

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**

Document author:	Chief Governance Officer
Document approver:	Audit Committee
Last reviewed:	November 2020

Please note that the information contained below on Gifts and Hospitality is stated within the University's Anti-Bribery and Corruption Policy located at: <http://www.brunel.ac.uk/about/administration/policies-and-other-important-documents>. You should refer to that policy in addition to the information below.

Gifts and Hospitality Policy

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. Subject to sections 1 to 8 below modest gifts and hospitality may be accepted. This Policy sets out the principles and requirements expected of staff in offering and receiving gifts and hospitality.

The University requires the following procedures to be followed.

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 or a cash equivalent (e.g. a voucher or gift certificate).
 - f) 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).
 - g) It is of an appropriate type and value and given at an appropriate time, taking into account the reason for the gift.
 - h) It is given/received openly, not secretly.
 - i) It is not selectively given to a key, influential person, clearly with the intention of directly influencing them.
 - j) It is not above a certain excessive value, as pre-determined by the Chief Governance Officer (which figure is currently in excess of £50).
 - k) 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 Chief Governance Officer.
2. In no circumstances must any gift of money be made or received by a member of staff of the University.
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.

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.
5. The intention behind a gift being given/received should always be considered. If there is any uncertainty, the advice of the Chief Governance Officer should be sought.
6. As good practice, gifts given and received over the financial threshold (currently in excess of £50) should always be disclosed to the Chief Governance Officer. Gifts from suppliers or potential suppliers should always be disclosed.
7. The University's Gifts and Hospitality Policy 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.
 - 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**.
 - 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].
 - 7.3. The Line Manager will send the Gift and Hospitality Acceptance Form to the Chief Governance Officer who will make a decision as to whether it can be accepted. The Chief Governance Officer may need to seek the advice of the Chief Finance Officer as to whether the gift or hospitality may be accepted.
 - 7.4. Issues that cannot be resolved by the Chief Finance Officer and the Chief Governance Officer will be referred to the Ethics Advisory Committee for consideration.
 - 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.
8. This policy does not, in any way, override the University's Financial Regulations, especially those relating to procurement, nor the Conflict and Declaration of Interest Policy. Provision of corporate hospitality is also covered in the Employee Travel and Expenses Policy and Procedure.

Review

This policy will be reviewed by the Audit Committee annually, or as and when any legislative changes occur, to ensure compliance with one of the principles of the legislation. Council will be advised of any action taken via the Annual Report from the Audit Committee.

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Reviewed November 2020

Appendix 1: Gift and Hospitality Acceptance Form

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

- All gifts and hospitality of an estimated value of £50 or more are to be recorded on the proposed declaration form.
- **The Gift and Hospitality Declaration Form needs to be sent to the Chief Governance Officer 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 Chief Governance Officer 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.

Conflict and Declaration of Interest Policy

Principles

The University seeks to avoid actual and potential conflicts of interest where possible. We aim to act honestly, ethically and transparently. We seek declarations of both actual and perceived conflicts of interest and take appropriate action to manage the conflict.

All Council members, research students and staff, particularly those with responsibility for budgets or contracts, must take proper care to ensure that any conflict of interest, actual or perceived, does not arise from their position with the University or membership of or connection with other bodies and individuals outside the University.

As members of the University, regardless of position or seniority, they are under a duty to disclose conflicts of interest, actual or possible, to ensure the University acts in a manner which is honest, ethical and transparent. 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.

A. Recognising a Conflict of Interest

1. A conflict of interest arises where the commitments and obligations owed by an individual to the University or to other bodies, for example a funding body, are likely to be compromised, or may appear to be compromised, by:
 - 1.1 that person's personal gain, or gain to Immediate Family (or a person with whom the person has a Close Personal Relationship), whether financial or otherwise; or
 - 1.2 the commitments and obligations that person owes to another person or body.
2. There can be situations in which the appearance of conflict of interest is present even when no conflict actually exists. It is important, therefore, for all staff and students when evaluating a potential conflict of interest to consider how it might be perceived by others.
3. The duty to declare a possible conflict applies to the perception of the situation rather than the actual existence of a conflict.
4. Conflicts of interest may be financial or non-financial or both. Further information about both types is set out in sections C and D below¹.

B. Definitions

5. For the purpose of this policy the following definitions apply:

'Member' is defined as the individual persons to whom this policy applies and include members of Council and its committees, salaried staff, students conducting research and staff and directors of subsidiary companies of the University.

