

VMR Training Ltd

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Anti-Bribery and Anti-Corruption Policy

Introduction

Bribery and Corruption is highly unethical and illegal. Individuals can be held personally criminally liable. VMR Training Ltd is committed to the prevention of bribery and corruption connected to VMR Training Ltd business. Serious action will be taken against anyone found to be involved in bribery and corruption.

What is BRIBERY & CORRUPTION - it the deliberate use of payment or benefit-in-kind to influence an individual to use their position in an unreasonable way to help gain advantage for another.

The law under The Bribery Act 2010 (the "Act"), has given bribery a very detailed, technical definition to try and cover any loopholes.

Broadly the law says bribery and corruption 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 e.g. requiring candidates for a post to pay a fee to a person just to be considered as part of a short-list.

Improper performance is a key concept. Improper performance generally means where someone, in performing their activity, does not meet expectations by not acting in good faith, not acting impartially or otherwise does not act properly in accordance with their position of trust. The test of what is improper is based upon what a reasonable person in the UK would expect. By way of example, if a contract for a supplier is being awarded you would expect those considering the award to focus in an unbiased way only upon the applicable criteria for the award.

There are two general forms of bribery & corruption the deliberate use of payment or benefit-in-kind to influence an individual to use their position in an unreasonable way to help gain advantage for another. Where individuals are personally criminally liable: offering, promising or giving of a bribe – active bribery or requesting, agreeing to receive or accepting of a bribe – passive bribery.

There are two other related offences: bribing a foreign public official in order to obtain or retain business or an advantage to the conduct of business and corporate liability where a body like VMR Training Ltd fails to prevent bribery & corruption.

So-called "facilitation payments", whereby payments to government officials to facilitate special treatment, such as prioritisation in an approval process, are also examples of bribes.

Bribery & corruption does not have to involve just payment of money. Other benefits can be an illegal inducement e.g. the acceptance of a donation to VMR Training Ltd on condition that a member of the donor's family is offered a student place at the Centre. The money or other benefit need never materialise. The mere offer or acceptance is enough.

Who is covered?

Under the Act, VMR Training Ltd may be liable for any associated person or body engaged on the centres business. This would most obviously include staff conducting their normal duties, subsidiary companies and possibly even learners or suppliers purchasing or receiving goods or services on behalf of VMR Training Ltd.

Generally it does not matter where business is being conducted the same standards apply. It is no excuse when outside of the UK to say "but that is the way you have to do things here".

Gifts and hospitality

Modest gifts and hospitality form a normal part of developing relationships. However, excessive gifts and hospitality can be perceived as bribes. To this end gifts and hospitality must be transparently recorded, proportionate and reasonable. There must never be a suggestion that a gift or hospitality was offered or received on the assumption of certain favours being granted.

VMR Training's approach is covered under its Financial Regulations. The Regulations say:

"Members of staff may accept meals and equivalent hospitality only in the normal course of business and only when the hospitality is of a reasonable level. When a gift is received, its receipt should be reported to Director Victoria Doherty; Gifts over £100 in value should then either be recorded as VMR Training Ltd property or sold (the proceeds going into Charitable organisations). The receipt of gifts over £100 and corporate hospitality in excess of £100 must be reported to the Director who maintains a register; and in any event, gifts over £100 in value and hospitality in excess of £100 can be accepted only with prior approval from the Director."

If there is any doubt as to whether a gift or hospitality to be given or received is appropriate, guidance should be sought from the VMR Training Ltd Legal Adviser.

Identifying the risk of bribery

VMR Training Ltd does not regard most of its activities as posing a high risk of bribery requiring further steps. Measures where taken must be practical and commensurate with levels of risk.

Where there is a heightened general or specific concern, an assessment of risk must be conducted together with implementation of appropriate control measures. There will also be occasions where formal questions should be put to existing or potential partners to identify potential problems, so-called "due diligence".

