

# Anti-Bribery and Corruption Policy

## 1. Introduction

- 1.1. It is the policy of the University that all staff and students conduct business in an honest way, and without the use of corrupt practices or acts of bribery to obtain an unfair advantage.
- 1.2. Bribery is a criminal offence in most countries and corrupt acts expose the University and its employees to the risk of prosecution, fines and imprisonment, as well as endangering the University's reputation.
- 1.3. This policy is reviewed annually by the University's Audit Committee. This policy should be reviewed in conjunction with the University's Conflict and Declaration of Interest Policy. Concerns and comments may be reported, in confidence, to the Secretary to Council who has oversight of the management of the policy within the University. Staff can also raise concerns using the University's then-current whistleblowing procedures.

## 2. What does the policy cover

- 2.1. This anti-bribery policy exists to set out the responsibilities of the University and those who work for the University in regards to observing and upholding our zero-tolerance position on bribery and corruption.
- 2.2. The policy acts as a source of information and guidance for those working for the University and helps them recognise and deal with bribery and corruption issues, as well as understanding their responsibilities.

## 3. Policy statement

- 3.1. The University is committed to conducting business in an ethical and honest manner, and is committed to implementing and enforcing systems that ensure bribery is prevented. The University has a zero-tolerance for bribery and corrupt activities and is committed to acting professionally, fairly, and with integrity in all business dealings and relationships, wherever we operate.
- 3.2. The University will constantly uphold all laws relating to anti-bribery and corruption in all the jurisdictions in which we operate. The University is bound by the laws of the UK, including the Bribery Act 2010, in regards to its conduct both at home and abroad.
- 3.3. The University takes its legal responsibilities seriously and recognises that if it is found to have committed any bribery and corruption offences that it could be subjected to an unlimited fine, be excluded from tendering for public contracts, and face serious damage to its reputation. Individuals found to have committed any bribery and corruption offences could face a ten year prison sentence and unlimited fines.

## 4. Who is covered by the policy

- 4.1. The policy applies to all staff and officials including Directors of any subsidiary or associated companies and Council Members. This policy also includes third parties such as agency workers, consultants, subcontractors and others working on behalf of the University irrespective of their location, function or grade.
- 4.2. The University does not wish to stifle the development of good working relationships with suppliers, agents, contractors or officials; however, the actions must be transparent, proportionate and

auditable. The University expects our business partners, agents, suppliers and contractors to act with integrity and to avoid any actions that may be considered any offence within the meaning of the Bribery Act 2010.

## **5. Definition of bribery**

- 5.1. Bribery refers to the act of offering, giving, promising, asking, agreeing, receiving, accepting, or soliciting something of value or of an advantage so to induce or influence an action or decision.
- 5.2. A bribe refers to any inducement, reward, or object/item of value offered to another individual in order to gain commercial, contractual, regulatory, or personal advantage.
- 5.3. Bribery is not limited to the act of offering a bribe. If an individual accepts a bribe, they are also breaking the law.
- 5.4. Bribery is illegal. Employees must not engage in any form of bribery, whether it be directly, passively (as described above), or through a third party (such as an agent or distributor). In particular employees must not bribe any foreign public officials anywhere in the world.
- 5.5. If employees are uncertain about whether something is, a bribe or a gift or act of hospitality, they must seek further advice from the Secretary to Council or the Head of Legal Services.

## **6. What is and what is NOT acceptable**

- 6.1. This section of the policy refers to 4 areas:

- a) Gifts and Hospitality.
- b) Facilitation payments.
- c) Political contributions.
- d) Charitable contributions.

