Counter-Fraud and Anti-Bribery Policy 2026/29(v3)

North Warwickshire and South Leicestershire College

Title of Policy Author: Clerk to the Corporation

Title of Lead Owner: Chief Operating Officer

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Document History

Version Number	Amended By	Date of Revision	General Revision Description
V2	Clerk to the Corporation	25.9.23	Three year policy review - minor amendments including date and formatting changes and the inclusion of section 9.Data Protection Impact Assessment
V3	Clerk to the Corporation	Summer 20206	Three year policy review - date and formatting changes, inclusion of additional detail in section 5 relating to new DfE requirements

Counter-Fraud and Anti-Bribery Policy 2026/29(v3)

1. Introduction

1.1 North Warwickshire and South Leicestershire College (the College) has a zero-tolerance for fraud, bribery and other types of dishonesty or misconduct, irregularity and impropriety. The College's reputation with the community it serves and other stakeholders is underpinned by ethical behaviour, financial probity and honesty.

1.2 This Policy sets out how College will deal with fraud, bribery and other types of dishonesty or misconduct, irregularity and impropriety.

1.3 The overall aims of this Policy are to:

i. assist in promoting a climate of openness and transparency, and a culture and environment where staff feel able to raise concerns sensibly and responsibly;

ii. set out the College's responsibilities in terms of the deterrence, prevention, detection and investigation of fraud, bribery and other types of dishonesty or misconduct, irregularity and impropriety;

iii. ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following:

- criminal prosecution;
- civil prosecution;
- internal / external disciplinary action (including professional/regulatory bodies);
- seeking redress where appropriate.

1.4 The College aims to limit its exposure to fraud and bribery by:

i. Implementing a clear Counter-Fraud and Bribery Policy, which is proportionate to the risks that the College is exposed to.

ii. Embedding awareness and understanding of the Counter-Fraud and Bribery Policy.

iii. Providing relevant training so individuals can recognise and avoid engaging in fraud, bribery, and other dishonest, irregular or improper behaviour or misconduct.

iv. Encouraging staff to be vigilant and to report any suspicion of fraud, bribery or other dishonest, irregular or improper behaviour or misconduct by providing them with suitable channels of communication, whilst ensuring sensitive information is treated appropriately.

v. Rigorously investigating instances of alleged behaviour or activity covered by this Policy in accordance with the Counter-Fraud and Anti-Bribery Response Plan and Staff Disciplinary Policy.

2. Definitions

2.1 **Associated persons**: any person performing services for or on behalf of the College, and external persons/organisations with whom the College has commercial relations.

2.2 **Fraud**: the Fraud Act 2006 provides a formal definition of fraud which, for the purposes of this Strategy, can be summarised as "obtaining money, property or services dishonestly by making a false or misleading representation, failing to disclose information or abusing a position of trust".

2.3 **Bribery**: the Bribery Act 2010 defines bribery as "an inducement or reward offered, promised or provided to someone to gain personal, commercial, regulatory or contractual advantage on behalf of oneself or another." The Act establishes the following offences:

i. the offering, promising or giving of a bribe (active bribery);

ii. the requesting, agreeing to receive or accepting of a bribe (passive bribery);

iii. the bribing of foreign public officials; and

iv. failing to prevent bribery.

2.4 **Corruption**: defined in the Bribery Act 2010 as the deliberate misuse of your position for direct or indirect personal gain. Corruption includes offering, giving, requesting or accepting bribe or reward, which influences an individual's actions or the actions of someone else.

2.5 **Misconduct:** unacceptable or improper behaviour, mismanagement and culpable neglect of duties.

2.6 **Irregularity**: something that is irregular, incorrect or unacceptable (such as improper or dishonest conduct); financial irregularity means any fraudulent or improper use of College funding or assets. Common types of financial irregularities are corruption (e.g. bribery, kickbacks, bid riggings, etc.), conflicts of interest (e.g. sale and purchase schemes, etc.) and asset misappropriation involving cash, inventory or other assets.

2.7 **Impropriety**: behaviour that is dishonest, socially unacceptable, or unsuitable for a particular situation.

3. Scope

3.1 This Policy and its Counter-Fraud and Anti-Bribery Response Plan (Appendix 1) covers any fraud, theft, bribery, corruption, misconduct, irregularity or impropriety committed against the College by employees, Corporation Members and 'associated persons' (i.e. anyone acting for, or on behalf of, the College such as volunteers, agency staff, consultants, suppliers, consultants and contractors, partners and other external organisations).

3.2 All activities undertaken by the College are covered by this Policy.

4. Related Policies and Documents

4.1 The following policies and their supporting procedures are associated with this Policy:

i. Staff Code of Conduct

ii. Corporation Guiding Principles;

iii. Gifts and Hospitality Policy;

iv. Declaration of Interest Policy (contained in the Corporation Standing Orders);

v. Public Interest Disclosure (Whistleblowing Policy);

vi. Staff Disciplinary Policy;

vii. Tendering and Contracting Policy;

viii. Financial Regulations;

ix. Standing Orders.

