



ANTI-BRIBERY POLICY

1. Introduction

- 1.1 The University has an absolute commitment to acting ethically, lawfully and with integrity in all its dealings, wherever it operates in the world. As part of this commitment, bribery and corruption in any form is deemed to be unacceptable. This is not just a cultural response by the University to bribery and corruption, but is a compliance requirement underpinned by the law.
- 1.2 This Policy sets out the University's approach to preventing incidents of bribery and corruption and is designed to comply with the relevant United Kingdom legislation (The Bribery Act 2010); the legislation is applicable wherever in the world the incident takes place and thus affects all University activities.
- 1.3 The required standards of integrity confer a level of personal responsibility upon individuals. This Policy thus applies to:
- All locations and geographic functions of the University
 - All partners, agents, offices and subsidiary companies
 - All the University's students and staff, including temporary workers, irrespective of location or work, as well as Members of the University Court.
- 1.4 Each staff member, Member of Court, student, contractor and others acting on the University's behalf are responsible for complying with the relevant legislation, the terms of this Policy and associated procedures. They must all identify the risk of bribery and consider the duty to make appropriate disclosures in reporting instances of bribery as necessary,

2. Legislation

- 2.1 Bribery may be defined as *"Giving (or offering) or receiving (or requesting) 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."*
- 2.2 The Bribery Act 2010, which repealed existing legislation, introduced the offences of offering and or receiving a bribe. It also places specific responsibility on organisations to have in place sufficient and adequate procedures to prevent bribery and corruption from taking place.
- 2.3 Under the Act, Bribery is defined as *"Inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts loans, fees rewards or other privileges"* Corruption is broadly defined as the offering or the acceptance of inducements, gifts or favours, payments or benefit in kind which may influence the improper action of any person. Corruption does not

always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

- 2.4 To demonstrate that the University has in place sufficient and adequate procedures, and to show openness and transparency, all staff are required to comply with the requirements of the 'Rules for Staff Conduct'. Should members of staff wish to report any concerns or allegations, they should refer them to a Faculty Pro-Vice Chancellor or Director of Professional Service.
- 2.5 Any breach of the terms of this Policy could result in disciplinary action being taken, with the potential for dismissal. Matters of suspected fraud committed against the University could be referred for criminal prosecution, as well as being subject to internal investigation. Certain offences under the Bribery Act carry criminal liabilities for individuals, with penalties including significant fines and up to 10 years imprisonment.

3. What is bribery?

- 3.1. Bribery is the offer, promise, giving, demanding or acceptance of an advantage as an inducement for an action which is illegal, unethical, a breach of trust, or the improper performance of a contract. Corruption is the misuse of public office or power for private gain, or misuse of private power in relation to business outside government. Acts of bribery or corruption are designed to influence the individual in the performance of their duty and incline them to act dishonestly.
- 3.2. Bribes can take many forms, including money, unreasonable gifts, entertainment or hospitality, 'kickbacks', excessive commissions, 'facilitation' payments, political/charitable contributions, unwarranted expenses, or anything else of value. It does not have to be the person to whom the bribe is offered, or who receives it, who is deemed to act improperly.
- 3.3 The University has a zero tolerance policy towards bribery and corruption which means that all forms are prohibited. Any breach of the terms of this Policy could result in disciplinary action being taken, with the possibility of dismissal. Certain offences under the Bribery Act carry criminal liabilities for the individuals concerned, with sanctions including significant fines and/or imprisonment.
- 3.4 Promising to make a bribe or agreeing to receive one is part of this prohibited conduct. It is not necessary for a bribe to have actually taken place for there to be liability. Bribery is prohibited in dealing with anybody, irrespective of whether they are based in the public or private sector.
- 3.5 Staff and all other persons associated with the University as indicated in paragraph 1.3 above must be aware of, and must fully adhere to, the University's Anti-Bribery Policy which includes the acceptance of Gifts and Hospitality (see section 4.6.1 below). In complying with the Policy, they must refuse any bribe and immediately report any attempt to bribe them to their line manager, who in turn must provide a written report of the incident to the University Secretary.
- 3.6 All report infringements of this Policy will be reported to the next scheduled meeting of the Audit Committee.

4. Key Steps to Prevent Bribery and Corruption

- 4.1 **Risk assessment** is essential to the successful implementation of this Policy as it identifies the specific areas where the University is exposed to the risk of bribery, allows the risks to be evaluated and appropriate risk mitigation to be put in place. All activities, especially those conducted overseas, should be assessed for vulnerability on an ongoing basis. This monitoring, review and repeated risk assessment will protect the institution better and facilitate more effective responses to changes in external circumstances and to new activities.
- 4.2 Pro-Vice-Chancellors and Directors should carry out a review of the functions for which their areas are responsible and undertake a risk assessment of those areas which may be at risk of bribery or improper conduct. The University's risk management documentation and guidance should be used for this purpose: <http://www.gre.ac.uk/governance/risk-management>
- 4.3 Following the completion of a risk assessment, appropriate action plans to mitigate or eliminate these risks should be prepared and carried out. In line with good business practice, risk assessments and action plans should be regularly reviewed, especially if there is a significant change in the operation of an activity where bribery is a risk.
- 4.4 The **keeping of accurate records** is a key strand of managing the risks. Many serious bribery and corruption offences have been found to involve a level of inaccurate record keeping. Financial reporting and good record keeping should be maintained for all activities and for all third party representatives acting on behalf of the University. Misleading or inaccurate records could damage the institution's reputation and result in a perceived failure to take the necessary steps to prevent corrupt practices. All documentation relating to risk assessments and action plans should be retained by the Faculty/Professional Service and made available to internal auditors as necessary.
- 4.5 **Effective monitoring and control** are required to ensure that, once the risks have been identified, any procedures which may need to be amended to mitigate those risks are refined on an ongoing basis.
- 4.6 Typical bribery and corruption risks arise in the following areas:

