**Anti-bribery and Corruption Policy incorporating Anti –Slavery and Human Trafficking**

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| **Policy** | This policy sets out SQA’s rules in relation to anti-bribery, corruption and anti-slavery including Human Trafficking.. |
| **Why do we need this policy?** | The purpose of this policy is to set out the responsibilities of all employees and associated persons engaged in any SQA activities to comply with the Bribery Act 2010 and the Modern Slavery Act 2015 and any subsequent amendments. Both acts can extend to activities of a UK-based business no matter where they are carried out in the world. This policy applies to **all** activities worldwide, whatever the local law, practice or custom may be.  This policy sets out guidance on how to recognise and deal with bribery, corruption and slavery issues. |
| **How does the principle apply and what does it apply to?** | This policy applies to all activities carried out for or on behalf of SQA, irrespective of the location. |
| **Which parts of SQA are affected?** | This policy applies to all SQA employees and associated persons (defined as appointees, agents, individuals, customers, suppliers, advisors and officials) engaged by SQA. |
| **What support is available to help SQA implement this policy?** | Support and advice is available from Procurement and HR.  This document should be read in conjunction with the Gifts, Hospitality and Sponsorship Policy, Code of Conduct and Terms of Employment. |

**Introduction**

The purpose of this policy is to provide guidance for SQA staff and associated persons involved in any SQA activity, to ensure compliance with statutory requirements whilst enabling SQA to meet its aims and objectives.

SQA has zero tolerance of bribery and fraud committed by any person working for SQA, or any person who provides services on behalf of SQA. Any allegation of bribery will be investigated by SQA in accordance with SQA’s disciplinary procedures and may be reported to the authorities. Any individual who is found to have committed bribery will be subject to disciplinary actions as defined in the Dispute Resolution Policy.

SQA has zero tolerance of acts of slavery or human trafficking by any person working for SQA, or any person who provides services on behalf of SQA. Any allegation of slavery will be investigated by SQA in accordance with SQA’s disciplinary procedures and may be reported to the authorities.

SQA has a hard-won reputation for acting with integrity, transparency and honesty. We are committed to the prevention of bribery because we recognise the importance of maintaining our reputation and the confidence of the public and other partner organisations.

SQA will not work with other organisations which we consider do not share our commitment to preventing bribery, corruption or acts of slavery.

**Legislative requirements**

SQA must comply with the Bribery Act 2010 and the Modern Slavery Act 2015.

**Definition of a bribe**

A bribe is:

1 the act of offering, promising or giving a financial or other advantage to another person

2 with the intention of inducing conduct that amounts to a breach of an expectation that the person will act in good faith, impartially, or in accordance with a position of trust.

It is an offence under the Bribery Act to offer a bribe or accept a bribe. A bribe can be given or received by an employee or associated person. Bribes can include money, gifts, hospitality, loan payments, business or another advantage. A bribe must encourage the recipient to act in a way which is dishonest, illegal, or a breach of a position of trust.

It is an offence under the Bribery Act to offer a bribe to a foreign public official. Bribes to foreign officials include the payment of facilitation payments. A ‘facilitation payment’ is when there is an offer of money to a public official in order to expedite or gain an improper advantage.

Corruption is the misuse of entrusted power for personal gain.

**Failure to prevent bribery**

The Bribery Act also makes it an offence for an organisation to fail to prevent bribery. This is commonly called the ‘corporate offence’.

If an SQA employee or associated person breaches the Bribery Act then SQA could be found to have committed the offence of failing to prevent bribery. This offence can be committed by any ‘relevant commercial organisation’ which carries on a business in any part of the UK, even if the offence itself takes place abroad.

The Ministry of Justice has issued guidance on the Bribery Act and this guidance includes a description of a ‘relevant commercial organisation’. The guidance is clear that even if an organisation pursues primarily charitable or educational aims, or purely public functions, it can still be a ‘relevant commercial organisation’. SQA is therefore liable for prosecution if there is a breach of a corporate offence.