Advice on appropriate risk assessment and due diligence can be obtained from the VMR Training Ltd Legal Adviser.

Monitoring and review

The Policy and related procedures shall be reviewed annually by VMR Training Ltd.

All receipts and expenditure of money connected to VMR Training Ltd must be properly recorded in accordance with financial procedures. These procedures will continue to be monitored by the accountant for VMR Training Ltd

The Director of VMR Training Ltd shall have responsibility for ensuring compliance with this Policy.

Communication

It is the responsibility of all staff to ensure that this policy is properly communicated to those involved with centre business within their relevant area.

This may include communication not only to staff but other external contractors engaged with VMR business.

Reporting concerns

VMR Training Ltd requires anyone with concerns with regard to potential bribery and corruption to report this to VMR Training Ltd Director, Victoria Doherty.

Where concerns are genuine then VMR Training Ltd will not permit any form of victimisation against those reporting. Those reporting concerns may wish to use the Code of Practice on Whistle Blowing.

Further guidance on bribery and corruption related issues

1. You have heard substantial rumours that a third party, agent or collaborator, with whom you wish to do business has a reputation for engaging in what has been described as 'dodgy' 'underhand' or behaviour otherwise suggestive of corrupt practices.

Action required:

You must follow up on those rumours and find out whether there is any substance. You should make enquiries from the source of the rumours. If you are convinced there are legitimate concerns, then you should not proceed without taking further advice from the Director. Even if you think the rumours are unsubstantiated, you should always assess the likely risk of bribery & corruption and where concerned follow up with due diligence enquiries. Factors that would push the situation into higher risk require follow up action include: the business ethics of the country in which the third party is based (a so called "red flag country"). See web sites like Transparency International <http://www.transparency.org/>, known 'under the table' practices within the area of business, indications that the third party may not have effective policies on preventing bribery or possible poor internal governance arrangements or weak internal financial controls. You should think about appropriate control measures. You must be satisfied that there is no likely risk of bribery.

2. A third party that you are going to be dealing with wishes to receive some advanced "commission" before the proposed business arrangement is concluded.

Action required.

Although commission earned through a written contract that is at normal market rates and against demonstrable deliverables is acceptable, this particular arrangement smacks of bribery – do not agree.

3. An individual has approached you and indicated that in return for free training for themselves, they can make introductions that will lead potentially to further business.

Action required: You cannot agree to any special treatment. Everyone must be treated like any other learner. You must confirm this position in writing.

4. You have been approached by a supplier of services to VMR Training Ltd wishing to take you on an all expenses paid golfing weekend.

Action required:

This level of hospitality would most likely be deemed excessive in the context of the normal business relationship with suppliers. Reject the invitation.

5. A third party describes themselves as a “facilitator” and says that for a fee they will arrange the necessary introductions to people who are in high positions and who may influence the award of contracts to VMR.

Action required:

This could be the facilitator either taking a bribe for themselves or on behalf of others. Do not pay the money.

REMEMBER

DO

Note your concerns: Record details such as the nature of your concerns, names, dates, times, details of conversations and possible witnesses. Time, date and sign your notes.

Retain evidence: Retain any evidence that may be destroyed, or make a note and advise your Director

Report your suspicions: Confidentiality will be respected – delays may lead to further financial loss.

DO NOT

Confront the suspect or convey concerns to anyone other than those authorised

Never attempt to question a suspect yourself; this could alert a fraudster or lead to an innocent person being unjustly accused.

Try to investigate, or contact the police directly: Never attempt to gather evidence yourself unless it is about to be destroyed; gathering evidence must be done in line with legal requirements in order for it to be useful.

Be afraid of raising your concerns: The Public Interest Disclosure Act 1998 protects employees who have reasonable concerns. You will not suffer discrimination or victimisation by following the correct procedures.

Do Not - Do nothing!

Victoria Doherty
Director – VMR Training Ltd