

Anti-Bribery and Corruption Policy

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Anti-Bribery and Corruption Policy

1. Introduction

- 1.1. The University is committed to conducting its business in an ethical and honest manner, and to implementing and enforcing systems that ensure bribery and corruption are 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.
- 1.2. The University will 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.
- 1.3. Bribery is a criminal offence in most countries and the consequences of corrupt acts include:
 - Up to 10 years imprisonment for the individuals involved;
 - Unlimited fines;
 - Repayment of monies obtained under contract;
 - A ban from bidding for future research or public money;
 - Damage to the University's reputation;
 - Loss of UKVI student sponsor status;
 - Regulatory issues (Office for Students).

2. Definition of bribery and corruption

- 2.1. Corruption is the abuse of entrusted power or position for private gain.
- 2.2. Bribery is offering, giving, promising, asking, agreeing, receiving, accepting, or soliciting a financial or other advantage so to induce or influence an action or decision.
- 2.3. A bribe refers to any inducement, reward, or object/item of value (which can include loans, gifts, discounts, hospitality, or the award of a contract) offered to another individual in order to gain commercial, contractual, regulatory, or personal advantage.
- 2.4. Bribery is not limited to the act of offering a bribe. If an individual accepts a bribe, they are also breaking the law.
- 2.5. Staff 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 staff must not bribe any foreign public officials anywhere in the world.
- 2.6. If staff are uncertain about whether something is, a bribe or a gift or act of hospitality, they must seek further advice from the University Secretary and General Counsel.

3. What the policy covers

- 3.1. This anti-bribery and corruption policy exists to set out the key risk areas for the University, and 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.

3.2 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.

4. Who is covered by the policy

4.1. The policy applies to everyone who works for, or represents, us. This includes all members of University staff and officials including Directors of any subsidiary or associated companies, Council Members, volunteers and Relevant students¹. This policy also applies to third parties such as agency workers, consultants, sub-contractors 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. High-Risk Areas

5.1 While it is impossible to list all of the potential bribery situations that may be encountered, certain areas and business relationships have been identified as requiring particular scrutiny, for example improper hospitality (see section 6.2), facilitation payments (see section 6.3) and certain overseas jurisdictions (see section 7). Such high-risk areas may change over time. However, for a Higher Education Institution such as Brunel University London, areas of higher risk which will require enhanced levels of due diligence and caution will almost certainly include the following:

- Use of agents and Intermediaries, particularly those who operate in a jurisdiction where bribery is prevalent or endemic (see section 7 below);
- Joint Ventures, subsidiary companies, 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 the joint venture, corporate structure, or consultancy agreement;
- Contracts, particularly those in high risk sectors such as construction and where the values involved are likely to be high;
- All aspects of the procurement of goods and services carried out by the University;
- Activities in (including travel to) countries identified as high risk in the Corruption Perceptions Index (see 7.1 below);
- Donations;
- Arrangements to allow the use of personal service companies by individuals providing services to the University.

6. What is and what is not acceptable

6.1 This section of the policy refers to 3 areas:

¹ As defined in the Conflict of Interest policy.

- Gifts and Hospitality.
- Facilitation payments.
- Political contributions.

6.2 Gifts and Hospitality

The University's position in respect of gifts and hospitality can be found in the University's Gift and Hospitality Policy. The key principle is that these must be transparent, auditable, and proportionate, and accepted or given for a legitimate purpose of the University.

6.3 Facilitation Payments

Facilitation payments are payments made to induce officials to perform routine functions they are otherwise obliged to perform. These are bribes and the University does not accept and will not make any form of facilitation payments of any kind. Facilitation payments involve expediting or securing the performance of a routine governmental action (e.g. processing licenses, permits, visas etc.) by a public official (usually low level). Legally required administrative fees or fast-track services are not facilitation payments, and can still be paid. If in any doubt, speak to the University Secretary and General Counsel.

6.4 Political Contributions

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, and may not be in compliance with its charitable objects.

7. Overseas Jurisdictions

- 7.1 Certain jurisdictions present a heightened risk of bribery. Transparency International publishes a helpful [Corruption Perceptions index](#) by jurisdiction, which can be used by staff to access the perceived risks of bribery activity associated with a particular part of the world. It is not a defence to an accusation of bribery to say that bribes are accepted practice in another jurisdiction.
- 7.2 A heightened risk may require additional actions to be taken to address or reduce the risk of bribery, dependent on the proposed activity associated with that jurisdiction.
- 7.3 Staff travelling, as part of their research, teaching or for any other reason, to countries identified in the index as having a perceived high risk of corruption should be especially vigilant and prepared to identify and resist bribery. Staff may obtain further guidance from the [travel service](#).
- 7.4 As referenced in section 2.5, offering, promising or giving any financial or other advantage (either directly or indirectly) to a foreign public official with the intention of influencing that official in order to obtain or retain business or other advantage in the conduct of business constitutes bribery. This includes the offering, promising or giving of facilitation payments. The offence of bribing a foreign public official is committed as soon as the offer is made.

