

ANTI-BRIBERY POLICY

Compliance with the Anti-Bribery Policy is compulsory. The Policy applies to:

- members of the University Board of Governors and other Committees
- staff directly or deemed employed by the University and/or subsidiary or associated companies;
- staff directly or indirectly employed by overseas offices and branches;
- associate lecturers;
- agency staff working for the University;
- any other third parties who work on delivering University services and are paid through a contract for services.

A member of staff, or other person connected with the University, who contravenes the Bribery Act 2010 will be referred to the University's disciplinary processes which may result in disciplinary action under the [Problem Resolution Framework \(University's Disciplinary Procedure\)](#). In addition they may face personal legal consequences including criminal proceedings leading to fines and/or imprisonment.

Members of staff must ensure that they understand the requirements and attend the appropriate training and development sessions offered by the Secretary and Registrar's Directorate.

Issuing Authority: Liz Winders, Secretary and Registrar,
Secretary and Registrar's Directorate

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1 Introduction

It is the University's policy to conduct its business in an honest way and to reject the use of corrupt practices or acts of bribery to obtain an unfair advantage.

The University is committed to the highest level of ethical standards and sound governance arrangements and sets high standards of impartiality, integrity and objectivity in relation to the stewardship of public and private funds for which it is responsible and the management of its activities. This is defined within 'Code of Behaviour' referred to in the University Financial Regulations (section 5). This is not just a cultural commitment on the part of the University, it is a legal requirement.

The UK Bribery Act 2010 applies to all activities no matter where they are carried out in the world. This policy therefore applies to **ALL** the University's activities worldwide, whatever the local law, practice or custom may be.

It is the responsibility of all members of staff, governors and others directly involved in delivering University business activities or acting on the University's behalf to:

- comply with all relevant legislation countering bribery and corruption, in particular the Bribery Act 2010;
- take all action and comply with all prohibitions required by this policy and its associated procedures;
- identify and report bribery situations where there is a suspicion or risk of bribery ;
- consider their related duties to make appropriate disclosures.

2 What is Bribery?

Bribery can be defined as *"giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so."*

[The Bribery Act 2010](#) outlaws both giving (active bribery) and receiving bribes (passive bribery) and could extend to cover seeking to influence a decision maker by giving some kind of extra benefit which amounts to more than can legitimately be offered as part of a tender process.

The Act creates four categories of offence that address the following:

- paying or offering a bribe;
- receiving or requesting a bribe;
- bribing a foreign public official;
- failing to prevent bribery.

Some potential risk scenarios are highlighted in Appendix A.

3 Policy

The University is committed to carrying out its academic and business functions in an honest and ethical manner and to observing the provisions of the Bribery Act 2010, in respect of its conduct both at home and overseas.

The Policy applies to:

- members of the University Board of Governors and other Committees
- staff directly or deemed employed by the University and/or subsidiary or associated companies;
- staff directly or indirectly employed by overseas offices and branches;
- associate lecturers;
- agency staff working for the University;
- any other third parties who work on delivering University services and are paid through a contract for services.

The University does not wish to stifle the development of good working relationships with suppliers, agents, contractors or officials. However any relations must be transparent, gifts and hospitality proportionate and auditable. The University expects its business partners, agents, suppliers and contractors to act with integrity and without any actions that may be considered as an offence within the meaning of the Bribery Act 2010.

University employees or any other person working on behalf of the University must not:

- offer or make a bribe, unauthorised payment or inducement of any kind to anyone;
- solicit business by offering a bribe, unauthorised payment or inducement to a third party;
- accept any kind of bribe, unauthorised payment or inducement that would not be authorised by the University in the normal course of events.

University employees or any other person working on behalf of the University must:

- refuse any bribe, inducement or unauthorised payment that is offered in a clear manner that could not lead to any misunderstanding;
- any acts of suspected bribery must be reported in accordance with the [Fraud and Corruption Response Plan](#).
- if there are concerns that mean the process outlined in the Fraud and Corruption Response Plan cannot be followed, then the person must consider escalating the matter through the [Whistleblowing Policy](#).

4 Penalties

While the University's disciplinary procedures will be invoked as necessary, there are substantial legal penalties.

The offences of bribing another person, being bribed and bribing a foreign public official are punishable on indictment either by an **unlimited fine, imprisonment of up to ten years or both**.

The corporate offence of failure to prevent bribery is punishable on indictment by an **unlimited fine**.

Businesses that have been convicted of corruption could find themselves **permanently debarred** from tendering for public-sector contracts.

