



POLICIES & PROCEDURES

Anti-Bribery Policy

Reviewed on: 01/03/2022

Reviewed by: Chris Foley

Signed: *C W Foley*

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ANTI-BRIBERY & CORRUPTION POLICY

DEFINITION

It is Oxford Energy Academy's ethos to conduct all of our business in an honest and ethical manner. Oxford Energy Academy take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our relationships and business dealings and to implement and enforce effective systems to counter bribery.

Bribery is where someone requires, gives or promises financial (or other) advantage with the intention of inducing or rewarding improper performance. Creating an improper hurdle or set of conditions can in itself amount to improper performance.

There are two general forms of bribery where individuals are personally criminally liable:

- offering, promising or giving of a bribe – active bribery
- requesting, agreeing to receive or accepting of a bribe – passive bribery

Also; where business and organisations are liable:

- where a body like the Oxford Energy Academy fails to prevent bribery - corporate liability

Oxford Energy Academy will uphold all laws relevant to countering bribery and corruption. We remain bound by the laws of the UK, including the Bribery Act 2010.

INTRODUCTION

Bribery is highly unethical and illegal. Individuals can be held personally criminally liable. Oxford Energy Academy is committed to the prevention of bribery connected to college business. Serious action will be taken against anyone found to be involved in bribery.

PURPOSE

The purpose of this policy is to:

- Set out Oxford Energy Academy's responsibilities and of those working for Oxford Energy Academy, in observing and upholding our position on bribery
- Provide information and guidance to those working for Oxford Energy Academy on how to recognise and deal with bribery and corruption issues

IDENTIFYING THE RISK OF BRIBERY

Oxford Energy Academy does not regard most of its activities as posing a high risk of bribery and measure where taken must be practical and commensurate with levels of risk.

Certain areas of our activities at Oxford Energy Academy could create risks for our organisation, in particular:



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- Joint ventures and partnerships (whether formal or informal)
- Recruitment of learners
- Receipt of gifts and donations
- Grant funding
- Exams and Assessments

To address these risks Oxford Energy Academy has taken the following steps:

- Implemented an Anti-bribery and Corruption policy
- Undertaken a risk assessment exercise, which will be subject to ongoing review
- Taken steps to implement a training programme for all individuals operating in areas of the college that are perceived as high risk
- Appointed the Directors as Compliance Managers to ensure compliance with the Bribery Act issues
- Reviewed and amended policies related to this Anti-corruption and Bribery Policy,
- Prepared standard clauses relating to the Bribery Act issues for inclusion in key contractual documentation

WHO IS COVERED BY THE POLICY?

This policy applies to all individuals working for Oxford Energy Academy, at all levels, including directors, managers, administrators, teachers, all employees (whether permanent or temporary), consultants, contractors, learners, casual workers and agency staff or any other person associated with Oxford Energy Academy, (collectively referred to as workers in this policy).

EXAMPLES OF BRIBERY?

A bribe is an incentive or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.

Offering a bribe:

- You offer a potential business partner tickets to a major sporting event, but only if they agree to do business with us. This would be an offence as you are making the offer to gain a commercial and contractual advantage.

Oxford Energy Academy may also be found to have committed an offence because the offer has been made to obtain business for Oxford Energy Academy. It may also be an offence for the potential client to accept the offer.

A bribe is an incentive or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.

Receiving a bribe example:

- A supplier gives your nephew a job, but makes it clear that in return they expect you to use your influence in Oxford Energy Academy to ensure Oxford Energy Academy continue to do business with them.

It is an offence for a supplier to make such an offer. It would be an offence for you to accept the offer as you would be doing so to gain a personal advantage.