SQA would be guilty of an offence if an associated person to SQA bribes another person to obtain business or a business advantage. The test of who is an associated person is drawn very widely: any person who ‘performs services for or on behalf of’ an organisation will be an associated person. This includes but is not limited to employees, appointees, agents or subsidiaries.

It is a defence to the corporate offence if an organisation is able to show that it has adequate procedures in place. It is important that all employees and associated persons adhere to this Anti-Bribery and Corruption Policy and to SQA's Gifts, Hospitality and Sponsorship Policy.

**Employees and third-party responsibilities**

 Behave honestly, be trustworthy and set a good example.

 Make a clear distinction between the interests of SQA and your own private interests to avoid any conflict of interest. If any conflict should arise you should report it to your Head of Service or Director immediately or at the soonest time thereafter.

 Report all incidents which are contrary to this policy to your Head of Service or Director. These include:

 if you are asked to make a bribe

 if you are offered a bribe

 if you suspect this may happen in the future

 if you believe that another person associated with SQA has been asked to make a bribe or has been offered a bribe as defined by SQA’s Code of Conduct

 Do not accept or offer bribes.

 Report gifts and hospitality offered/provided when acting for SQA in line with the requirements of the Gifts, Hospitality and Sponsorship Policy.

 Do not offer money (a facilitation payment) to any public official in order to expedite or gain an improper advantage.

 If you are faced with a demand for a facilitation payment you must actively resist the payment and report the demand to your Head of Service or Director immediately or at the soonest time thereafter.

Listed below are some examples of bribes. Please note this is not an exhaustive list:

 accepting/giving a cash payment to influence a decision

 accepting/offering gifts and hospitality which are excessive and outwith the norm of your business practice

 paying for, or receiving goods or services for personal gain to influence a decision, eg offering/accepting a holiday, use of holiday homes, private jets, flights etc

**Consequence of breach**

If there is a breach of the Act by an employee or an associated person, the individual and/or SQA could be liable to prosecution in the UK courts.

If found guilty, the maximum penalty the courts can impose on an individual and/or SQA is:

 an unlimited fine

 a 10 year prison sentence for an individual; or

 both

**Tendering and bidding exercises**

All SQA staff and associated persons involved with any SQA-related tender exercises must take care to avoid conduct which could be perceived as offering or accepting a financial or other advantage to influence the outcome.

**Business development**

SQA does not allow the giving of (or the promise to give) gifts, hospitality or payment with the intention of influencing a decision to receive a business advantage or to provide a reward for a business advantage already given.

**Charitable and political donations**

SQA does not make any financial payments to any charitable organisations or political parties.

**Sponsorship**

SQA will provide/request sponsorship in accordance with the Gifts, Hospitality and Sponsorship Policy.

SQA does not permit SQA personnel and/or associated persons to approach suppliers or associated external parties who are engaged in SQA official business for personal sponsorship. This includes, but is not limited to, sponsorship for sporting events, bungee jumps etc. Reference to any personal sponsorship in official SQA e-mails or letters is a breach of this policy.

**Corporate hospitality**

Hospitality should be given to, or received from, a third party in accordance with SQA’s Gifts, Hospitality and Sponsorship Policy.

SQA personnel and associated persons offering corporate hospitality should take care to ensure:

 the purpose of the hospitality is to maintain good working relationships with existing clients

 the recipient is not given the impression that they are obliged to confer any business advantage

 the recipient’s independence is not affected

**Definition of a Slavery and Human Trafficking**

The legal definition is:

"Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control of another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs."

SQA has a zero tolerance to acts of Slavery and human trafficking by any supplier or individual engaged by SQA to carry out services. SQA will report all breaches of the act to the authorities and will terminate all contracts with the supplier and individual with immediate effect. SQA will blacklist the supplier and individual and will report the findings to Scottish Procurement for information.

All breaches (or potential breaches) of this Act must be reported to EMT immediately and no further engagement should be made with the supplier or individual.