8. Responsibilities

- 8.1 The policy applies to everyone who works for, or represents, us (see section 4 above).
- 8.2 Members of Council, Directors of subsidiary companies, and members of staff will be required to undertake any training or other anti-bribery and corruption information provided by the University from time to time. As a bare minimum, Council Members, Directors of subsidiary companies and staff will be required to undertake mandatory anti-bribery training on taking up their role and again every 3 years.
- 8.3 Everyone who works for or represents us is responsible for the prevention, detection, and reporting of bribery and other forms of corruption and is required to avoid any activities that could lead to, or imply, a breach of this policy.
- 8.4 Anyone who works for us or represents us who believes or suspects that an instance of bribery or corruption has occurred or will occur in the future in breach of this policy, should notify the University Secretary and General Counsel.
- 8.5 In addition, Members of Council, Directors of subsidiaries, Relevant staff² and Relevant students shall abide by the Conflict and Declaration of Interest Policy. Staff 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 Disciplinary Policy and Procedures and may be reported to external agencies such as the Police.

9. Breach of the Policy

- 9.1 Staff of the University who breach this policy will face disciplinary action, which could result in dismissal for misconduct or gross misconduct.
- 9.2 Relevant students who breach this policy will face disciplinary action, which could result in expulsion.
- 9.3 We may terminate our relationship with other individuals (including Members of Council) and organisations working on our behalf if they breach this policy.
- 9.4 In all of the above instances we may also report the breach to an appropriate regulator of the individual or organisation concerned.

10. What happens if you need to raise a concern?

- 10.1 This section of the policy covers 3 areas:
- How to raise a concern.
 - What to do if you are a victim of bribery or corruption.
 - Protection.

10.2. How to raise a concern

- 10.2.1 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 or

² As defined in the Conflict of Interest Policy.

Head of School, the University Secretary and General Counsel, Procurement Director or Chair of Audit & Risk Committee.

10.2.2 The University familiarises all staff with its whistleblowing procedures so staff can also use that process to vocalise their concerns swiftly and confidentially

10.3. What to do if you are a victim of bribery or corruption

10.3.1 You must tell an appropriate person 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. Who is appropriate will depend on your role, but is likely to be:

- Your Line Manager for staff
- Your Head of School for students
- The Chair of Audit & Risk Committee for Council Members
- The Procurement Director for third party contractors
- The Director of HR for volunteers
- The Chief Operating Officer for international agents
- If in any doubt, speak to the University Secretary and General Counsel or Procurement Director.

10.4. Protection

10.4.1 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.

10.4.2 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.

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

10.4.4 If you have reason to believe you've been subjected to detrimental treatment as a result of a concern or refusal to accept a bribe, you should inform your Line Manager immediately. Please refer to the Grievance Policy and Procedure for more information.

10.4.5 If a member of staff feels they are not able to report their concerns through the route detailed above, they should still consider reporting them by means of the University's Public Interest Disclosure Policy (Whistleblowing Policy).

11. Training and communication

11.1 The University will provide anti-bribery training to all Members of Council, Directors of subsidiary companies, staff and Relevant students as part of its mandatory training. Furthermore, the University will provide further relevant anti-bribery and corruption training to staff where we feel their knowledge of how to comply with the Bribery Act 2010 needs to be enhanced (for example staff working in procurement, finance, Global Engagement Office or International Student Recruitment).

11.2 The University's anti-bribery and corruption policy and zero-tolerance attitude must be clearly communicated to all volunteers, agents, suppliers, contractors, business partners, and any third- parties at the outset of business relations, reflected appropriately in contractual agreements, and monitored as appropriate thereafter.

12. Record keeping

12.1 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. We will at all times act in accordance with Data Protection legislation and our [privacy statement](#).

13. Monitoring and reviewing

13.1 Council is fully committed to this policy and is ultimately responsible for ensuring that it is adequate and is being complied with.

13.2 The University Secretary and General Counsel is 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.

13.3 This policy will be reviewed by the Finance 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 Finance Committee.

13.4 Internal control systems and procedures designed to prevent bribery and corruption are subject to regular audits to ensure that they are effective in practice.

14. Related Policies and Procedures

- Gifts and Hospitality Policy
- Public Interest Disclosure Policy
- Conflicts of Interest Policy