HOSPITALITY AND GIFTS

Normal, appropriate hospitality and gifts include where the hospitality or gift:

- Is not made with the intention of influencing a third party to obtain or retain business or to gain a business an advantage. Or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits
- Complies with local law
- Is given in Oxford Energy Academy name, not in your name
- Does not include cash or a cash equivalent (such as gift certificates or vouchers)
- Is appropriate in the circumstances. For example; in the UK it is customary for small gifts to be given at Christmas time
- Taking into account the reason for the gift, is of an appropriate type and value and given at an appropriate time and is given openly, not secretly
- Is not offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the Directors

It is not acceptable for you (or someone on your behalf) to:

- Give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given
- Give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure
- Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them
- Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by Oxford Energy Academy in return
- Threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy
- Engage in any activity that might lead to a breach of this policy
- Accept payment in exchange for any qualifications offered by Oxford Energy Academy

FACILITATION PAYMENTS AND KICKBACKS.

Oxford Energy Academy does not make, and will not accept, facilitation payments or "kickbacks" of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action by a government official. They are not commonly paid in the UK, but are common in some other jurisdictions.

- If you are asked to make a payment on Oxford Energy Academy behalf, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment. If you have any suspicions, concerns or queries regarding a payment, you should raise these with the Directors.
- Kickbacks are typically payments made in return for a business favour or advantage. All workers must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by Oxford Energy Academy.

DONATIONS

Oxford Energy Academy does not make charitable donations or contributions to political parties. Oxford Energy Academy can make charitable donations to registered charities.

RESPONSIBILITIES

All employees of Oxford Energy Academy must ensure they read, understand and comply with this policy.

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for Oxford Energy Academy or under our control.

All workers are required to avoid any activity that might lead to, or suggest, a breach of this policy.

You must notify the Directors as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.

Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct.

The Directors have overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under Oxford Energy Academy control comply with it.

The Office Manager has primary and day-to-day responsibility for implementing this policy, for monitoring its use, effectiveness and for dealing with any queries on its interpretation and is also responsible for ensuring those reporting to the office manager are made aware of, understand this policy and are given adequate and regular training on it.

RECORD-KEEPING

Oxford Energy Academy must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

- You must declare and keep a written record of all hospitality or gifts accepted or offered, which will be subject to a Directors review
- You must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with our expenses policies and specifically record the reason for the expenditure
- All accounts, invoices, memoranda, documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness
- No accounts must be kept "off-book" to facilitate or conceal improper payments

HOW TO RAISE A CONCERN

You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage, in accordance with Oxford Energy Academy Disclosure Policy. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with the Directors.

If you are a victim of Bribery or Corruption; it is important that you tell the Directors as soon as possible if:

- you are offered a bribe by a third party
- are asked to make a bribe
- suspect that a bribe may happen in the future
- believe that you are a victim of another form of unlawful activity

Below is a list of possible red flags which may raise concerns under various anti-bribery and anti-corruption laws.

- You become aware that a third party engages in, or has been accused of engaging in, improper business practices
- You learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them
- A third party insists on receiving a commission or fee payment before committing to sign up to a contract with Oxford Energy Academy or carrying out a process for Oxford Energy Academy
- A third-party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made

- A third party requests an unexpected additional fee or commission to "facilitate" a service
- A third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services
- A third-party request that a payment is made to "overlook" potential legal violations
- You receive an invoice from a third party that appears to be nonstandard or customised
- A third party insists on the use of side letters or refuses to put terms agreed in writing
- You notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided
- A third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to us
- You are offered an unusually generous gift or offered lavish hospitality by a third party

The list is not intended to be exhaustive and is for illustrative purposes only. If you encounter any of these red flags while working for Oxford Energy Academy, you must report them promptly to the Office Manager or to the Directors.

PROTECTION

Workers who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions.

Oxford Energy Academy aim to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Oxford Energy Academy are committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future, in accordance with Oxford Energy Academy Policy.

Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Directors immediately. If the matter is not remedied, and you are an employee, you should raise it formally using our Grievance Procedure.

TRAINING AND COMMUNICATION

All existing workers operating in areas that are perceived as high risk as far as the Bribery Act is concerned will receive regular, relevant training on how to implement and adhere to this policy.

Our zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors, agents, businesses and other partners at the outset of Oxford Energy Academy's relationship with them and as appropriate thereafter.

MONITORING AND REVIEWING

The Directors will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption.

All workers are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.

Workers are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Directors.

This policy does not form part of any employee's contract of employment and it may be amended at any time.