4.6.1 Gifts and Hospitality

- 4.6.1.1 Giving or receiving gifts and hospitality can be an important aspect of developing and maintaining business relationships. Nonetheless, all such gifts and hospitality should be for a genuine reason, reasonable and given in the ordinary course of business. They must comply with the University's Policy on the Acceptance of Gifts and Hospitality.
- 4.6.1.2 Unduly lavish or unreasonable gifts, whether given or received, are generally unacceptable as they can create the impression of trying to engineer favourable business treatment by bestowing personal benefits. The gifts and hospitality themselves can be a bribe. It is not acceptable to request, accept or offer gifts or entertainment intended to influence, support or reward any existing or future business involving the University.
- 4.6.1.3A Gifts and Hospitality Register should be established and maintained by each Faculty and Directorate recording all gifts and entertainment received, or offered, in excess of the stipulated thresholds. The general threshold is £50 for gifts and for hospitality/entertainment (per person). These records should be sent on a quarterly basis to the University Secretary to be held centrally.

4.6.2 Political and Charitable Contributions

4.6.2.1 On occasions the University will donate money to charity and provide *pro bono* services and this is permitted under the Bribery Act. It is nonetheless important to ensure that donations are made to a legitimate charity for genuine reasons. If these activities are undertaken overseas, it is particularly important to check the charity is registered under the local country's law and the purpose of the donation, and that the money is donated to the organisation and not to an individual.

4.6.2.2 It is important to exercise caution when making a donation if the charity has a connection to a customer or an organisation (including a government) that might influence the University's business. For example, it might be appropriate to wait for a deal with an organisation to be concluded before promising to make a donation to a charity linked to that organisation. There are cases where governments permit those tendering for contracts that offer some additional benefit for the local community and the UK Government has provided further guidance on this matter.

4.6.3 Sponsorship

4.6.3.1 The University has a commitment to corporate social responsibility, which may include donation and sponsorship of various activities and events. However, care must be taken to ensure that donations and sponsorships are not used as, or perceived to be, inducements to retain or gain business.

4.6.4 Facilitation Payments

4.6.4.1 In some countries, it is customary business practice to make payments or gifts of small value to junior government officials in order to speed up or facilitate a routine action or process. All such facilitation payments are prohibited under this Policy, or anything which might be interpreted as such unless expressly permitted under local legislation. The University will not tolerate such payments being made by any employee or person acting on its behalf.

4.6.4.2 In the event that a facilitation payment is extorted or payment is required under duress or where there are personal safety issues, staff must contact the University Secretary as soon as possible for advice. Any payments made in this way must be appropriately recorded to reflect the nature of the transaction.

4.6.5 Procurement

4.6.5.1 All contracts should include a standard anti-bribery clause and the procurement of services from a third party must follow the required procedures. If the anti-bribery provisions are breached by any third party, the contracts may be terminated.

Contractors and suppliers should be made aware of the University's Anti-Bribery Policy and associated policies.

4.6.6 Agents, suppliers and joint venture partners

4.6.6.1 Under the terms of the legislation, the University could be liable for the actions of people acting on its behalf. This refers to all types of third parties and includes agents, suppliers and joint venture partners. The University is committed to promoting compliance with all anti-bribery and corruption policies

by all third parties acting on its behalf. Staff are responsible for evaluating the risks of each third-party relationship; where specific risks are identified, enhanced controls will be required to monitor and control the risk.

4.6.6.2 Arrangements with third parties should include a standard anti-bribery clause in any contract or memorandum of understanding. The University will not engage with any third party where engagement in bribery or corruption is known or suspected. Due diligence should be conducted before any third party is engaged, with further investigation potentially required for transactions identified as being at higher risk, together with closer monitoring and control.

5. Training of Staff

5.1 Training is provided to relevant staff throughout the University to support them in complying with their responsibilities with reference to this Policy. Staff working in certain areas of the University may be required to confirm that they have understood and comply with the Policy on an annual basis and attend refresher training if there are any changes.

6. Whistleblowing

6.1 The University is committed to ensuring that staff can speak with confidence if they have any concerns in relation to this Policy or need to ask for assistance. If they suspect or observe anything which might contravene this Policy, they have an obligation to report it. Staff are encouraged to report any such concerns to their line manager in the first instance. If this should not be possible, staff should contact the University Secretary or make use of the Public Interest Disclosure (Whistleblowing) Policy.

6.2 No retaliation of any type will be tolerated against those who raise concerns or report what they genuinely believe to be in appropriate behaviour. All such reports will be treated in the strictest confidence.

7. Review

7.1 This Policy will be reviewed every three years, or as legislative changes occur.

7.2 This policy forms part of a suite of anti-bribery and corruption measures and should be read in conjunction with the following:

- Financial Regulations
- Policy on the Acceptance of Gifts and Hospitality
- Procurement Regulations
- Register of Interests Policy
- Public Interest Disclosure (Whistleblowing) Policy and Procedure
- Rules for Staff Conduct
- Student Disciplinary Regulations and Procedures
- Staff Disciplinary Procedure

7.3 These policies will be kept under review and updated accordingly with reference to specific provisions relating to bribery.

Approved by Court on 11 May 2015