



# Royal Conservatoire *of* Scotland

## **Anti-Bribery Policy**

# ANTI – BRIBERY POLICY

## **1. Introduction**

1.1 The Royal Conservatoire of Scotland is committed to ethical standards of business conduct, and adopts a zero-tolerance approach to bribery and corruption in all jurisdictions. The Conservatoire will uphold relevant laws for countering, bribery and corruption, in particular the Bribery Act 2010.

1.2 This policy is intended to set out the Conservatoire's approach to monitoring, identifying and ultimately avoiding incidents and/or risks of bribery.

## **2. What is Bribery?**

2.1 "Bribery", as defined in the Bribery Act 2010, means:

- Offering, promising or giving a financial or other advantage to another person (either directly or indirectly) with the intent to induce a person to improperly perform a relevant function or activity or to reward a person for the improper performance of a relevant function or activity; or
- Offering, promising or giving a financial or other advantage to another person (either directly or indirectly) knowing or believing that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity; or
- Requesting, agreeing to receive or accepting a financial or other advantage (either directly or indirectly) intending that, in consequence, a relevant function or activity will be improperly performed or as a reward for the improper performance of a relevant function; or
- Requesting, agreeing to receive or accepting a financial or other advantage (either directly or indirectly) where the request, agreement or acceptance itself constitutes the improper performance of a relevant function or activity; or
- Offering, promising or giving any financial or other advantage (either directly or indirectly) to a foreign public official with the intention of influencing that official in order to obtain or retain business or other advantage in the conduct of business.

## **3. Scope and Purpose**

3.1 This policy applies to all Governors, members of staff and students of the Conservatoire.

3.2 In addition, this policy also applies to agency and self-employed workers working for the Conservatoire and all other persons acting for the

Conservatoire, whether directly or indirectly, such as external members of Conservatoire Committees, individuals appointed as directors of any company, consultants, contractors and agents.

3.3 To the fullest extent permissible by law, this policy shall apply in all jurisdictions in which the Conservatoire operates.

3.4 Preventing, detecting and reporting bribery in line with this policy is the responsibility of all those outlined in 3.1 and 3.2 above.

3.5 Breach of this policy may constitute a disciplinary offence for Governors, members of staff and students and will be subject to investigation under the Conservatoire's disciplinary procedures. In the most severe instances this could result in dismissal/exclusion. For other associated persons, breach of this policy may result in other contractual or legal or other sanction. Criminal penalties may also apply (see section 4 below).

#### **4. Legal Penalties**

4.1 Individuals found guilty of a bribery offence can face fines or prison sentences of up to ten years.

4.2 The Conservatoire may face unlimited fines if it is found to have "failed to prevent" bribes being made or received by staff or associated persons. This is why this policy extends to individuals and companies who, whilst not directly employed by the Conservatoire, are acting on its behalf. The Conservatoire may also find itself excluded from certain public contracts, potentially affecting its income.

#### **5. What is not acceptable?**

5.1 It is not acceptable for anyone to whom this policy applies to engage in bribery (whether giving or receiving) as defined in section 2 above, or otherwise engage in any activity that might lead to a breach of this policy.

5.2 In addition, it is not acceptable for them to fail to report any concerns which are required to be reported under this policy.

#### **6. What do I do if I suspect bribery?**

6.1 The Conservatoire's Fraud Policy sets out the procedure to follow in the event that an act of bribery is suspected.

## **7. What if I am worried about reporting?**

7.1 The Conservatoire encourages everyone to speak up and report any concerns they may have about bribery activity. This is a key part of the Conservatoire's commitment to ethical and legal compliance. The Conservatoire is committed to ensuring that individuals making reports in good faith do not suffer detriment as a result.

7.2 If a person feels they are not able to report their concerns through the route detailed in Section 6 above, they should still consider reporting them by means of the Conservatoire's Whistleblowing Policy.

## **8. Gifts and Hospitality**

8.1 The Conservatoire's policy on Acceptance of Personal Gifts and of Hospitality by Members of the Board of Governors and Staff outlines principles including:

- Hospitality offered may include meals, accommodation, travel costs, or entertainment.
- Hospitality must not be accepted by employees of the Conservatoire in circumstances which may allow the employee to appear to be unduly influenced in favour of the provider of the hospitality.

