



Royal College of Music

Anti-Bribery and Corruption Policy, Regulations & Procedures

Royal College of Music

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Terminology

The following general terms have been used.

Bribery

Offering, promising, giving, accepting or soliciting of an advantage as an inducement for action which is illegal or a breach of trust. The following constitute offences under the Bribery Act 2010:

- bribing another person;
- accepting a bribe;
- bribing a foreign official;
- failing to prevent bribery within a commercial organisation.

Offering, promising or actually giving a financial or other advantage to another person, where it is intended that the advantage should induce another person to perform improperly a relevant function or activity, or to reward a person for the improper performance of such a function or activity, is an offence under the Bribery Act 2010.

An individual or organisation that offers, promises or gives a financial or other advantage to another person, knowing or believing that acceptance of the advantage would itself constitute the improper performance of a relevant function or activity, is committing an offence under the Bribery Act 2010.

In either case, it does not matter whether the advantage is offered, promised or given by an individual or organisation directly or through a third party.

Where an act of bribery is committed overseas, it will constitute an offence under UK law.

Corruption

The misuse of public office or power for private gain or the misuse of private power in relation to business outside of the realm of the government;

College

The Royal College of Music

Members of the College

- all employees of the College;
- students of the College where they undertake work for or on behalf of the College;
- all members of the RCM Council and its sub-committees;
- any other persons associated with or contracted to provide services to the College;

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1 Introduction

1.1 The College is committed to the highest standards of openness, integrity and accountability. It seeks to conduct its affairs in a responsible manner, having regard to the principles established by the Committee on Standards in Public Life (formerly known as the Nolan Committee), which members of staff at all levels are expected to observe. In addition, the College expects that staff at all levels will observe its code of conduct, contained in its detailed Financial Regulations, which covers:

- probity and propriety;
- selflessness, objectivity and honesty;
- relationships.

1.2 Additionally, members of the College are required to disclose interests in the College's Register of Interests maintained by the Deputy Director. They will also be responsible for ensuring that entries in the Register relating to them are kept up to date regularly and promptly.

1.3 In particular, no person shall be a signatory to a College contract where he/she also has an interest in the activities of the other party.

1.4 This document brings together a number of existing, related policies and regulations, which have been strengthened to ensure that the College is able to comply with the Bribery Act 2010 and the HEFCE Financial Memorandum. This document should be read in conjunction with:

- [The Financial Regulations:](#)
 - Section 8: Whistleblowing;
 - Section 9: Code of Conduct;
 - Appendix E: Main features of the Public Interest Disclosure Act 1998;
 - Appendix F: The seven principles of public life from the Report of the Nolan Committee;
 - Appendix J: Fraud Response Plan;
- The College's Whistleblowing Policy (available through the HR dept);
- [Staff Disciplinary Procedure \(Conduct\);](#)
- [Student Code of Conduct and Disciplinary Procedure](#)
- [Personal Relationships Policy](#)
- The RCM Policy on Accepting Donations
- [The Model Financial Memorandum between HEFCE and Institutions \(in particular Annex B: Audit Code of Practice\).](#)

1.2 The policy, regulations and procedures set out in this document have been approved by the RCM Council which considers that the College's continued success is dependent upon its values and good reputation.

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2 Scope

- 2.1 Under the Bribery Act 2010, bribery and corrupt behaviour can be committed by:
- an employee, officer or director;
 - any person acting on behalf of these individuals (a third party representative); and
 - individuals and organisations where they authorise someone else to carry out these acts.
- 2.2 Therefore this policy, regulations and procedures will apply to:
- all employees of the College;
 - students of the College where they undertake work for or on behalf of the College;
 - all members of the RCM Council and its sub-committees;
 - any other persons associated with or contracted to provide services to the College.

3 Policy

- 3.1 The College:
- is committed to the highest standards of openness, probity and accountability;
 - will at all times act honestly and with integrity and conduct its business without the use of any corrupt, unfair or unlawful practices, such as bribery, fraud and the use of facilitation payments;
 - seeks to conduct its affairs in a responsible manner taking into account the requirements of relevant funding bodies and the standards in public life determined by the Nolan Committee;
 - will undertake risk assessments in relation to specific areas in which it may face bribery and corruption risks;
 - regards the creation of false, misleading or inaccurate records as a breach of this policy;
 - will maintain accurate books, records and financial reporting throughout its structures and subsidiaries and in its relationships with third party representatives; and
 - is committed to a programme of action to ensure that this policy is implemented, is effective and is brought to the attention of all members of the College, relevant third parties, and as necessary, other individuals and legal entities.