5. Rationale

5.1 This Policy sets out the framework by which the College aims to prevent, detect and respond to incidences of fraud, theft bribery, corruption, misconduct, irregularity or impropriety.

5.2 The Policy has been developed as a response to the following requirements and imperatives:

i. Bribery is a criminal offence for both individuals and commercial organisations and can be punished with imprisonment of up to 10 years or unlimited fines.

ii. The College will not commit an offence of failing to prevent bribery, if it is able to show that it had 'adequate procedures' in place to prevent bribery taking place.

5.3 Part 6.6 of The Financial Handbook - The Regulator and Intervention Fraud, Theft, Irregularity and Cybercrime, sets out the following requirements:

i. Colleges must establish and keep up to date an effective and proportionate Anti-Fraud Policy, which sets out the approach to raising awareness, prevention, detection, investigation and sanction (including seeking redress where appropriate) of suspected fraud.

ii. In developing an Anti-Fraud Policy, Colleges should consider the nature of the threat faced. The following non-exhaustive list contains suggestions for the main components of such a framework:

- fraud risk assessment to identify areas most vulnerable to suspected fraud; the Department for Education (DfE) has developed a list of potential fraud indicators to support a review;
- robust and well-designed internal control systems to address vulnerability to fraud, and the testing of internal controls to ensure that they are operating as intended;
- policies and procedures (such as a Whistleblowing Policy and a Fraud Response Plan), detailing how to report suspected fraud and the processes to follow when reports are received; and
- a fraud loss measurement exercise to evaluate the scale of suspected fraud.

iii. The Policy should also provide for a regular and frequent review of its own effectiveness. The fraud threat is constantly evolving, and Colleges must ensure that they keep up-to-date with the risks.

iv. Colleges must have procedures to ensure any suspected or discovered instance of fraud, cybercrime, theft, bribery, corruption, irregularity, major weakness or breakdown in the accounting or other control framework are identifiable. Where identified, Colleges must inform the chair of the audit committee, external auditors and internal auditors (if applicable) as soon as practically possible. DfE, and any other relevant college funder, must also be informed as soon as possible when the fraud, or suspected fraud, is significant.

5.4 The Department for Education has:

i. provided additional guidance to help post-16 providers prevent and manage fraud, including an anti-fraud checklist; and

ii. emphasised that Corporations must have procedures in place to identify fraud, theft, bribery, corruption, irregularity, or major weakness in accounting or other control frameworks on the basis that:

- the College receives the majority of its funding from public funds, and one of the basic principles governing its actions is the proper use of public money;
- the current economic climate and Government policy have led to significantly reduced public spending which has the potential to increase the risk of fraud and other offences of dishonesty; and
- a growing risk for the Further Education sector is the increase in the number of fraud focused cyber-attacks currently being experienced and the need to respond pro-actively to them.

6. Core Principles

6.1 All staff, Corporation Members and associated persons are responsible for maintaining the highest standards of business conduct and are expected to behave honestly and with integrity.

6.2 This, and other associated policies will be published on SharePoint.. All staff, Corporation Members and associated persons should make themselves aware of this Policy and its consequences.

6.3 Any breach of this Policy will:

i. for staff and associated persons (where relevant), constitute a serious disciplinary offence, which may lead to dismissal and may become a criminal matter for the individual involved;

ii. for Corporation Members, constitute a matter rendering them unfit to discharge their duties and which may lead to their removal with immediate effect, in accordance with the Standing Orders.

6.4 The College differentiates between acts which are intentional and dishonest and those acts which are innocent but inappropriate and could also lead to the College suffering loss. The College also recognises that there are intentional actions which would not necessarily be categorised as criminal but which would be considered grossly unprofessional e.g. the incurring of higher than necessary expenditure on behalf of the College for travel, hospitality, accommodation, gifts etc.

6.5 The College prohibits staff, Corporation Members and associated persons from offering, giving, soliciting or accepting any bribe. The bribe might include cash, a gift or other inducement, to or from any person or organisation, wherever they are situated, and irrespective of whether or not they are a public official/body or private person or company, by any member of staff, Corporation Member or associated person in order to induce that person to perform his/her functions or activities improperly; for example to:

i. gain any commercial, contractual or regulatory advantage for the College in a way which is unethical;

ii. gain any personal advantage, pecuniary, or otherwise, for the individual or anyone connected with the individual.

6.6 The College will procure goods and services ethically and transparently with the quality, price and value for money determining the successful supplier/contractor, not by receiving (or offering) improper inducements and in line with its Tendering and Contracts Policy.

6.7 The College may, in certain circumstances, be held responsible for acts of bribery committed by intermediaries acting on its behalf such as subsidiaries, clients, business partners, contractors, suppliers, agents, advisors, consultants or other third parties. The use of intermediaries for the purpose of committing acts of bribery is therefore prohibited.