8.2 Hospitality can amount to bribery. The key point is the need for great care, transparency and proper processes when dealing with hospitality. This applies equally where hospitality is given (or proposed to be given) as to where it is received (or offered).

8.3. There is no "cut off" point at which gifts and hospitality are considered too small to amount to bribery. This is because the purpose behind the hospitality is always important.

8.4 The gift or receipt of hospitality which is aimed at securing an improper business or other advantage, or which may affect the recipient's independence is obviously not permissible under this policy. However, normal and proportionate hospitality or gifts given or received as part of the Conservatoire's wider student, commercial, promotional and marketing activities, which is genuinely aimed at building a good business relationship or improving the profile of the Conservatoire, is allowable.

8.5 The Conservatoire maintains a register of gifts and hospitality received by members of staff with an estimated value in excess of £50. The Register records the nature, name of the provider and estimated value of the hospitality. The register is retained by the Director of Finance and examined each year by the Secretary.

8.6 The "overall value" is to be taken as an aggregate of any hospitality received

by an individual (or any parties related to them) within a three month period. For example, if a business or personal contact buys you dinner once a week for a four week period the overall value of the hospitality is likely to exceed £50, and it must therefore be logged.

8.7 Caution should be exercised in relation to hospitality. If in doubt about the propriety of hospitality, do not offer or receive it.

8.8 If in doubt, do not hesitate to take advice before accepting hospitality. The Director of Finance is able to offer advice when appropriate. It should be stressed that the timing of hospitality in relation to any potential conflict may be key in deciding its appropriateness.

## **9. Illicit Facilitation Payments**

9.1 A facilitation payment is any payment intended to smooth the process of a transaction which is not a formal or transparent part of that transaction. Typically payments could be solicited by an individual official rather than a formal agency.

9.2 The Conservatoire does not offer or make, and shall not demand or accept, facilitation payments of any kind by members of the Conservatoire anywhere in the world.

## **10. Overseas Jurisdictions**

10.1 Certain jurisdictions present a heightened risk of bribery. Transparency International publishes a helpful Corruption Perceptions index by jurisdiction which can be used by staff to access the perceived risks of bribery activity associated with a particular part of the world. The index can be found at: [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi](http://www.transparency.org/policy_research/surveys_indices/cpi)

10.2 Members of staff or students travelling, as part of their research, teaching or for any other reason, to countries identified in the index as having a perceived high risk of corruption should be especially vigilant and prepared to identify and resist bribery.

## **11. Who is Responsible for the Policy?**

11.1 The Board of Governors has overall responsibility for the implementation, monitoring and review of the Anti-Bribery Policy. The Senior Management Team exercises responsibility for its implementation, monitoring and review. Within the Senior Management Team, primary responsibility lies with the Director of Human Resources.

## **12. 'High Risk' Areas**

12.1 The provisions of this policy clearly state that the Conservatoire must remain vigilant and proactively seek to identify and avoid bribery and corruption. Whilst it would be impossible to list all of the potential bribery situations that may be encountered, certain areas and business relationships require particular scrutiny, for example improper hospitality (see section 8), illicit facilitation payments (see section 9) and certain overseas jurisdictions (see section 10). Such 'high risk' areas will change over time as circumstances dictate. However, for a Higher Education Institution such as the Royal Conservatoire of Scotland areas of high risk which will require enhanced levels of due diligence and caution will almost certainly include the following:

- Student admissions and progress through to graduation
- Agents and Intermediaries, particularly those who operate in a jurisdiction where bribery is prevalent or endemic (see section 10 above);
- Joint Ventures and consultancies, where the Conservatoire could be held liable for any bribery or corruption committed by a third party with whom the Conservatoire is associated by means of the joint venture or consultancy agreement;
- Contracts, particularly construction contracts where the values involved are likely to be high;
- All aspects of the procurement of goods and services carried out by the Conservatoire