'Immediate Family' is defined as 'spouse or civil partner, son, daughter'.

'Close Personal Relationship' is a relationship that could give rise to an interest and extends to but is not limited to 'unmarried partner, parent, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law,

¹ Members are advised to read the full Conflict and Declaration of Interest Policy which, along with the University's policy on Gifts and Hospitality and University's Anti-bribery & Corruption Policy, are available through the following link:
<http://www.brunel.ac.uk/about/administration/policies-and-other-important-documents>

daughter-in-law, the (unrelated) child of an unmarried partner, adopted child, half and step members of family'.

'Close Personal Friend' is a relationship that could give rise to an interest and extends to, inter alia fellow employees, members of the same organisation, association of religious group, clients, customers, former clients, former customers, friends with whom you socialise'.

'Service Area' is the academic or professional service area in which a member belongs or is associated with.

'Service Area Head' is the head of the academic or professional service area in which a member belongs or is associated with, such as the Vice-Provost Dean of College, Director of Research Institute or Director of Human Resources.

C. Financial conflicts of interest

6. A financial conflict of interest, for the purposes of this policy, is one where there is or appears to be opportunity for personal financial gain, financial gain to close relatives or Close Personal Friends, or where it might be reasonable for another party to take the view that financial benefits might affect that person's actions.
7. Financial interest means anything of monetary value, for example:
 - 7.1 payments for services;
 - 7.2 equity interests (e.g. stocks, stock options or other ownership interests); and/or
 - 7.3 intellectual property rights (e.g. patents, copyrights and royalties from such rights).
8. The level of financial interest is not the determining factor as to whether a conflict should be disclosed. What might be 'not material' or 'not significant' for one person might be very significant for another. Good practice will mean the disclosure of 'any' financial interest, however small. A conflict will arise if the interest might provide, or be reasonably seen by others, to provide an incentive to the individual which affects their actions and where he or she has the opportunity to affect a University decision or other activity (because for example he or she is the principal investigator on a research project). For examples of conflicts involving financial interest see Appendix 1.
9. Trustee benefit (Council member benefit) is any instance where money or other property goods or services which have monetary value are received by the trustee (Council member) from the charity (the University). By law, trustees cannot receive a benefit from their charity unless they have an adequate legal authority to do so. This does not include:
 - 9.1 reasonable expenses that Council members are entitled to claim;
 - 9.2 remuneration and salary-related benefits that are provided for in the employment contracts of members of staff who are also Council members.

D. Non-financial conflicts of interest

10. Non-financial interests can also come into conflict, or be perceived to come into conflict, with a Member's obligations or commitments to the University or to other bodies, such as a professional body or a charitable organisation of which he or she is a trustee. Such non-financial interest may include any benefit or advantage, including, but not limited to, direct or indirect enhancement of an individual's career, education or gain to Immediate Family (or a person with whom the person has a Close Personal Relationship). For examples of conflicts of interest see Appendix 1.

E. Scope of the policy

11. This policy applies to members of Council and its committees, salaried staff, students conducting research and staff and directors of subsidiary companies of the University
Students not involved with research, Emeritus Professors, Visiting Professors, Visiting Lecturers, Visiting Researchers and non-salaried staff may wish to consider declaring a conflict with the University, but they are under no obligation to do so. It is anticipated that any obligation to declare an interest will be specified in the contract of engagement or related documents.
12. It is the responsibility of each individual Member to recognise situations in which he or she has a conflict of interest, or might reasonably be seen by others to have a conflict, to disclose that conflict to the appropriate person and to take such further steps as may be appropriate, as set out in more detail under the procedure section below (see Section E and Appendix 2). Council members, as charity trustees, have a legal duty to declare any interest to ensure that they act in the best interests of the charity (the University).
13. Although there is no obligation to register the interests of their Immediate Family, those living in the same household and other connected persons (other than for gifts and shares), Members should be alert to the possibility that any given matter will concern an interest of such a connected person. Where the interest is clear and substantial, the Member concerned should not take part in any University business or discussion connected with that connected person and in respect of University committee matters, should normally withdraw from both the discussion and vote on the particular item in question.
14. If an individual Member is uncertain about how this policy might affect his or her activities or has any questions about its application, he or she should contact the appropriate person (as identified in paragraph 16) or the Chief Governance Officer.