3.2 **Disciplinary action**

The College will take disciplinary action in cases where it is alleged that this policy has been breached. Such action will be in accordance with the

- Staff Disciplinary Procedure (Conduct); and/or
- Student code of conduct and disciplinary procedure.

4 Regulations

4.1 All members of the College:

- have a personal duty to act in accordance with this policy and all relevant legislation and are required to comply with the regulations set out in this document;
- will lead by example and will act and conduct the affairs of the College honestly, fairly, legally and transparently;
- will ensure that this policy is drawn to the attention of:
 - staff for whom they have responsibility;
 - where relevant, students;
 - business clients and prospective business clients;
 - providers of goods and services and prospective providers of goods and services;
 - third party representatives and prospective third party representatives;
 - any other individual or organisation, as appropriate.

Although students are clients of the College, there is no requirement at present to bring this policy to their specific attention other than by means of its inclusion with the College's governance and organisation arrangements, unless:

- they are undertaking work for or on behalf of the College; or
- in cases where a gift is offered by a student.

4.2 In some circumstances, the College may be at risk of being held responsible for the acts of individuals working on its behalf and will not tolerate the use of bribes or any other corrupt business practice.

Where a member of the College is responsible for existing contracts and/or the negotiation/formation of new contracts with:

- business clients/prospective business clients;
- providers of goods and services/prospective providers of goods and services;
- third party representatives/prospective third party representatives;
- other individuals or organisations;

they will

- at the outset of negotiations provide the other party with a copy of this document (in paper or electronic format) and maintain a record that they have

done so;

- at the commencement and/or renewal of all contracts circulate to:
 - business clients;
 - providers of goods and services;
 - third party representatives; and
 - any other party with whom the College is contracteda copy of this document (in paper or electronic format) and maintain a record that they have done so;
- at the commencement and/or renewal of all contracts request from:
 - business clients;
 - providers of goods and services;
 - third party representatives; and
 - any other party with whom the College is contracteda copy of their Anti-Bribery and Corruption Policy (in paper or electronic format) and maintain a record that they we have done so;
- ensure that contracts include appropriate clauses to provide for immediate termination where it is discovered that the conduct of a party to the contract is inconsistent with the policy and regulations set out in this document or any relevant legislation;
- when instructing third party representatives, have regard for the significant potential risks to the College of such arrangements/relationships in the event that the individuals or organisations concerned conduct College business in a manner that is inconsistent with the policy and regulations set out in this document or with relevant legislation. Therefore, the College will in each case make an assessment of risk prior to entering such an arrangement/relationship and prior to the renewal of any such arrangement/relationship;
- maintain accurate and transparent records and financial reports, which reflect each underlying transaction, concerning business activities and relationships, including relationships with third party representatives.

4.3 No member of the College shall intentionally offer or receive any bribe or engage in any corrupt practice nor instruct others to do so.

4.4 **Conflicts with local law or custom**

It is recognised that the policy and regulations set out in this document may conflict with local law or custom and practice in countries outside the United Kingdom.

Where a local law conflicts with the policy and regulations in this document or with relevant UK legislation:

- if local law imposes stricter obligations, members of the College must comply with the local law;
- if UK law imposes stricter obligations, members of the College must comply with the UK law;

Where a local custom or practice departs from the policy and regulations in this

document or from relevant UK legislation, members of the College must comply with the policy and regulations set out in this document.

All members of the College will, therefore, consider the policy and regulations in this document as minimum requirements to be followed at all times.

4.5 Facilitation payments

In certain countries, it is customary business practice to make payments or gifts of small value in order to speed up or facilitate a routine action or process. These are often referred to as facilitation payments. Facilitation payments are usually understood as small payments made to expedite the performance of routine administrative functions to which the payer is entitled. Under UK law it is illegal to make a facilitation payment, either in the UK or overseas, regardless of whether such a payment is made by an employee or a third party representative. Facilitation payments are distinct from corporate gifts such as those which may be given by the College to another organisation (or vice versa) as a courtesy.

4.5.1 Members of the College are forbidden from making or accepting facilitation payments.

4.5.2 Where a facilitation payment is being extorted from a member of the College under duress, he/she should seek immediate guidance from the Deputy Director. However, in extreme circumstances, where it is impossible or impractical to obtain advice from the Deputy Director, members of the College are authorised to make facilitation payments where they believe that their safety is at real risk or that there is a real risk of harm.