### **6.2. Gifts and Hospitality**

The occasional exchange of business gifts, meals or low level entertainment is a common practice and is meant to create goodwill and enhance relationships. However, if the receipt of business courtesies becomes excessive, it can create a sense of personal obligation on the part of the recipient. Such sense of obligation can interfere with the individual's ability to be impartial in the transaction. Staff may accept business courtesies, but such courtesies must be modest enough not to interfere with the ethical judgement of the member of staff and must not create an appearance of impropriety. Corporate hospitality and gifts (whether received or provided) must be transparent, auditable and proportionate. Modest gifts and hospitality may be accepted unless an inducement is intended or suspected. Note that there is a current limit of £50. Refer to 6.2.1j) below.

The University requires the following procedures to be followed.

- 6.2.1. The University accepts normal and appropriate gestures of hospitality and goodwill (whether given to/received from third parties) so long as the giving or receiving of such gifts meets the following requirements:

- a) It is not made with the intention of influencing the party to whom it is being given, to obtain or reward the retention of a business or a business advantage, or as an explicit or implicit exchange for favours or benefits.
- b) It is not made with the suggestion that a return favour is expected.
- c) It is in compliance with English law.
- d) It is given in the name of the University, not in an individual's name.
- e) It does not include cash.
- f) A cash equivalent (e.g. a voucher or gift certificate) must be declared.

- g) It is appropriate in the circumstances (e.g. giving small gifts around Christmas or as a small thank you to the University for helping with a large project upon completion).
- h) It is of an appropriate type and value and given at an appropriate time, taking into account the reason for the gift.
- i) It is given/received openly, not secretly.
- j) It is not selectively given to a key, influential person, clearly with the intention of directly influencing them.
- k) It is not above a certain excessive value, as pre-determined by the Secretary to Council (which figure is currently in excess of £50).
- l) It is not offered to, or accepted from, a government official or representative or politician or political party, without the prior approval of the University's Secretary to the Council.

6.2.2. In no circumstances must any gift of money be made or received by an official of the University. Any cash equivalent (e.g. a voucher or gift certificate) must be declared

6.2.3. Where it is inappropriate to decline the offer of a gift (i.e. when meeting with an individual of a certain religion/culture who may take offence), the gift may be accepted so long as it is declared to the individual's Line Manager and the declaration process is followed.

6.2.4. The University recognises that the practice of giving and receiving business gifts varies between countries, regions, cultures, and religions, so definitions of what is acceptable and not acceptable will inevitably differ for each.

6.2.5. The intention behind a gift being given/received should always be considered. If there is any uncertainty, the advice of the Secretary to Council should be sought.

6.2.6. As good practice, gifts given and received over the financial threshold (currently in excess of £50) should always be disclosed to the Secretary to the Council. Gifts from suppliers should always be disclosed.

6.2.7. The University's policy on Gifts and Hospitality requires that all gifts and hospitality of an estimated value of £50 or more, are to be recorded on the **Gift and Hospitality Acceptance Form** (in the form set out as [Appendix 1](#)) and for the following procedures to be followed.

6.2.7.1. If it is not possible to value the gift or hospitality received, or if it is unknown, then that information should be declared on the **Gift and Hospitality Acceptance Form**.

6.2.7.2. Gift/hospitality declarations need to be referred to the Line Manager of the person in receipt of the gift or hospitality for countersigning [in the case of the Vice Chancellor this shall be the Chair to Council].

6.2.7.3. The Line Manager will send the Gift and Hospitality Acceptance Form to the Secretary to Council who will make a decision as to whether it can be accepted. The Secretary to Council may need to seek the advice of the Chief Finance Officer as to whether the gift or hospitality may be accepted.

6.2.7.4. Issues that cannot be resolved by the Chief Finance Officer and the Secretary to Council will be referred to the Ethics Advisory Committee for consideration.

6.2.7.5. If it is deemed as unacceptable for the gift/hospitality to be received, but it is not possible for it to be returned, the gift should be put to charitable use.

### 6.3. Facilitation Payments

6.3.1. The University does not accept and will not make any form of facilitation payments of any kind. The University recognises that facilitation payments are a form of bribery that involves expediting or facilitating the performance of a public official for a routine governmental action (e.g. processing licenses, permits, visas etc.). The University recognises that requests for

facilitation payments tend to be made by low level officials with the intention of securing or speeding up the performance of a certain duty or action.