E. Procedure

15. The general rule, with the exception of committee business (see section G below) is that disclosure should be made at the time the conflict first arises, or it is recognised that a conflict might be perceived, in writing to the Service Area Head in which a Member belongs or is associated with). If the head has an interest in the matter to be discussed, the disclosure shall be made to the Chief Governance Officer. For University Senior Officers, members of the Executive and members of Council, disclosure should be made to the Chief Governance Officer. Exceptions to this rule are outlined in Appendix 2 (Exceptions to the General Rule on Disclosure).
16. In the case of a researcher, where the research involves human participants, they should notify the relevant Research Ethics Committee of any potential conflict of interest when seeking ethical approval. Researchers should contact the Chair of the University Research Ethics Committee (res-ethics@brunel.ac.uk) for guidance on this matter. Please see the University Code of Research Ethics for further information.
17. In the case of undergraduate and postgraduate taught students, the student should discuss the relevant issues with his or her tutor or other nominated academic, who, where appropriate, will consult with the Vice-Provost & Dean of College following which an approach for dealing with the conflict might be agreed. In the case of postgraduate research students, this discussion should be conducted with the student's supervisor. Where the conflict (or perceived conflict) of interest arises between the interests of the supervisor and the student, the student should discuss the matter with the Director of the Graduate School, or the person responsible for postgraduate students in the academic area to which they belong.

18. Situations may require nothing more than a declaration to be completed in writing, which must be held in the applicable Service Area's records.
19. Some instances may need to be dealt with by agreement as to how the conflict can be actively managed. The approach agreed should be documented and copies provided to the relevant parties. A copy of the final management plan must be held in the Service Area's records.
20. It is the responsibility of those affected to comply with the approach that has been agreed.
21. Any unresolved matter shall be referred to the Chief Governance Officer for advice. The Chief Governance Officer may refer the matter to Council's Ethical Advisory Committee for guidance or resolution.
22. Guidance on situations that are frequently encountered and which may give rise to particular kinds of conflicts requiring special action is set out at Appendix 1-3.

F. Exceptions to the general rule

23. Appendix 2 describes the instances where the general procedure is varied and further specific steps are required.
24. Each Service Area head should notify the Chief Governance Officer of the actions taken to inform staff of the policy requirements and promote compliance on an annual basis.

G. Committee meetings

25. At their first meeting of the academic year, every committee within the University should have a standing item on their agenda addressing conflict and declaration of interest. Members should be invited to read the explanation of a conflict of interest (Para A1 above) and be briefed as to the procedure for declaring such an interest if and when such a circumstance arises during the course of the year.
26. It is recommended that committees adopt the practice of including a similar statement in each committee agenda, for e.g. members will be asked to declare any interest that could give rise to conflict in relation to any item on the agenda at the beginning of the meeting. All interests so disclosed will be recorded in the minutes of the committee. If the Chair of the meeting deems it appropriate, the member shall absent himself or herself from all or part of the committee's discussion of the matter.

G. Annual declaration of interests

27. In addition to declaring any conflict or potential conflict in accordance with the procedure above, the following post holders shall be required to submit an annual declaration of interests to the Chief Governance Officer (using the form set out at Appendix 3):
 - Members of the Executive Board
 - Members of Finance Committee
 - Members of Nominations Committee
 - Members of Remuneration Committee
 - all staff involved in procurement
 - the Vice-Chancellor and President;
 - the Provost;
 - the Vice Provosts;

- the Chief Operating Officer;
- the Chief Finance Officer
- the Chief Business & Innovation Officer
- the Chief Information Officer
- all members of Council;
- all members of Audit Committee;
- the Vice Provosts and Deans of Colleges;
- the Directors of Research Institutes;
- the Director of Finance;
- members of the Ethics Advisory Committee;
- the Chief Governance Officer.

This is not an exhaustive list of those required to make a declaration of interest and does not preclude any member of staff or students to make a declaration.

28. Persons with grounds to inspect declarations of conflict of interest, such as the internal and external auditors, shall be allowed access at the discretion of the Chief Governance Officer.

H. The Ethics Advisory Committee for the University

29. The Ethics Advisory Committee for the University exists to support Council and the University in ensuring the aims and the objectives of the Ethical Framework are fulfilled. This extends to considering issues relating to conflicts and declarations of interest that are referred to it by the Chief Governance Officer. The Ethics Advisory Committee for the University's remit are set out in Council Ordinance 5.

I. Review of the conflict of interest policy

30. This policy shall be the subject of review by the Ethics Advisory Committee, Council and, as necessary, other relevant bodies such as Audit Committee. Any such review will take place in the light of guidance on best practice issued by external bodies and, in any event, occur not less than once every three years.

