

Anti-Bribery and Anti-Collusion Policy

1. Statement

Xact is committed to the practice of responsible corporate and ethical behaviour and to complying with all laws, regulations and other requirements which govern the conduct of our activities.

Xact is fully committed to a strong anti-corruption culture and to complying with all anti-bribery and anti-corruption legislation including, but not limited to, the Bribery Act 2010 ("The Act") and ensures that no bribes or other corrupt payments, inducements or collusive arrangements are made, offered, sought or obtained by Xact or anyone conducting activities on our behalf.

This Policy applies to all Xact Staff, those working on behalf of Xact and any other party (including individuals, partnerships and corporate bodies) associated with Xact.

It is the responsibility of all parties above to ensure that bribery and collusion are prevented and reported if detected.

2. Definitions

PMG: Performance Management Group consisting of Directors and an Independent Governance Advisor

Staff: Employee, agency worker, contractor, sole trader e.g. manager, supervisor, administrator, tutor, assessor, mentor, internal verifier, internal quality assurer, end point assessor etc.

Working on behalf of Xact: Includes contractors, sub-contractors, consultants, business partners, recruitment agencies, suppliers and any other party (including individuals, partnerships and corporate bodies) associated with Xact.

Xact: Xact Consultancy & Training Limited and Xact Training Limited trading as Xact Assessment

3. Bribery

Bribery is broadly defined in "The Act" as giving or receiving a financial or other advantage in connection with the "improper performance" of a position of trust, or a function that is expected to be performed impartially or in good faith.

Bribery does not have to involve cash or an actual payment exchanging hands and can take many forms such as a gift, lavish treatment during a business trip or tickets to an event.

Numerous types of bribery occur in the commercial sector. They include bribery:

- a) in order to secure or keep a contract.
- b) to secure an order.
- c) to gain any advantage over a competitor.

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- d) of a local, national or foreign official to secure a contract.
- e) to turn a blind eye to a health safety issue or poor performance or substitution of materials or false labour charges.
- f) to falsify an inspection report or obtain a certificate.

4. Collusion

Collusion is defined as an agreement between two or more parties to act together secretly or improperly or illegally in order to deceive or cheat.

5. Consequences of Bribery or Collusion

Any individual or organisation found guilty of bribery under “The Act” may face fines and imprisonment. In addition, high legal costs and adverse publicity are likely to occur.

For those who breach this policy, the following actions may occur:

- a) Employees may incur disciplinary action which may include dismissal.
- b) Contractors, agency workers, sole traders, consultants, business partners and any other party associated with Xact may incur a breach of contract, severing of business relationship and a claim for damages

6. Gifts and hospitality

See Gifts and Hospitality Policy for more information.

7. Political donations

Xact does not make political donations and is not affiliated with any political party, independent candidate, or with any other organisation whose activities are primarily political.

Staff and other parties are free to make personal donations provided such payments are not purported to be made on behalf of Xact and are not made to obtain any form of advantage in any business transaction.

8. General guidance

Parties must:

- a) Be aware and alert at all times to risks of bribery and collusion
- b) Exercise due diligence at all times when dealing with third parties on behalf of Xact
- c) Report any concerns that this policy may be breached

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No party may:

- d) Give or promise any financial or other advantage to another party (or use a third party to do the same) on Xact's behalf where that advantage is intended to induce the other party to perform a particular function improperly, to reward them for the same, or where the acceptance of that advantage will in itself constitute improper conduct.
- e) Request or agree to receive any financial or other advantage from another party where that advantage is intended to induce the improper performance of a particular function, where the acceptance of that advantage will in itself constitute improper conduct, or where the recipient intends to act improperly in anticipation of such an advantage.
- f) Collude with other parties in order to achieve an improper purpose, including influencing improperly the actions of another party specifically in relation to a bid or tendering process.

9. Reporting

Where a staff member or an individual working on behalf of Xact becomes aware of any behaviour which could breach this policy, it is their responsibility to report the matter.

9.1 Staff members

Report any and all concerns relating to bribery or collusion to their line manager¹ (employees) or contract manager¹ (contractors, agency workers or sole traders).

Note¹: If that person is implicated, they should report the matter to a Director

9.2 Non-staff members

Report any and all concerns relating to bribery or collusion to their point of contact within Xact¹.

Note¹: If that person is implicated, they should report the matter to a Director

10. Investigation

All reports relating to bribery or collusion will be investigated by the Business Support Manager¹.

Note¹: If that person is implicated, the Operations Director will allocate a suitable investigator

Following the investigation if bribery or collusion has been found to have taken place the incident will be reported to the police.

11. Record keeping

A record will be kept of:

Restricted



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- a) Reports of bribery or collusion
- b) Investigation of bribery or collusion
- c) Outcomes of investigation of bribery or collusion

12. Monitoring

The record will be reviewed quarterly by the PMG.

13. Associated Policies

This policy is supported by the following policies:

- a) Conflict of Interest Policy
- b) Gifts and Hospitality Policy
- c) Discipline Policy
- d) Contractor Review Policy