4.5.3 Where a facilitation payment is made by a member of the College, either on the authority of the Deputy Director or in the extreme circumstances described in section 4.5.2, the member of the College must within ten working days make a written report to the Deputy Director setting out:

- the circumstances of the incident;
- the reason why the facilitation payment was made;
- the nature of the goods or service facilitated by the facilitation payment; and
- the amount of the facilitation payment.

4.5.4 This report will be noted formally by the College's Audit Committee at the earliest opportunity.

4.6 Threats and blackmail

Threats or blackmail, either direct or implied, must be reported, in confidence, to the Deputy Director and, where appropriate, to the Police.

4.7 Declaration and registration of interests, benefits and gifts

All members of the College are required to comply with the regulations and procedures set out in section 5 below.

4.8 **Negotiation and formation of contracts**

Managers with responsibility for the negotiation or formation of contracts should note the range of legal relationships and prospective legal relationships which fall within the scope of these regulations. Examples include but are not limited to purchase orders and contracts, academic agreements and contracts such as those with partner organisations and agency agreements, including those with recruitment agents.

Managers with responsibility for the negotiation/formation of new contracts or the management of existing contracts will alert the Deputy Director in cases where a prospective or existing consultant/agent/supplier or other individual or organisation either:

- refuses to provide information; or
- provides, during negotiation or at any point in any subsequent relationship, information that might reasonably be deemed to conflict with the Bribery Act 2010 and would, therefore, make the establishment or continuation of the association or relationship inappropriate.

The Director of Finance and Estates will alert the Deputy Director in cases where purchasing consortia or other groups with which the College is involved do not have controls which are consistent with those set out in this document.

4.9 **Public interest disclosure**

Normally, any concern about a workplace matter at the College should be raised with the relevant member of staff's immediate line manager or Head of Department. However, the College recognises that the seriousness or sensitivity of some issues, together with the identity of the person the member of staff thinks may be involved, may make this difficult or impracticable.

A member of staff may, therefore, make the disclosure to one of the staff designated for this purpose, for example the Deputy Director. If the member of staff does not wish to raise the matter with this person, or with the Director or the Chairman of the Council, it may be raised with the Chairman of the Audit Committee.

4.10 **Compliance**

Failure by a member of the College to comply with any of the requirements set out in this document will be regarded as a breach of discipline and may result in disciplinary action being taken.

Failure by an individual or organisation to comply with any of the requirements set out in this document may result in the termination of the contract or association with the College.

5. Declaration and registration of interests, benefits & gifts

5.1 Each member of the College is personally responsible for reporting to the Deputy Director full information concerning any matters that fall within the scope of this policy and/or which the RCM Council has directed must be recorded in the College's Register of Interests and will, therefore, comply with the regulations and procedures set out in this section. The matters to be reported in compliance with this procedure include but are not necessarily limited to:

- personal gifts (including scholarly works);
- corporate gifts;
- interests and potential conflicts of interest including conflicts of interest in relation to research;
- hospitality;
- travel, accommodation and subsistence;
- private work, including private consultancies, undertaken for any persons associated with or contracted to provide services to the College;
- organisations which hold contracts with the College;
- directorships and paid memberships of external committees;
- family and close personal relationships;
- any other reportable item/matter which falls within the scope of this document including but not limited to privileges, favours, services or benefits.

All declarations should be made to the Deputy Director, immediately the member concerned is aware that a conflict may arise or that a matter is such that it should be reported under the provisions in this document.

In cases where they are unsure whether or not a report should be made to the Deputy Director for inclusion in the Register of Interests, members of the College should, in the first instance, seek advice from their line manager. Where the position remains unclear, advice must be sought from the Deputy Director.

6 Reportable items/matters

6.1 The following are reportable items under the terms of the policy and regulations set out in this document and should be reported to the Deputy Director.

6.2 Gifts (including scholarly works)

- Scholarly works: Members of the College are permitted to accept gifts of scholarly works provided that they make a declaration in accordance with the requirements in this document. For the purposes of these regulations scholarly works are defined as music, materials, recordings, text or reference works received by members of the College for academic and/or professional purposes, in their role as RCM employees.