Appendix 1: Examples of Situations

Financial interests:

Examples of situations in which financial declarations of conflicts of interest are made:

1. Staff of the University serving on other bodies, e.g. research council committees, grant review panels, editorial boards etc., will typically be asked by those parties to declare financial interests.
2. Authors submitting a manuscript must disclose any 'significant financial interest', or other relationship, with the manufacturers of any commercial products or providers of commercial services discussed in the manuscript and any financial supporters of the research. The intent of such disclosures is not to prevent an author with a significant financial or other relationship from publishing a paper, but rather to provide readers with information upon which to make their own judgments.

Research:

Examples of situations that give rise to conflicts of interest in research include:

3. The researcher has a financial interest in the company sponsoring the research, this being exacerbated if the value of the researcher's interest may be affected by the outcome of the research. The researcher is an inventor of patents or creator of other IP whose value may be affected by the outcome of the research.
4. The researcher holds a position in an enterprise (e.g. as director) that may wish to restrict (or otherwise manage) adverse research findings for commercial reasons or not wish to publish the results of the research.
5. A researcher or a related body in which the researcher has an affiliation or a financial interest may benefit, directly or indirectly, from dissemination of research results in a particular way (including any unwarranted delay in or restriction upon publication of such results).
6. A researcher conducts a clinical trial which is sponsored by any person or organisation with a financial interest in the results of the trial. A postgraduate research student conducts research on a project that receives support from a company in which the student has a financial interest or significant position.
7. Some research funding agencies set specific disclosure requirements related to financial interest. They may require, for example, direct notification to them or to University officials where a principal investigator's financial interests might reasonably appear to be affected by the outcomes of the research. Some types of research, e.g. clinical trials, also require additional declarations related to financial interest. Researchers need to be aware of and comply with those specific requirements. Further information can be found in the terms and conditions of the grant or contract. Researchers should contact the Research Support and Development Office (RSDO) if they are in any doubt as to the requirements.

Student supervision and teaching:

Examples of situations that give rise to conflicts of interest in relation to student supervision and teaching include:

8. Staff with a close personal or familial relationship with a student or a student's family who may be involved in decisions about that student's admission, supervision or academic progress, or the award of any studentships, prizes or other grants to the student.

9. An academic or a non-academic member of staff who is on the Governing Body of a school who may be involved in considering a student from that school for an undergraduate place.
10. A member of staff who is in a position to judge the quality of a student's work or to evaluate a student in any way holds or proposes to take a financial stake or hold a formal position in any student-run, -owned or -controlled commercial venture whilst that student is enrolled at the University.
11. A postgraduate research student receiving support from a company in which his/her academic supervisor has a financial interest or position.

Other examples of possible conflicts of interest:

12. Participating in the appointment, hiring, promotion, supervision or evaluation of a person with whom the staff member has a Close Personal Relationship.
13. A researcher has a financial interest in the licensee (or proposed licensee) of University intellectual property.
14. A staff member takes part in the negotiation of a contract between the University and a company, where the staff member or his or her family or a Close Personal Friend has a financial or non-financial interest (e.g. a directorship) in that company.
15. An academic who has an external editorial position, such as one with a commercial journal, and is also on a University committee that is responsible for recommending journal subscriptions.
16. A staff member chairs a University committee which is to consider the allocation of funds to be shared between a number of Service Areas, including his or her own.

Appendix 2: Exceptions to the General Rule on Disclosure

1. As explained in paragraph 15 of the policy, the general rule is that disclosure should be made at the time the conflict first arises, or it is recognised that a conflict might be perceived, in writing to the Service Area Head. If the Head has an interest in the matter to be discussed, the disclosure shall be made to the person at the next higher level of authority. In most cases this will be to the Service Area Head. For University Senior Officers, the line of approval is to the Chief Governance Officer. However, in some circumstances, the procedure is slightly different. These are set out below.