A business may also be damaged by **adverse publicity** if it is prosecuted for an offence.

5 Status of the policy

The Anti-Bribery Policy is part of the University's integrated financial governance framework. This includes:

- [Financial Regulations](#) (approved by the Board of Governors in September 2015);
- [Fraud and Corruption Response Plan](#);
- [Whistleblowing Policy](#);
- [Anti-Corruption Policy](#).

The Secretary and Registrar leads on the University's compliance with the Bribery Act 2010 and regular reports are received by the Audit Committee. The following activities will take place to support this work:

- regular risk assessments of University activities to understand the inherent risks arising and how these may be mitigated;
- training and development activities are developed and delivered as appropriate to different needs - this is informed by the risk assessment;
- new contracts with third parties will contain reference to the Bribery Act 2010, and existing contracts are being amended;
- the policy will be reviewed at least annually and amended in light of emerging case law.

6 Gifts and hospitality

This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties. However, gifts, hospitality and donations will be bribes if they are given or received with the intention of influencing business decisions.

When giving or receiving gifts and hospitality, you should consider whether the following requirements are met:

- it is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
- it complies with any local law;
- it does not include cash or a cash equivalent (such as gift certificates or vouchers);
- taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time; and
- it is given openly, not secretly.

Particular care should be exercised with respect to gifts offered to, or accepted from, government officials or representatives, or politicians or political parties. It is also important to ensure that any legitimate gift or other benefit received or given by University staff or third parties engaged in

business on our behalf under a contract for services, is not passed on to those in a position to influence business decisions to the University's advantage, as this could be improper and constitute bribery. If in any doubt you should seek advice from the University's Secretary and Registrar.

7 What is not acceptable?

It is not acceptable for you (or someone on your behalf) to:

- give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the University in return;
- threaten or retaliate against a colleague or third party who has refused to commit a bribery offence or who has raised concerns under this policy;
- engage in any activity that might lead to a breach of this policy.

8 Facilitation payments

In some countries it is customary practice to make payments or gifts of small value to government officials in order to speed up or facilitate a routine action or process. However, this is not permitted under the Bribery Act 2010 and the University does not, therefore, support or endorse the making or accepting of facilitation payments by staff and anyone carrying out business on behalf.

If you are asked to make a payment on behalf of the University, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment.

In the event that a facilitation payment is being extorted, or if you are forced to pay under duress, you must record the payment and report it without delay to the Secretary and Registrar.

9 Responsibilities

You must ensure that you read, understand and comply with this policy.

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for or associated with the University. You are required to avoid any activity that might lead to, or suggest, a breach of this policy.

Effective risk assessment in order to evaluate and mitigate risk is an essential element of this policy. Members of staff must assess the potential risk of their portfolio, particularly international activities on an ongoing basis.

Any suspected or actual incidents of bribery must be reported in accordance with the [Fraud and Corruption Response Plan](#).

Any member of staff who breaches this policy will be referred to the University's disciplinary processes which may result in disciplinary action under the Problem Resolution Framework.

10 Record-Keeping

The University has a duty to monitor that the terms of the Bribery Act 2010 are being observed by members of staff, Governors and other persons associated with the University. The University is required to keep financial records and to have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

You must declare and keep a written record of all hospitality or gifts accepted or offered in accordance with the [Financial Regulations](#) (section 6).

You must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the [Staff Expenses Policy](#) and specifically record the reason for the expenditure.

11 Protection

Members of staff who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. The University will support anyone who raises genuine concerns in good faith under this policy.

The University is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager or the University's HR Department.

Appendix A - Potential Risk Scenarios

The matters set out below illustrate a number of scenarios which indicate an increased risk of an offence under the Bribery Act being committed:

- You become aware that a third party engages in, or has been accused of engaging in, improper business practices;
- You learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a "special relationship" with foreign government officials;
- A third party insists on receiving a commission or fee payment before committing to sign up to a contract, or carrying out a government function or process;
- A third party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made;
- A third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business;
- A third party requests an unexpected additional fee or commission to "facilitate" a service;
- A third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
- A third party requests that a payment is made to "overlook" potential legal violations;
- A third party requests that you provide employment, a place on a course, or some other advantage to a friend or relative;
- You receive an invoice from a third party that appears to be non-standard or customised;
- A third party insists on the use of side letters or refuses to put terms agreed in writing;
- You notice that the University has been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
- A third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to the University; and
- You are offered an unusually generous gift or offered lavish hospitality by a third party.