

ANTI-BRIBERY AND CORRUPTION POLICY (INCLUDING GIFTS AND HOSPITALITY)

POLICY COVER SHEET

Purpose of Policy:	<i>This policy is intended to set out the University's approach to monitoring, identifying and ultimately avoiding incidents and/or risks of bribery and provide guidance accepting and receiving gifts and hospitality.</i>
Applicable to:	<i>This policy applies to all University staff and students. It also applies to agency and self-employed workers working for the University, and all other persons associated with and acting for the University, whether directly or indirectly.</i>
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Approval Body:	<i>Reviewed by SLT and approval by Audit Committee</i>
Consultation Process:	<i>The policy has been developed with reference to the University's legal requirements under the Bribery Act 2010 and in conjunction with sector best practice.</i>
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1 DEFINITIONS

Corruption can be defined as dishonest or fraudulent conduct, typically involving bribery.

Bribery can be defined as the offering, giving, receiving or soliciting of any item of value (money, goods, favours or other forms of recompense) to influence the actions of an official or other person in charge of a public or legal duty.

2 INTRODUCTION AND SCOPE

2.1 Introduction

The University is committed to the highest standards of integrity, probity and ethics in all its dealings, wherever they may take place and in whatever context.

Bribery is both illegal and unethical and brings with it the potential for criminal liability and severe penalties - at both University and individual level.

The legislation is extensive and, crucially, the University's anti-bribery responsibilities do not end at the office door or campus gate.

Those responsibilities potentially extend to any associated person, representative, agent, subsidiary, partnership or body engaged on University business, including those within and outside of the UK.

2.2 Approach

The University has a zero-tolerance approach to bribery and serious action will be taken against anyone found to be involved in bribery, up to and including dismissal under the University's disciplinary processes.

For associated persons, breach of this policy may result in contractual, legal and/or other sanction(s).

2.3 Scope

This policy applies to all University staff and students. It also applies to agency and self-employed workers working for the University, and all other persons associated with and acting for the University, whether directly or indirectly.

This definition includes external members of University Committees, representatives, agents, subsidiaries, individuals appointed as directors of any company, consultants, contractors and partners.

To the fullest extent permissible by law, this policy shall apply in all jurisdictions in which the University operates.

2.4 Bribery risks

It should be stressed that, in common with other Higher Education Institutions (HEIs), the University faces a range of bribery risks throughout its activities, operations and geographies.

These risks include, but are not limited to, bribery in relation to admissions, examinations, awards, procurement, construction, and field trips.

3 THE BRIBERY ACT 2010 AND OTHER LEGISLATION

3.1 The Bribery Act

It is a cleverly worded and comprehensive piece of legislation which has extensive scope and geographic reach.

According to the Act, bribery is where someone requires, gives or promises financial (or other) advantage with the intention of inducing or rewarding improper performance. Improper performance is a key concept and generally means where an individual does not act in good faith, impartially and/or properly. The test of what is proper is based upon what a person in the UK would reasonably expect.

A typical example of improper performance could involve work being continually directed to a particular construction contractor at the expense of other qualified contractors as a result of bribery - work that has invariably been overpriced to allow for the bribery payments required.

Under the Act, there are two general forms of bribery where individuals are personally criminally liable:

- Offering, promising or giving of a bribe (either directly or indirectly) with the intent to induce a person to improperly perform a relevant function - known as active bribery.
- Requesting, agreeing to receive, or accepting a bribe (either directly or indirectly) such that a relevant function is, or will be, improperly performed - known as passive bribery.

There are two other related offences:

- Bribing a foreign public official to obtain or retain business or an advantage to the conduct of business.
- Corporate liability where a body, such as a university, fails to prevent bribery.

It is important to note that:

- So-called 'facilitation payments' - payments typically to government officials to facilitate special treatment, such as prioritisation in an approval process - are also bribes. The University does not offer or make, and shall not demand or accept, facilitation payments of any kind. Advice should be sought if required in order to distinguish between properly payable fees and disguised requests for facilitation payments.
- The timing of bribery payments - before, during and/or after a relevant function - does not affect the offence.