Research

2. Where any researcher has a conflict of interest, they must follow the procedures described in Section E of the main policy. A researcher must also comply with the following:
 - 2.1 Clarification by principal investigators of any personal interests: to assist the assessment of situations which could lead to a real or perceived conflict of interest at the stage of applying for a research grant, or negotiating a contract the University requires all principal investigators to clarify whether they have any personal interest (shareholding, consultancy, directorship, etc.) in relation to the proposed sponsor. This is done on the outside grant (OG) form when submitting applications for external research funding to Research Support and Development Office (RSDO).
 - 2.2 Ethics-researchers must also comply with specific declaration requirements as laid down by the appropriate University Research Ethics Committee. Researchers should contact the Chair of the Research Ethics Committee if they have questions about those requirements. This aspect should remain separate from the process outlined in the Declaration of Interests Policy as this is a requirement of the University Research Ethics Policy.
 - 2.3 Some funding agencies set requirements relating to conflict of interest. They may, for example, require direct notification of certain interests to them; reserve the right to review the proposed plan for managing the conflict of interest; and/or prohibit grant holders from undertaking certain activities. Researchers need to be aware of and comply with those specific requirements. Researchers should contact Research Support and Development Office [RSDO] if they wish to seek advice on any aspect of funding terms and conditions.
 - 2.4 Areas such as biomedical or clinical research projects may attract particular attention particularly where members of staff and researchers have a financial interest in a company conducting such research. Colleagues need to be aware of the potential for significant financial consequences of research outcomes and the potential harm to members of the public engaged in clinical trials or under treatment. The circumstances of the research and the nature of the involvement will determine whether there is a conflict of interest, not the outcome. Staff and students who have a financial interest in a company that may reasonably appear to be affected by the results of proposed biomedical or clinical research must disclose that interest to the Vice Provost (Research) for review/approval. A conflict of interest plan/approach designed to protect the integrity of the research and the reputation of the academic(s), their research group(s) and the University must be developed.
 - 2.5 If a student receiving support from a company in which his or her supervisor has a financial interest, or where the outcomes of the research are related to the activities of such a company: to preserve the integrity of the research the student and academic must disclose the conflict to both the Service Area Head and the

Chief Governance Officer for review/approval of a conflict of interest plan/approach.

Spin-outs and licensees of University IP

3. Staff or students may have a financial interest or other personal interest in a spin-out or in an organisation to which the University has licensed or is seeking to license University IP or may have personal IP with which they are intending to create a start-up company.
4. In such cases:
 - 4.1 They should normally play no executive role in any decisions made between the University or its subsidiaries and such spin-outs or IP licensees. If it is believed that there are exceptional circumstances to argue for such involvement, prior permission must be sought from the Service Area Head and then from the Vice Provost (Research). The proposed conflict of interest plan/approach to be put to the Head and then the Vice Provost (Research) must aim to protect the reputation of the academic(s), their research group(s) and the University and ensure compliance with company law.
 - 4.2 If they wish to undertake a consultancy for that spin-out, they must seek prior permission from the Service Area Head, and in turn from the Vice Provost (Research). The proposed conflict of interest plan/approach to be put to the Service Area Head and then the Vice Provost (Research) must aim to protect the reputation of the academic(s), their research group(s) and the University and ensure compliance with company law.
5. Staff wishing to buy or subscribe for shares in a spin-out at any stage prior to the listing of the shares in the company on a recognised Stock Exchange must seek permission in advance from the Service Area Head and then from the Chief Governance Officer.

Sale, supply or purchase of goods or services

6. Staff must ensure the probity of all financial transactions. The sale or supply of goods by the University or the purchase of goods or services by the University must be carried out in accordance with the University's Financial Regulations. Staff should not normally be involved in supply or purchase decisions in relation to any external organisation in which they or any members of their family or any person with whom they have a Close Personal Relationship have a financial interest or in any way have the capacity for personal gain. If there are exceptional circumstances that require such involvement, the following process should be followed:
 - 6.1 The person should disclose, in writing to their Service Area Head, the nature of the transaction, the potential conflict and the method proposed to manage the conflict.
 - 6.2 They and their Service Area Head must formulate a proposed plan/approach that protects the University and ensures compliance with the law and the integrity of the transaction(s) and the individuals involved.
 - 6.3 The Service Area Head must then seek approval of that plan from the Chief Governance Officer.

Appendix 3: Declaration of Interests

Guidance Notes

The main purpose of the declaration form is to create a Register and provide information on any interests which might reasonably be thought by others to influence the actions, comments, or votes in meetings of those responsible for discharging the business of the University. Colleagues are required to keep this overall purpose in mind when registering their interests.

The Chief Governance Officer or Council's Ethical Advisory Committee may require any member of the University to complete the declaration form if it is considered a conflict or potential conflict of interest may exist which should be recorded on the Register.