6.3.2. The University does not allow kickbacks to be made or accepted. The University recognises that kickbacks are typically made in exchange for a business favour or advantage.

#### **6.4. Political Contributions**

6.4.1. The University will not make donations, whether in cash, kind, or by any other means, to support any political parties or candidates, as the University recognises that this may be perceived as an attempt to gain an improper business advantage.

#### **6.5. Charitable Contributions**

6.5.1. The University accepts (and indeed encourages) the act of donating to charities – whether through services, knowledge, time, or direct financial contributions (cash or otherwise) – and agrees to disclose all charitable contributions it makes.

6.5.2. Employees must be careful to ensure that charitable contributions are not used to facilitate and conceal acts of bribery.

6.5.3. The University ensures that all charitable donations made are legal and ethical under local laws and practices, and that donations are not offered/made without the approval of the Secretary to the Council.

### **7. Employee Responsibilities**

7.1. University employees will be required to comply with this policy, and with any training or other anti-bribery and corruption information provided by the University from time to time.

7.2. Employees will be responsible for the prevention, detection, and reporting of bribery and other forms of corruption and are required to avoid any activities that could lead to, or imply, a breach of this policy.

7.3. Employees who believe or suspect that an instance of bribery or corruption has occurred or will occur in the future in breach of this policy, should notify the Secretary to the Council.

7.4. In addition, employees shall abide by the Conflict and Declaration of Interest Policy.

7.5. Employees who are found to be in breach of this policy will be subject to disciplinary action and could face dismissal for gross misconduct in accordance with the University's Human Resources disciplinary code.

### **8. What happens if I need to raise a concern**

8.1. This section of the policy covers 3 areas:

- a) How to raise a concern.
- b) What to do if you are a victim of bribery or corruption.
- c) Protection.

#### **8.2. How to raise a concern**

8.2.1. If you suspect that there is an instance of bribery or corrupt activities occurring in relation to the University, you are encouraged to raise your concerns at as early a stage as possible. If you're uncertain about whether a certain action or behaviour can be considered bribery or corruption, you should speak to your:

- Line Manager
- the Secretary to the Council,
- the Head of Legal Services or
- the Procurement Director.

8.2.2. The University will familiarise all employees with its whistleblowing procedures so employees can use that process to vocalise their concerns swiftly and confidentially.

8.2.3. Line Managers, the Secretary to the Council or the Procurement Director will immediately report the bribe or corrupt activity to the Head of Legal Services, who will log the event and provide an initial synopsis.

8.2.4. The Head of Legal Services will:

1. notify the Head of Security immediately about the matter if it may require the involvement of the police;
2. convene a case conference with Head of Security, within 48 hours of initial notification if possible) to consider the nature of any allegations and to determine whether a police investigation may be required. (This is to avoid the risk of any action by the University undermining potential criminal proceedings); and
3. within 24 hours of the case conference, make a recommendation to the Vice-Chancellor, or her designated representative, via the Chief Operating Officer or Chief Finance Officer, that:
  - a. The matter is sufficiently serious to be handed over to the police for investigation; or
  - b. The matter is not sufficiently serious to merit a police investigation, and an investigation should be undertaken in accordance with University disciplinary processes.

8.2.5 In the event that action is taken forward under b. above, and further information indicates that the matter should be referred to the police, the matter will be immediately handed over to the police.

### 8.3. **What to do if you are a victim of bribery or corruption**

8.3.1. You must tell your Line Manager as soon as possible if you are offered a bribe by anyone, if you are asked to make one, if you suspect that you may be bribed or asked to make a bribe in the near future, or if you have reason to believe that you are a victim of another corrupt activity.