3.2 Overseas reach

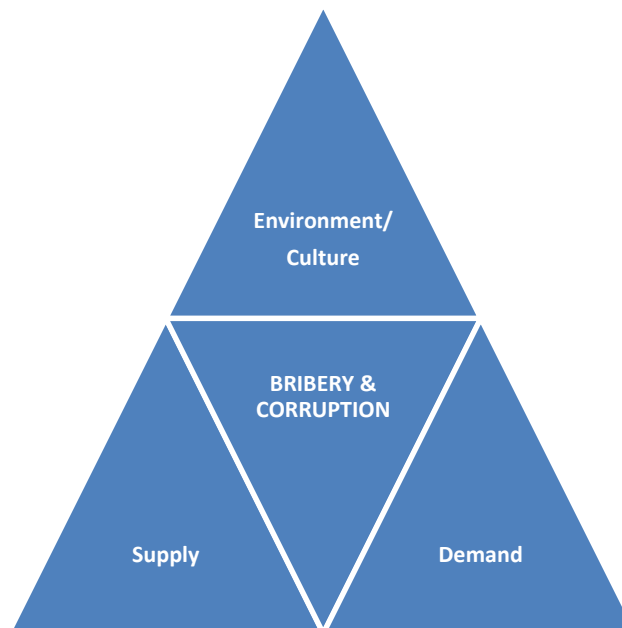
The Bribery Act has extensive global reach and holds UK organisations liable for failing to implement adequate procedures sufficient to prevent such acts by those working for the University or on its behalf, no matter where in the world the act takes place.

In addition, current US legislation (Foreign Corrupt Practices Act or FCPA) offers similar prohibitions and potential penalties, and is enforced robustly by the US authorities, supported by extensive inter-agency co-operation on an international basis.

3.3 Mitigation

There is a statutory defence against the Act if the University can demonstrate that it had in place appropriate adequate procedures designed to prevent bribery.

The 'Bribery Triangle', below, shows the three key drivers of bribery and corruption: environment and culture, supply of money, goods, services and favours as the currency of bribery, and demand for that currency:



The University's anti-bribery and corruption procedures are intended to directly mitigate its risk of bribery and corruption by impacting the three elements of the bribery triangle - by changing the organisational environment and culture, by removing/restricting the supply of money, goods, services, and favours and/or reducing the demand for bribery.

Reducing the demand for bribery, although clearly challenging, can be achieved in several ways including collaboratively creating a 'level playing field' or 'no bribery' approach in the higher education sector.

4 IDENTIFYING THE RISKS OF BRIBERY

4.1 Risk Management

Effective risk management lies at the very heart of this policy. Risk management is a crucial element of the University's overall governance process. It facilitates identification of the specific areas where the University does, or could, face bribery and corruption risks and allows mitigation plans, actions, and protections to be put in place.

Global custom and practice in business can be deeply rooted in the attitudes, cultures and economic prosperity of a particular region, any of which can change at any time. Moreover, UK or European norms may not be applicable in some parts of the world where the University has interests; for example, the definition of 'foreign public official' may be technically significantly different in those countries where there is extensive nationalisation.

4.2 Areas of Risk

Whilst the University's high risks will undoubtedly change over time, the areas of continuing bribery high risk that will require enhanced levels of due diligence and caution will almost certainly include:

- Agents and Intermediaries, particularly those who operate in jurisdictions where bribery is prevalent or endemic.
- Joint Ventures and consultancies, where the University could be held liable for any bribery or corruption committed by a third party with whom the University is associated by means of a joint venture or consultancy agreement.
- Contracts, particularly construction contracts where the values involved are likely to be high - and the industry has a perceived propensity for bribery.
- All aspects of procurement of services (particularly) and goods undertaken by the University.

Specific examples of bribery are contained in Section 10.

5 GIFTS AND HOSPITALITY

5.1 Outline

Gifts, Hospitality and Entertainment is a collective term for the receipt or offer of gifts, meals, travel costs, entertainment, tokens of appreciation and gratitude, or invitations to events, functions, or other social gatherings, in connection with matters related to the University. It should be noted, however, that travel costs would only exceptionally be borne by a third party, and that the travel authorisation process is a key element of the University's overall corporate governance infrastructure and best practice.

5.2 Scope

Normal, reasonable, and proportionate hospitality given or received as part of the University's wider student, commercial, promotional and marketing activities which is genuinely aimed at building a good business relationship or improving the profile of the University is allowable, within limits (see below).

Hospitality must not be accepted by employees of the University in circumstances that may allow the employee to appear to be unduly influenced in favour of the provider of that

hospitality. Those circumstances might, for example, include the proximity of the hospitality to the award of a contract. The gift or receipt of hospitality which is aimed at securing an improper business or other advantage, or which may affect the recipient's independence is obviously not permissible.

Clearly, hospitality can amount to real or perceived bribery, and caution should always be exercised. If there is any doubt about the propriety of hospitality, it should not be accepted or offered.

Unfortunately, policy and real events can be different, and it is not unknown for a purported 'quick bite' with a supplier to be turned into a lavish five-star lunch, with all its potential connotations. In general, the simple 'acid' test for hospitality can be phrased as 'Is it reasonable, and could I reciprocate?'

5.3 Limits

Unless you have been informed otherwise, you may accept:

- a gift of nominal value, such as an advertising novelty, when it is customarily offered to others having a similar relationship with that individual or organisation.
- customary meals or entertainment provided that the expenses are kept at a reasonable level.

