



## **CORPORATE POLICY AND PROCEDURES FRAMEWORK**

### **Business Conduct and Ethics Policy and Procedure**

#### **1.0 Purpose**

- 1.1 This policy sets out the College's intention to maintain and uphold the highest ethical standards in all of its policy and procedure documentation.
- 1.2 To emphasise the College's intention to conform to all applicable laws when managing and operating all College activities.
- 1.3 To emphasise the intention of all staff to comply fully and comprehensively with the law, and maintain the ethical standards of public life.

#### **2.0 Policy**

**Jewel & Esk College will abide with all applicable laws and in particular the Ethical Standards in Public Life etc. (Scotland) Act 2000.**

#### **3.0 Scope**

- 3.1 This policy applies to all members of staff within Jewel & Esk College and should be read in conjunction with the College's Employee Code of Conduct.
- 3.2 This policy should be read in conjunction with the College Equality Diversity & Inclusion Policy and its separate Disability, Race and Gender Equality Schemes.

#### **4.0 Responsibilities**

- 4.1 All members of staff are expected to adhere to the ethical and legal standards as outlined in this policy and to preserve the College's integrity and reputation.

#### **5.0 Requirements**

##### Financial Record-Keeping

- 5.1 Truthful and accurate recording and reporting of information is critical to the College's ability to make responsible decisions. The College's accounting records are relied upon to produce reports for the College's management, committees, Government Agencies and others. Therefore, the financial statements and the accounts and records on which they are based must accurately reflect all College transactions and comply to all legal and accounting requirements. The College's system of internal control is designed to provide this information.

- 5.2 Through its Financial Policy and Procedures it is the aim of the College to fully and fairly disclose the financial condition of the College in compliance with the applicable accounting principles, laws, rules and regulations and to make full, fair, accurate, timely and understandable disclosure in periodic reports.
- 5.3 All employees have a responsibility to ensure that the College's accounting records do not contain any false or intentionally misleading entries. Information on which the accounting records are based is the responsibility of all staff.
- 5.4 The College does not permit false classification of transactions as to accounts, sections or accounting periods. Particular attention should be given to the following:
  - 5.4.1 All College accounting records, as well as reports produced from those records, are kept and presented in accordance with the College Financial Regulations and applicable Accounting Standards.
  - 5.4.2 All records fairly and accurately reflect the transactions or occurrences to which they relate.
  - 5.4.3 All records fairly and accurately reflect in reasonable detail the College's assets, liabilities, revenues and expenses.
  - 5.4.4 The College's accounting records do not contain any intentionally false or misleading entries.
  - 5.4.5 All transactions are supported by accurate documentation in reasonable detail and recorded in the proper account and in the proper accounting period.
  - 5.4.6 All College accounting financial reports should be prepared in accordance with the College Financial Regulations and generally accepted accounting principles.
  - 5.4.7 The College's system of internal accounting controls, including compensation controls, are to be followed at all times.

## **6.0 Improper Payments**

- 6.1 No payment or transfer of College funds or assets will be made that is not authorised, properly accounted for and clearly identified on the College's accounts. Payment or transfer of the College's funds and assets are to be used only as specified in the supporting documents, and must only pertain to College business.
- 6.2 No member of staff, at any level, may authorise any payment or use any funds or assets for a bribe, gift, reward, or similar payment that is directly or indirectly for the benefit of any individual, which is designed to secure favourable treatment for the College.

## **7.0 Political Contributions and Activity**

- 7.1 It is College policy not to contribute any College funds or assets to any political party, committee, organisation, or candidate for any Government office. Employees may, on their own time, support individual candidates or political committees, all subject to applicable laws, and may make voluntary contributions to such candidates or committees. (Election Policy).

**7.2 In terms of the College's Scottish Parliamentary and Local Elections Guidelines it is the responsibility of all staff, contractors and students to ensure that the College remains politically neutral.**

## **8.0 Acceptance of Payments**

8.1 No member of staff, at any level, should seek or accept either directly or indirectly, any payments, fees, services, or other gratuities (irrespective of size or amount) outside the normal course of their College duties from any other person, company or organisation that does or seeks to do business with the College.

8.2 Gifts of cash or cash equivalents of any amount are strictly forbidden.

8.3 The receipt of common courtesies, sales promotion items of nominal value, occasional meals, and reasonable entertainment appropriate to College business and associated with College activities are permissible. Receipt of such items should be recorded in the College's Register of Gifts Received.

## **9.0 Business Expenses**

9.1 All tenders or dealings with suppliers, customers, or others doing or seeking to procure business with the College shall be conducted solely on a basis that reflects both the College's best interests and its high ethical standards.

9.2 The College does permit the providing of common courtesies, entertainment, and occasional meals for potential or actual suppliers, customers, or others involved with the College's activities, in a manner appropriate to the College's relationship and associated with business discussions.

