compliance with the Company's standards and with the requirements of the Bribery Act.
8. All those providing services for or on behalf of the Company are encouraged to report any suspected bribery to the Company to their line manager and the signatory to any legal contract relating to the services in question.

Counter Fraud & Error

Under The Fraud Act 2006, fraud is categorised into three types, listed below, which are dishonest activities that are intended for gain, or to cause loss to others.

- Making a false representation (lying through words or actions)
- Failing to disclose information when there is a legal duty to do so

- Abuse of position (your position has an expectation to safeguard the financial interests of an organisation or another person)

The Fraud Act does not require these dishonest activities to be successful (i.e. to cause someone to gain or lose money), simply that the intent to commit fraud was there.

The College considers any intentional distortion of financial statements or other records for inappropriate gain, to cause inappropriate loss, or for the misappropriation of assets as fraud. Examples of this include:

- Falsification or alteration of accounting records
- Theft
- Misappropriation of assets
- Suppression or omission of data/transactions from records
- Recording false transactions, or those with no substance
- Wilful misrepresentation of the College's state of affairs

All suspicions of fraud should be reported immediately for investigation. They will be taken seriously and will be fully investigated. Confidentiality for all parties will be maintained over reports made in good faith which cannot be substantiated following an investigation. Anyone suspecting fraud by another must not speak to that individual about the situation, unless as part of an official College investigation.

Money Laundering

The legislation that sets out the requirements on Anti-Money Laundering, with which the College must comply is:

- The Proceeds of Crime Act 2002
- Money Laundering and Terrorist Financing (Amendment) Regulations 2019
- The Terrorism Act 2000 (as amended by The Anti-Terrorism Crime and Security Act 2001 and the Terrorism Act 2006)
- Criminal Finances Act 2017

Part 7 of the Proceeds of Crime Act 2002 defines the full scope of money laundering activity and includes:

- Concealment or disguising of criminal property.
- Converting, transferring, or removing criminal property from the UK.
- Acquiring, using or having possession of criminal property.
- Failure to disclose activity that is suspected, or knowingly committing an offence relating to acquisition, retention, use, control or disguising of criminal property

It is important to note that these offences relate to any type of proceeds of illegal activity, including money and property.

Examples of College activity that would be considered relevant to this policy for review include:

- Overpayment of funds for no apparent reason, including subsequent requests for refunds of overpaid amounts, as well as payments received from unknown customers who then suggest an administrative error and require funds to be refunded.
- A customer, sponsor or third party not known to the College attempting to engage in a transaction.
- Unreasonable secrecy when requesting information.
- Unexplained involvement, or insistence of the involvement, of an apparent unconnected third party without reasonable explanation
- Noticeable change in usual business activity, i.e. size/frequency of payments.
- The insistence for refunds to be credited to alternative bank accounts.
- Knowledge of alleged improper business conduct by a third party.

- Payment of an invoice to a bank account not connected to the business name.

This policy applies to all employees, not just those in finance facing roles. Should any member of staff become aware that money laundering activity has, or is, taking place, or become concerned about their own involvement in a situation, they must disclose this at the earliest opportunity to their line manager. Failure to do so could result in the employee committing an offence and becoming personally liable to prosecution. In addition, the employee could have their conduct reviewed under the disciplinary procedure.

The College will retain proper records, usually electronic, of all business transactions for a period of 6 years after the end of the relevant reporting period, and will ensure the College is able to provide an audit trail which distinguishes the customer, the transaction and the form in which relevant funds were paid or received.