- Personal gifts: With the exception of scholarly works and items with a very small intrinsic value, not exceeding £100, such as business diaries or calendars, members of the College must not accept personal gifts, including gifts in kind:
 - a personal gift with a value of less than £100 may be accepted provided that the circumstances in which the personal gift is being given do not conflict with the principles of the Bribery Act 2010 nor this document. Such personal gifts need not be declared;
 - for the avoidance of doubt, where a personal gift is offered which has a value of more than £100 or a personal gift of any value is offered which could reasonably be deemed to constitute a conflict of interests, the gift must be declined and a declaration made;
 - birthday or other gifts exchanged between members of the College by virtue of a personal friendship would not normally be subject to this restriction. However, this restriction would apply to gifts associated with the conduct of the College's business, for example, a gift from a student to a member of staff.

- Personal gifts from managers to member of staff: Members of staff may accept personal gifts from managers without declaring them provided that:
 - the personal gift is not in the form of cash;
 - the circumstances in which the personal gift is being given do not conflict with the principles of the Bribery Act 2010 nor this document;
 - the value of the personal gift does not conflict with the principles of the Bribery Act 2010 nor this document.

6.3 Corporate gifts

Any gift received/accepted that falls outside the scope of section 6.2 will be regarded as a corporate gift and where accepted must be declared.

From time-to-time members of staff may receive gifts from students and it is often difficult to decline these without causing offence. Unless the value is less than £100, in which case the regulations in section 6.2 apply, all such gifts will be considered corporate gifts. Where accepted it must be made clear that they are accepted on that basis.

Where a corporate gift has been accepted but is not to be retained for the use of the area which has received it, the gift must be lodged with the Deputy Director.

6.4 Interests and potential conflicts of interest, including conflicts of interest in relation to research

It is acknowledged that the declaration of an interest does not pre-suppose a conflict of interests. Where an interest is financial, there is no requirement to register the sum involved.

Conflicts of interest in relation to research: Members of the College engaged in research are required to declare any circumstances where the commitments and obligations owed by them to the College or to other bodies are likely to be

compromised. Such conflicts/potential conflicts of interest would include but are not limited to:

- financial or non-financial or both;
- may relate to conflicts between the private interests of a research organisation and those of the researcher; and
- conflicts between the interests of the researcher and the interests of research participants.

6.5 Hospitality

Members of the College are not normally permitted to accept hospitality with a value in excess of £100 unless prior written approval has been given by their line manager; and a declaration has been made.

It is recognised that in some exceptional cases it may not be possible to anticipate value nor obtain the prior approval. In these circumstances the member of the College will make a declaration and a report to his/her line manager within three working days of having accepted the hospitality. The line manager will determine whether the acceptance was appropriate and determine any course of action to be taken. It should be noted that such cases will be regarded as exceptional.

Where hospitality with a value in excess of £100 has been declined, a declaration must nevertheless be made by the member of the College to whom the offer was made.

6.6 Travel, accommodation and subsistence

Members of the College are not normally permitted to accept offers of travel, accommodation or subsistence from external organisations or individuals and where offered and declined must make a declaration. Exceptions may be permitted with the prior written consent of the relevant line manager in specific circumstances where acceptance could not reasonably be construed as an inducement or conflict of interest. Examples would include cases where a member of the College is invited to present at a conference and the invitation includes the payment of reasonable travel and subsistence costs at rates consistent with the regulations of the other party.

Members of the College are required to make a declaration to their line manager where a period of annual leave will be associated with a business journey either in the UK or overseas, for which an expenses claim will be made against the College in respect of costs associated with the journey or part of the journey. In these circumstances, the period that constitutes leave should not incur costs to the College.

6.7 Family and close personal relationships

Members of the College (see section 2), are required to declare any family relationship or where there is a conflict of interests or potential conflict of interests, any close personal relationship with another member of the College which exists either at the time of their employment/the commencement of their association with

the College or any such family or close personal relationship that may arise and/or cease thereafter during the period of their employment/association.

6.8 Personal relationships with students

Where there is a conflict of interests or potential conflict of interests, members of staff and members of the RCM Council and its sub-committees are required to declare any personal relationship, other than a relationship of a normal recognised professional nature, with any student of the College which exists either at the time of their employment/appointment or any such relationship that may arise thereafter during the period of their employment/appointment.

The declaration of information concerning personal relationships with students required under the provisions of these regulations is additional to the College's requirements, set out in the RCM Personal Relationships Policy.

7 Roles and responsibilities

7.1 RCM Council

The RCM Council will:

- determine policy and regulation in relation to bribery, corruption and related matters, including the regulations relating to the declaration and registration of interests, benefits and gifts and the College's Register of Interests;
- retain overall responsibility for the effective operation of the policy and regulations set out in this document and for their review and revision;
- will ensure that appropriate processes are in place such that all suspected irregularities, financial or otherwise, are reported, as appropriate in accordance with this document and in cases where the irregularity is of sufficient seriousness, to the Accounting Officer of HEFCE, in compliance with the HEFCE Financial Memorandum.