9.3 The SET Business Expenses Policy details the process by which expenses of this nature must be transparent, reasonable, customary and properly authorised.

## **10.0 Conflicts of Interest**

10.1 The College expects all members of staff, at all levels, to exercise good judgment and the highest ethical standards in private activities outside the College that may, in any way, affect the reputation of the College.

10.2 Staff shall exercise, at all times, particular care that no detriment to the interest of the College may result from a conflict between those interests and any personal or College interests which the individual may have.

10.3 In particular, every member of staff has an obligation to avoid any activity, agreement, business interest or other situation that might, in fact or in appearance, cause an individual to place his or her own interest, or that of any other person or entity, above his or her obligation to the College. The words 'in appearance' should be noted particularly since the appearance of an action might tend to impair confidence even if the individual may not actually do anything wrong.

10.4 To this end, all members of staff must avoid any, associations or other relationships that could conflict with their responsibility to make objective decisions in the College's best interests. Any potential conflicts of interest must be reported immediately to your relevant line manager, in the first instance.

**10.5 In accordance with good practice it is College Policy that all College managers complete a Declaration of Interests statement on an annual basis.**

## **11.0 Corporate Opportunities**

- 11.1 No member of College staff shall, for personal or for any other person's, or entity's gain, deprive the College of any business opportunity or benefit which could be construed as related to any existing or reasonably anticipated future activity of the College.
- 11.2 No member of College staff who learns of any such opportunity through their association with the College is allowed to disclose it to a third party or personally invest in the opportunity without first offering it to the College.

## **12.0 Confidentiality**

- 12.1 All members of College staff are bound by the College's Data Protection Policy.**
- 12.2 All members of College staff are responsible for safeguarding and keeping confidential any information that the College considers to be of a confidential or sensitive nature. Such information includes, but is not limited to financial records and reports, marketing and strategic planning information, employee-related documents, unpublished manuscripts as well as information relating to other materials that the College would not want disclosed to any unauthorised recipient, or that might be harmful to the College or its students if disclosed whether or not such information is marked 'confidential.'
- 12.3 Confidential information also includes information concerning possible transactions with other Colleges or information about the College's students, suppliers or partners, which the College is under an obligation to maintain as confidential.
- 12.4 No member of College staff may use Confidential Information for their own personal benefit or the benefit of persons or entities outside the College, and must exercise caution and discretion with respect to any appropriate temporary removal of confidential or sensitive information from the College's premises, and should safeguard the information from unintended disclosure or loss.

## **13.0 Compliance With Laws and Regulations**

- 13.1 The College will develop Policies and Procedures to reflect those areas where legislative issues impact on the College's operation.**
- 13.2 The College requires all members of staff to comply with all applicable laws and regulations.
- 13.3 All College staff have an obligation to comply with all laws and regulations and policies and procedures and to promptly alert management of any deviation from them.

### Antitrust Laws

- 13.3.1 It is the College's policy to comply with the letter and spirit of all applicable antitrust laws.
- 13.3.2 Discussions regarding confidential, sensitive or proprietary information are not permissible. Staff members should seek guidance from the Director of Human Resources when appropriate.

#### **14.0 Fair Dealing**

- 14.1 Each member of staff should endeavour to deal fairly with the College's suppliers, students and employees. No one should take unfair advantage of another through either manipulation, concealment, abuse of privileged information, misrepresentation of material facts, or any other unfair-dealing practice.

#### **15.0 Duty to Report Violations**

- 15.1 In terms of the College's Whistleblowing Policy any member of staff reporting, in good faith, of a violation arising out of this, or any other Policy will be protected from victimisation or detrimental treatment.**
- 15.2 Any complaint regarding accounting, internal accounting controls or auditing matters must be reported (including confidential and anonymous complaints) to the Director of Finance. The Director of Finance might report any findings to Internal Audit, the College's Audit Committee or the College Accountable Officer.
- 15.3 No retribution against any individual who reports violations of this Policy in good faith will be permitted. In terms of the College's Whistleblowing Policy the College will investigate any matter which is reported and will take any appropriate corrective action. The Whistleblowing Policy provides that the interests of any individual reporting – in good faith - a violation of this Policy will be protected.

#### **16.0 Violations of Policy**

- 16.1 Violations of any of the foregoing provisions may expose the College and the individuals involved to legal action and possible criminal action.
- 16.2 Staff members who violate this policy are subject to appropriate disciplinary action, up to and including termination.
- 16.3 Any alleged violations of this Policy will be reviewed under the Whistleblowing Policy by the College's Director of Human Resources and other appropriate staff members and they will determine the appropriate action to take.

#### **17.0 Review of Policy**

- 17.1 This policy will be reviewed whenever changes affect it or within 2 years whichever is the earlier.