

# Anti-Bribery and Corruption Policy

## 1. Introduction

- 1.1. It is the policy of the University that all Council members, 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 staff to the risk of prosecution, fines and imprisonment, as well as endangering the University's reputation. If found in breach of this policy, staff and students may be subject to disciplinary action. In the most severe instances this could result in staff dismissal, student expulsion or Council member's termination of appointment.
- 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 Chief Governance Officer 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. Definition of bribery and corruption

- 2.1. Corruption is the abuse of entrusted power or position for private gain.
- 2.2. 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.
- 2.3. 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.
- 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 Chief Governance Officer or the Head of Legal Services.

## 3. What does the policy cover?

- 3.1. This anti-bribery and corruption 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.
- 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. Policy statement**

- 4.1. The University is committed to conducting business in an ethical and honest manner, and is committed to implementing and enforcing systems that ensure bribery 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.
- 4.2. 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.

#### **5. Who is covered by the policy**

- 5.1. The policy applies to all members of University staff and officials including Directors of any subsidiary or associated companies, Council Members and all students. This policy also applies to third parties such as agency workers, consultants, subcontractors and others working on behalf of the University irrespective of their location, function or grade.
- 5.2. 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.

#### **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**

- 6.2.1. The University's position in respect of gifts and hospitality can be found in the University's Gift and Hospitality Policy.

##### **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. Staff 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 Chief Governance Officer.

#### **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.

7.2 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. Completion of the University's online Anti-Bribery training is mandatory for any member of staff travelling to a country identified in the index.

7.3 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 to foreign public officials to speed up administrative processes for which they are responsible. The offence of bribing a foreign public official is committed as soon as the offer is made.

#### **8 'High Risk' Areas**

8.1 The provisions of this policy clearly state that the University must remain vigilant and proactively seek to identify and avoid bribery and corruption. Whilst it would be impossible to list all of the potential bribery situations that may be encountered, certain areas and business relationships require 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 will change over time as circumstances dictate. However, for a Higher Education Institution such as Brunel University London areas of high risk which will require enhanced levels of due diligence and caution will almost certainly include the following:

- Agents and Intermediaries, particularly those who operate in a jurisdiction where bribery is prevalent or endemic (see section 7 above);
- 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 the joint venture or consultancy agreement;
- Contracts, particularly construction contracts where the values involved are likely to be high;
- All aspects of the procurement of goods and services carried out by the University;
- Travel to countries identified in the Corruption Perceptions Index (see 7.1 above).

## **9 Staff Responsibilities**

- 9.1 University staff 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.
- 9.2 Staff 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.
- 9.3 Staff 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 Chief Governance Officer.
- 9.4 In addition, staff shall abide by the Conflict and Declaration of Interest Policy.
- 9.5 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.

## **10 What happens if I need to raise a concern?**

10.1 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.

### **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, the Chief Governance Officer, the Head of Legal Services or Procurement Director.

10.2.2 The University will familiarise all staff with its whistleblowing procedures so staff can 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 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.

### **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, treats, 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 unjust treatment as a result of a concern or refusal to accept a bribe, you should inform your Line Manager immediately.

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 the 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 staff 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. 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.

11.2 The University's anti-bribery and corruption policy and zero-tolerance attitude must be clearly communicated to all suppliers, contractors, business partners, and any third-parties at the outset of business relations, and 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.

### **13 Monitoring and reviewing**

- 13.1 The Chief Governance Officer 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.
- 13.2 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.
- 13.3 Internal control systems and procedures designed to prevent bribery and corruption are subject to regular audits to ensure that they are effective in practice.
- 13.4 Staff may raise concerns at any time to the Chief Governance Officer or by using the University's then-current whistleblowing procedures.

### **14 Related Policies and Procedures**

- **Gifts and Hospitality Policy**
- **Public Interest Disclosure Policy**

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