For the avoidance of doubt:

- gifts with a value of more than £25 or hospitality expected to cost in excess of £50 should be authorised by your line manager;
- gifts or hospitality in excess of £100 should be authorised by the Head of College or Head of Professional Service.
- gifts or hospitality in excess of £500 should be authorised by the Chief Financial Officer.

5.4 Register and Declarations

The University maintains a gift register process, for inbound gifts and hospitality, and it is essential that each occurrence over the limits in 5.3 is accurately recorded. The register can be found on the University portal in the Finance section.

If a gift or hospitality is not in keeping with circumstances then every effort must be made to refuse the offer, without offending the person or organisation making the offer. If the gift cannot be refused, it should be declared on return to the University.

Under no circumstances must any gift of money be made or received by an employee or official of the University.

6 POLICY STATEMENT

- The University values its reputation for ethical behaviour and recognises that any involvement in bribery is illegal and will reflect adversely on its hard-earned image and reputation.
- The University prohibits the offering, giving, soliciting or the acceptance of any bribe in whatever form to, or from, any person or company (public or private) by anyone associated with the University.
- The University expects any person or company (public or private) associated with the University to act with integrity and without any actions that may be considered an offence within the meaning of the Bribery Act 2010.
- The University requires any potential breaches of this policy and bribery offers to be reported under the University's reporting processes (see section 9).
- The prevention, detection and reporting of bribery is the responsibility of everyone associated with the University.

7 COMMUNICATION

It is the responsibility of all Heads of Departments to ensure that this policy is fully and regularly communicated to those involved with University business within their area. Crucially, this will include communication not only to staff but other external agencies e.g., agents, representatives, and contractors.

The University will continue to provide regular training to all members of staff through a mandatory online training module.

8 MONITORING AND REVIEW

This policy and related procedures will be reviewed every two years by the Chief Finance Officer. Risk identification (4, above) will form a key element of the overall monitoring and review process.

Any incidents of bribery and corruption reported to, and recorded by, the Chief Finance Officer will be incorporated into that review.

An annual report will be presented to Audit Committee with details of any incidences of attempted or actual bribery that has been reported during the previous year.

9 HOW TO RAISE A CONCERN

All employees and others associated with the University are encouraged to report any concerns that they may have regarding potential breaches of this policy, including incidents relating to external agencies and third parties. This includes any instances where you may be the victim of attempted bribery.

If you are concerned that a corrupt act is being considered or being carried out, **you should report the matter to your line manager in the first instance.** If it is not possible to speak to your line manager, and there is no other manager that you feel comfortable reporting your concerns, then you should report in accordance with the University's Public Interest Disclosure (Whistleblowing) Policy that can be found on the University portal.

The University is fully committed to ensuring that there is a safe and confidential method of reporting any suspected wrongdoing to nominated officers. The Whistleblowing Policy also permits employees, and anyone contractually associated with the University to raise concerns of malpractice in the University, and those involving partners or competitors.

Any allegations of misconduct under this policy within the jurisdiction the University will be taken very seriously. If appropriate, action may be taken under the University's disciplinary process. Attempted bribery or acceptance of a bribe may be considered as gross misconduct and, where it is considered that a criminal offence has occurred, the police may be informed.

10 EXAMPLES OF BEHAVIOURS THAT MAY BE CONSIDERED BRIBERY

Procurement

A manager at the University who has overall responsibility for the procurement of a service which is currently subject to re-tender is approached by the current supplier and offered (at the expense of the company) a day trip to London, including lunch at the Shard and a boat trip on the Thames. The company says the offer is "to cement and say thank you for our longstanding business relationship". This could be interpreted as an attempt to influence the University's actions in the current tendering and should be refused.

Field trip / research

While on a field trip to Ecuador with students, the member of staff organising the trip makes a payment in cash to immigration officials at the airport to enable the students to move through immigration and begin their trip more quickly. This is a facilitation payment which is likely to be unlawful under the Bribery Act. The member of staff and the University would be liable for prosecution and the University may take disciplinary action against the employee.

Alumni / charitable donations

A wealthy alumnus arranges for his company to make a substantial donation to the University to ensure that his child is awarded a place in a highly rated, but oversubscribed school. This could be interpreted as an attempt to influence the University into accepting the alumnus's child and refusal of the gift should be considered.

Joint Venture/Overseas Development

The University seeks to expand into the Middle East and the Director exchanges gifts with local leaders on the basis that this is expected practice in the country. Although it is custom and practice to exchange gifts, the monetary value of the gifts should be low enough not raise any concerns that the gifts may be interpreted as an attempt to influence discussions. This applies equally to gifts received and gifts given.