### 8.4. **Protection**

8.4.1. If you refuse to accept or offer a bribe or you report a concern relating to potential act(s) of bribery or corruption, the University understands that you may feel worried about potential repercussions. The University will support anyone who raises concerns in good faith under this policy, even if any subsequent investigation finds that they were mistaken.

8.4.2. The University will ensure that no one suffers any detrimental treatment as a result of refusing to accept or offer a bribe or other corrupt activities or because they reported a concern relating to potential act(s) of bribery or corruption.

8.4.3. Detrimental treatment refers to dismissal, disciplinary action, treats, or unfavourable treatment in relation to the concern the individual raised.

8.4.4. If you have reason to believe you've been subjected to unjust treatment as a result of a concern or refusal to accept a bribe, you should inform your Line Manager immediately.

## **9. Training and communication**

- 9.1. The University will provide training on this policy to all staff as part of its mandatory training. Furthermore the University will provide relevant anti-bribery and corruption training to staff etc. where we feel their knowledge of how to comply with the Bribery Act needs to be enhanced. As good practice, all organisations should provide their employees with anti-bribery training where there is a potential risk of facing bribery or corruption during work activities.
- 9.2. The University's anti-bribery and corruption policy and zero-tolerance attitude will be clearly communicated to all suppliers, contractors, business partners, and any third-parties at the outset of business relations, and as appropriate thereafter.

## **10. Record keeping**

- 10.1. The University will keep detailed and accurate financial records, and will have appropriate internal controls in place to act as evidence for all payments made. The University will declare and keep a written record of the amount and reason for hospitality or gifts accepted and given, and understand that gifts and acts of hospitality are subject to managerial review.

## **11. Monitoring and reviewing**

- 11.1. The Secretary to Council's responsible for monitoring the effectiveness of this policy and will review the implementation of it on a regular basis, and will assess its suitability, adequacy, and effectiveness.
- 11.2. This policy will be reviewed by the Audit Committee annually, or as and when any legislative changes occur, to ensure compliance with the principles of the act. Council will be advised of any action taken via the Annual Report from the Audit Committee.
- 11.3. Internal control systems and procedures designed to prevent bribery and corruption are subject to regular audits to ensure that they are effective in practice.
- 11.4. Employees may raise concerns at any time to the Secretary to Council or by using the University's then-current whistleblowing procedures.

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Document approver:	Audit Committee
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## Appendix 1: Gift and Hospitality Acceptance Form

<b>Name(s) of person(s) to whom gift/hospitality given</b> <i>[i.e. employee of University/spouse/partner or member of close family of employee]</i>	
<b>College/Department/Institute</b>	
<b>Date gift/hospitality Received</b>	
<b>Organisation/person providing gift/hospitality and their relationship with the University</b>	
<b>Name of event (if applicable)</b>	
<b>Details of gift/hospitality Received</b>	
<b>Purpose of gift/hospitality Received (if known)</b>	
<b>Estimated value (if known)</b>	
<b>Was this gift/hospitality given solely for the named Person's use? Y/N</b>	
<b>If 'No' please give further details:</b> <i>e.g. shared with the team etc.</i>	
<b>Signed</b>	
<b>Date declaration submitted</b>	
<b>Name of Line Manager</b>	
<b>The Line Manager is asked to countersign this form to confirm, to the best of their knowledge, the information detailed here is accurate.</b>	
<b>Countersigned by Line Manager</b>	

- All gifts and hospitality of an estimated value of £50 or more are to be recorded on the proposed declaration form.
- Any cash equivalent (e.g. a voucher or gift certificate) must be declared
- **The Gift and Hospitality Declaration Form needs to be sent to the Secretary to Council for a decision.**
- If it is not possible to value the gift or hospitality received, or if it is unknown, then a declaration should be made.
- Issues that cannot be resolved by the Secretary to Council and the Chief Finance Officer will be referred to the Ethics Advisory Committee for consideration.
- If it is deemed as unacceptable for the gift/hospitality to be received, but it is not possible for it to be returned, the gift should be put to charitable use.