



Bribery Policy

The TEC PARTNERSHIP was established under the Further and Higher Education Act 1992 for the purpose of conducting its business. The TEC Partnership is an exempt charity under Part 3 of the Charities Act 2011. In the delivery of its missions the TEC Partnership uses brand names and trading styles in the public domain and includes, but not limited to: the TEC Partnership; East Riding College; Scarborough TEC; Skegness TEC; The Academy Grimsby, Grimsby Institute, University Centre Grimsby and Career 6. Policies, data protection registration and other documentation and legal requirements relating to or as part of the operation of brands are part of the TEC Partnership.



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This policy applies to the TEC Partnership and incorporates the trading styles of TEC Partnership, Grimsby Institute of Further and Higher Education, East Riding College, Scarborough TEC, Skegness TEC, The Academy Grimsby and all wholly owned subsidiary companies of the TEC Partnership which include Modal, Support Staff Services and Grimsby College Trading.

Change Control

Version:	2
New or Replacement:	Replacement
Approved by:	EMT
Date approved:	
Name of author:	Group Director Finance
Name of responsible committee:	Audit
Name of Corporation committee:	
Date issued:	April 2021
Review date:	April 2023
Document Reference:	

Revision History

Version	Type	Date	History
1		February 2017	
2		April 2021	

1. Introduction

1.1 This policy applies to all members of the TEC Partnership (Partnership) which means all employees and members of the Corporation (including consultants, contractors, service providers and external partner organisations).

2. Position Statement and Commitment

- 2.1 Bribery is a criminal offence and morally wrong and exposes the members of the Partnership to risk of prosecutions, fines and imprisonment as well as endangering the Partnership's reputation.
- 2.2 The Partnership is committed to maintaining the highest ethical standards and to carry out its activities fairly, honestly, openly and in compliance with all applicable laws.
- 2.3 The Partnership and its associates operate a zero tolerance approach to Bribery and therefore are required to uphold the highest standards of integrity in their dealings with or on behalf of the Partnership and to comply with all applicable laws of the countries in which they are working.

3. Definition

The Bribery Act 2010 came into force from 1st July 2011. The Act contains four principal offences:

Paying (or offering) a bribe: *Offering or giving something of monetary value to influence the way in which another carries out his/her duties*

Accepting a bribe: *Receiving something of monetary value that influences the way in which you carry out your duties*

Bribing of a public official: *When a public official accepts a bribe, he or she creates a conflict of interest. That is, the official cannot accommodate the interests of another party without compromising the responsibilities of her or his position*

Failing to prevent bribery: *Failing to prevent bribery is a corporate offence that provides a statutory defence for organisations who demonstrate the existence of adequate procedures to prevent bribery. They will be liable if they fail to prevent a bribe within the organisation due to the lack of internal controls, policies and/or procedures.*

4. Legal Background and Context

4.1 The Bribery Act 2010 ("Act"), which came into force from 1st July 2011, replacing and enhancing fragmented and complex existing laws which date from 1889, 1906 and 1916.

4.2 The UK signed an international treaty in 1998 on combat bribery and corruption and the act is intended to ensure that the UK is compliant with its obligations under that treaty.

5. Scope

- 5.1 Members of the Partnership who pay or accept a bribe could be personally prosecuted.
- 5.2 Senior managers are at risk of prosecution if they 'turn a blind eye' to bribes which are paid off by the staff they supervise.
- 5.3 "Commercial Organisations" can be prosecuted and, in addition to companies and partnerships, this expression is wide enough to include universities, schools and charities.
- 5.4 The Act does not only apply to individuals and commercial organisations in the UK but also to those who have a "close connection" (business presence) with the UK.

6. Range of possible penalties (criminal and internal sanctions)

6.1 For individuals:

- A criminal record with a sentence of imprisonment of up to 10 years and unlimited fines.
- (Employees) dismissal or other disciplinary sanctions.
- (Corporation Members) removal from office.
- Damage to reputation.

6.2 For the Partnership:

- A criminal record with unlimited fines and a potential ban from bidding for future research and other public contracts.
- Damage to reputation and loss of public trust and confidence.
- Adverse impact on donors, recruitment of members of the Partnership and students and UK Borders Agency approved list.
- Regulatory and funding issues – Office for Students/Skills Funding Agency/Education Funding Agency/Local Enterprise Partnership/Other grant funding bodies.
- Disruption to business activities.

7. Offences under the new Act

7.1 Three offences apply to all members of the Partnership and its associates:

- Giving a bribe (this is called "active bribery")
- Receiving a bribe (this is called "passive bribery")
- Bribing a foreign official.

7.2 A further offence (the "corporate offence") applies only to the Partnership:

- This would apply where the Partnership (responsible management) failed to prevent active bribery of any foreign official by any members of the Partnership or any agent, contractor, subsidiary or other individual or organisation acting on Partnership's behalf, by not implementing the relevant policies and procedures to prevent and deter bribery
- The only defence is if the Partnership can show that it had "adequate procedures" to prevent the bribery (see Section 10 below).

8. The corporate offences and “adequate procedures”

8.1 The Act does not define “adequate procedures”, but the Government has published guidance to help organisations decide what is appropriate for their needs.