6.8 Facilitation payments are prohibited under the Bribery Act as with any other form of bribe. Facilitation payments shall not be given by the College or its employees in the UK or any other country.

6.9 This Policy is not intended to prohibit appropriate corporate entertainment and / or hospitality undertaken in connection with the College's business activities, provided the activity is customary under the circumstances, is proportionate, and is properly recorded or disclosed to the College in accordance with its procedures Gifts and Hospitality Policy.

6.10 In the event that an individual becomes suspicious that any acts or behaviour described by the Policy are taking place, they are fully authorised to take immediate action to prevent further loss to the College, or to secure evidence. Any such action must however be reported to senior management in accordance with the Response Plan **immediately** thereafter.

6.11 All concerns raised by staff will be treated seriously and with appropriate discretion. If employees make an allegation without personal gain, which is based on evidence, observation or a series of unexplainable instances, but the allegation is not confirmed by the investigation, no action will be taken against that employee who will be fully supported after the event. If, however, employees make malicious or vexatious allegations, disciplinary action may be taken.

6.12 Individuals must not communicate directly with any member of the press, media or any other third party about a suspected act of theft, fraud, bribery or other activity described within this Policy, but should address any such concerns through senior management as described in the Response Plan, or in accordance with the Whistleblowing Policy.

6.13 In implementing this Policy the College will ensure that all individuals are treated fairly and in a manner which is in line with the College's equality duty.

7. Response to Detected or Suspected Incidents

7.1 The College has established a Counter-Fraud and Anti-Bribery Response Plan setting out the arrangements for managing detected or suspected cases of fraud, theft, bribery, corruption, misconduct, irregularity or impropriety committed against the College.

7.2 The Counter-Fraud and Anti-Bribery Response Plan, is designed to take relevant corrective action and remedy the harm caused by fraud by:

i. promoting a coherent, responsive and transparent investigative process;

ii. identifying the relevant individuals and bodies who should be informed of the occurrence;

iii. applying realistic and effective sanctions where an investigation reveals fraudulent activity, including disciplinary action and referral to the Police for possible criminal investigation.;

iv. operating a consistent, credible and proportionate disciplinary system which is well communicated;

v. holding managers to account for any instances where they knew or should have known that fraud might be occurring, or in situations where their failure to adopt appropriate management behaviours or attitudes contributed to the fraud;

vi. considering the initiation of legal proceedings to recover monies or other property or to compensate those injured by the fraudulent activity; and

vii. examining the causes of any control breakdowns, ensuring that risk is mitigated and controls are strengthened and undertaking a 'lessons learnt' exercise.

7.3 Each and every instance of fraud, theft, bribery, corruption, misconduct, irregularity or impropriety will have its own set of circumstances. The Counter-Fraud and Anti-Bribery Response Plan provides a standard outline for the management of such incidents. It is accepted that variations may sometimes be necessary. Staff are therefore authorised to work to their best endeavours and seek advice and support at all times, in order to reach the best outcome for the College.

8. Equality Duty

8.1 By virtue of the provisions of the Equality Act 2010, the College has a duty to have due regard to the need to:

i. eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;

ii. advance equality of opportunity between people of different groups;

iii. foster good relations between people from different groups.

8.2 In implementing this Policy and associated procedures, the College will actively take these aims into account as part of its decision making process and will demonstrate how this has been undertaken.

8.3 Where necessary a full equality impact assessment will be undertaken.

9. Data Protection Impact Assessment

9.1 Data Protection Impact Assessments (DPIA) are an essential part of the College's accountability obligations under the UK GDPR. Conducting a DPIA is a legal requirement for any type of processing, including certain specified types of processing that are likely to result in a high risk to the rights and freedoms of individuals. Under UK GDPR, failure to carry out a DPIA when required may leave the College open to enforcement action

9.2 A DPIA, relating to any relevant areas within this Policy and Procedure, will therefore be undertaken to enable the systematic analysis, identification and minimisation of data protection risks and to demonstrate how the College complies with its data protect obligations.

10. Monitoring and Review

10.1 This Policy will be reviewed every three years, or as otherwise required by law, regulation, organisational policies, good practice or contractual obligations.

Appendix 1

Checklist for Line Managers

The following is a checklist of points for consideration following receipt of a report of an alleged fraud:

- Do not rush in.
- Treat the report seriously and reassure the person making the report that the matter will be dealt with in the strictest of confidence and that their anonymity will be preserved unless doing so would be incompatible with a full and fair investigation.
- Make an immediate note of everything reported. Repeat these notes to whoever is reporting the details to ensure clear understanding.
- Inform the Chief Operating Officer or another member of the FRG as soon as possible, and no later than one working day after the report was received.
- Maintain confidentiality.
- If it is possible without altering the suspect(s), take steps to secure any evidence and minimise further losses.
- Do not undertake an investigation.