7.2 Audit Committee

The RCM Council has delegated responsibility to the Audit Committee for:

- monitoring compliance with the policies and regulations set out in this document;
- reviewing the effectiveness of internal control processes and procedures;
- providing assurance to the RCM Council;
- reviewing this policy and supporting regulations and recommending revisions for approval by the RCM Council; and
- annually, reviewing the value limits that apply to the declaration and registration of matters to be reported in compliance with this policy and its supporting regulations.

7.3 **The Director**

The RCM Council has delegated responsibility to the Director for the day-to-day implementation and operation of the policy and regulations set out in this document and for ensuring compliance. The Director:

- will authorise any necessary investigations required in cases where non-compliance is suspected or has been alleged and, in particular, will sign all necessary authorities for surveillance to be undertaken;
- will initiate the relevant disciplinary procedure where the findings of an audit investigation indicate dishonest behaviour;
- will contact the Police where there is evidence that a criminal offence may have been committed;
- will liaise with the Police and the Crown Prosecution Service concerning whether any prosecution will take place;
- may, delegate some or all of these responsibilities to the Deputy Director and the Director of Finance and Estates.

7.4 **Deputy Director**

The Deputy Director will:

- normally on a case-by-case basis, provide guidance and, where necessary, determine whether and how the policy and regulations set out in this document are to be interpreted/applied;
- will ensure that the Register of Interests is maintained;
- report annually to the Audit Committee the number and type of declarations made to the Register of Interest and gifts register;
- at the earliest opportunity, alert the Audit Committee, the Director and the College's auditors to any serious conflict of interest which has arisen and the name of the individual who has declared it and the nature of the conflict; and
- alert the appropriate officer or body where there is evidence of under-reporting by any member of the College.

7.5 **Managers**

All managers will:

- comply with the policy and regulations set out in this document;
- ensure that members of staff and students for whom they have management responsibility comply with the policy and regulations set out in this document;
- promote and uphold the standards of conduct required by this policy and its supporting regulations;
- ensure that risk assessments are made in relation to specific areas in which the College may face bribery and corruption risks;

- ensure that appropriate steps are taken to mitigate the risks identified, to protect the College and to address any risks of non-compliance in each of the geographic territories within which the College operates;
- ensure that accurate and transparent records and financial reports, which reflect each underlying transaction, are created and maintained concerning business activities and relationships with third party representatives and that these records are retained for seven years;
- take appropriate action where there is evidence of under-reporting in relation to the declaration of interests, benefits and gifts.

In approving any proposed expenses claim, time off, etc.; the manager with responsibility for giving the necessary approvals will be deemed to have sanctioned acceptance by the member of the College making a request/claim relating to a reportable item.

7.6 **Members of the College**

All members of the College are required to:

- familiarise themselves with, to comply with and at all times to act in accordance with, the policy and regulations set out in this document;
- ensure that the assets of the College are safeguarded;
- declare any interests, benefits, gifts or other items/matters that fall within the scope of this document; and
- report suspected irregularities, financial or otherwise.

8 Register of Interests and Register of Gifts

8.1 The Deputy Director will maintain the College's Register of Interests:

- information will be held for the term of an individual's employment/association with the College and for a period of seven years following the termination of that relationship;
- members of the public are permitted to examine the information held in the Register of Interests by applying to the Deputy Director and providing satisfactory proof of identity;
- declarations by individuals will be made on a form to the Deputy Director.
- The Deputy Director must be advised promptly of any significant change to an individual's declaration.

8.2 The Register of Interests will record matters reported by members of the RCM Council, its sub-committees and officers advising the Council (the Directorate). The matters to be reported will include:

- any Directorships of which details are currently registered at Companies House;
- memberships of any quasi autonomous non-governmental organisations (Quangos);
- Major direct shareholdings;

- remunerated employment;
- Other interests eg non-remunerated directorships, positions on Boards or Committees.
- Other reportable matters
 - members of the RCM Council and its sub-committees are required to make a declaration where they register as students of the College;
 - any other matter which falls within the scope of this document.

8.3 The Deputy Director will also maintain a register of gifts. Individuals will report gifts or offers of gifts using a form. Members of the public are permitted to examine the information held in the register of gifts by applying to the Deputy Director and providing satisfactory proof of identity

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