8.2 There is no ‘one size fits all’ and the guidance makes clear that each organisation need to decide a proportionate response based on its activities and areas of risk.

9. The main risk areas for the TEC Partnership

9.1 The main risk areas that have been identified for the Partnership are:

- International Work – both abroad and in the UK.
- Commercial and Facilities/Purchasing Departments – giving and receiving bribes when awarding contracts for goods and services.
- Teaching areas – for awarding of grades for qualifications.
- Subsidiary and Associated Companies

9.2 If a member of the Partnership identifies any bribery risk which they consider has not been addressed or adequately addressed by any actual or planned anti-bribery measures, then they should report this to the Group Director of Finance, either directly or through their line manager.

10. Anti-Bribery Measures

10.1 The Partnership Audit Committee is the principal body which recommends the Partnership anti bribery measures, but these will also be reported to and approved by the Partnership Corporation. The Group Director of Finance is responsible for ensuring anti bribery information is communicated and updated.

10.2 To promote a strong anti-bribery culture, the Partnership’s existing policies and procedures in the main areas of risk have been reviewed and where necessary enhanced.

10.3 The key policies and procedures for the prevention of bribery include:

- The Financial Regulations
- Procurement and Tender Procedures
- The Fraud Policy
- Staff Recruitment Procedures
- The Staff Code of Conduct

10.4 Compliance with the above policies and procedures is mandatory for all members of the Partnership (as appropriate).

10.5 In addition to the above policies and procedures, appropriate anti-bribery measures have been embedded in all relevant operational policies and procedures across the Partnership. All relevant standard contracts and documents have also been updated to include anti-bribery provisions. It is particularly important for members of the Partnership to:

- Get to know every organisation which the Partnership is intending to work with – whether the organisation will be collaborative partner, supplier, contractor, consultant or

something else – and check that it has an embedded anti-bribery culture and has adapted similarly robust anti-bribery policies and procedures.

- Use the up-to-date and applicable standard contract or document which incorporates anti-bribery provisions and do not amend any of those anti-bribery provisions without obtaining legal advice from the Group Finance Director.

10.6 A training programme and communications strategy will be implemented to raise awareness of the Act and this Policy. Utilising the College Management Groups within the Partnership and focussing on high risk areas such as Procurement and International.

11. Reporting Bribery

11.1 All members of the Partnership have a responsibility to help detect, prevent and report not only bribery but all other suspicious activity or wrongdoing.

11.2 All concerns or suspicions of bribery, fraud or corruption must be reported so that action can be taken under the Partnership's Fraud Policy.

11.3 Any member of staff, student or member of the public suspecting any form of bribery should contact the Group Director of Finance or, where the suspected bribery involves the Finance Department, the Clerk to the Corporation via the Partnership's 'Whistleblowing' procedure.

11.4 Anyone making allegations against the Clerk to the Corporation should approach the Chair of Corporation in the first instance.

11.5 In operating these procedures, the Partnership will have due regard to the requirements of the Instruments and Articles of Government, the Financial Memorandum, the Audit Code of Practice, and any other relevant legal or procedural requirements placed upon it.

11.6 Any individual raising a bribery allegation that is based on reasonable belief, will be protected from any reprisal as a result of doing so under the Public Interest Disclosure 1998.

11.7 In any instance where an investigation process proves that allegations have been made in a malicious and unfounded way so as to abuse the operation of these procedures, disciplinary action may be taken as appropriate.

12. Consequences of bribery

12.1 Any breach of this Policy will be regarded as a serious matter and is likely to result in disciplinary action and/or removal from office or criminal investigation (see Section 5 above).

12.2 Managers may also be subject to disciplinary sanctions and/or criminal investigation for supervisory failures (the corporate offence of negligently failing to prevent a bribe). If criminal, responsible management may face an unlimited fine and/or up to a 10 year sentence.

12.3 The TECP will avoid doing business with agents, consultant, contractors and suppliers who commit bribery and may end contracts with them.

13. **Further Information**

13.1 Staff who have questions or require any further information about this Policy, other than reporting any concerns – see Section 10 above, should please contact the Group Director of Finance in the first instance. Tel: 01472 311222 Ext 1213.

14. **Related Policies**

- Anti-Fraud Policy
- Code of Conduct
- Financial Regulations
- Disciplinary Policy and Procedure
- Procurement and Tender Procedure
- Whistleblowing Policy
- Expenses and Overtime Policy



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- Grimsby Institute
- University Centre Grimsby
- Skegness Training Education Careers
- The Academy Grimsby YOUR FUTURE, FOCUSED
- 6
- gi International
- net National Employer Training
- workforce SKILLS
- LITTLE STARS Day Nursery
- Doncaster LEARNING CENTRE
- distance LEARNING
- Skegness Learning Centre
- Grimsby Learning Centre
- Immingham Learning Centre
- Louth Learning Centre
- Scarborough Training Education Careers
- MODAL TRAINING
- ecosh EAST COAST OCCUPATIONAL SAFETY & HEALTH
- Transafe TRAINING
- FRPERC Food Refrigeration and Process Engineering Research Centre
- East Riding College