In addition to this, the following post holders shall be required to submit an annual declaration of interests to the Chief Governance Officer:

- The Vice-Chancellor and President;
- the Provost;
- the Vice Provosts;
- the Chief Operating Officer;
- the Chief Finance Officer
- the Chief Business & Innovation Officer
- the Chief Information Officer
- all members of Council;
- all members of Audit Committee;
- the Vice Provosts and Deans of Colleges;
- the Directors of Research Institutes;
- the Director of Finance;
- members of the Ethics Advisory Committee;
- the Chief Governance Officer;
- Members of the Executive Board
- Members of Finance Committee
- Members of Nominations Committee
- Members of Remuneration Committee
- all staff involved in procurement

This is not an exhaustive list of those required to make a declaration of interest and any member may also be required to make a declaration. Members are advised to read the full Conflict and Declaration of Interest Policy which, along with the University's policy on Gifts and Hospitality and University's Anti-bribery & Corruption Policy, are available through the following link: <http://www.brunel.ac.uk/about/administration/policies-and-other-important-documents>

Persons with grounds to inspect declarations of conflict of interest, such as the internal and external auditors, shall be allowed access at the discretion of the Chief Governance Officer.

Relevant interests are any pecuniary, family² or other personal interest which might be pertinent to the conduct of the University's affairs including the work of Council. Where the interest is of relevance to the business of Council or one of its committees, the declaration shall be made as soon as practicable either at the meeting or in advance to the Chair or Chief Governance Officer. Council may be required to authorise any declaration of interest.

Members of Council should note the details set out in Council Ordinance 2 (Council Membership).

Named post holders and anyone required by the Chief Governance Officer or Council's Ethical Advisory Committee to make a declaration are requested to complete the attached form to declare any and all interests outside the University that they have. Payments received should include cash, kind or services.

If you have any doubts as to whether to declare a certain interest or not or have any questions relating to the completion of this questionnaire, please contact the Chief Governance Officer.

Paid employment

This includes self-employment and offices held.

Trustee benefits

Trustee benefit is any instance where money or other property goods or services which have monetary value are received by the trustee [Council Member] from the charity [the University]. The law says that trustees cannot receive a benefit from their charity unless they have an adequate legal authority to do so. This does not include:

- reasonable expenses that Council Members are entitled to claim;
- remuneration and salary-related benefits that are provided for in the employment contracts of members of staff who are also Council members.

Directorships

All paid directorships and unpaid directorships should be declared.

Clients

Other than those identified above, clients to which services are provided (or through his or her employer or company) that arise out of Council membership or University employment should be declared.

Gifts, Hospitality or Services

This includes financial or other material support, benefits or hospitality. Named post holders and anyone required by the Chief Governance Officer or Council's Ethical Advisory Committee to make a declaration are asked to register any such gift received personally or by those close to him or her from a source which in any way arises out of membership of Council or University employment. If it is not easy to decide between what is and what is not acceptable in terms of gifts or hospitality, the offer should be declined or advice sought from the Chief Governance Officer or Head of Legal Services. For the protection of those involved, the Chief Governance Officer will maintain a register of gifts and hospitality received where the value is in excess of £50. Those in receipt of such gifts or hospitality are obliged to notify promptly the Chief Governance Officer.

Land

Other than a home used solely for personal accommodation, named post holders and anyone required by the Chief Governance Officer or Council's Ethical Advisory Committee to

make a declaration are asked to register all land and property within a 10-mile radius of University premises.

Shareholdings

Named post holders and anyone required by the Chief Governance Officer or Council's Ethical Advisory Committee to make a declaration are asked to register the name of all public and private companies or other bodies in which they or those close to them have a beneficial interest. Shareholdings amounting to less than 5% of the issued share capital, or where the nominal value of the holding is less than £25,000, do not need to be registered.

Other

This is a general section where interests are registered that do not fall into the above categories but which fall into the general purpose of the register. For example, unremunerated interests, positions of authority held or other significant involvement in other organisations, e.g. charitable or political or other educational bodies. It is imperative for members of the governing body and senior management involved in procurement to disclose interests they have in, or with, any organisation from whom the University procures goods or services.

Note

Although there is no obligation to register the interests of their Immediate Family members, those living in the same household and other connected persons (other than for gifts and shares), colleagues should be alert to the possibility that any given matter will concern an interest of such a connected person. Where the interest is clear and substantial, the person concerned should not take part in the discussion and should normally withdraw from both discussion and vote on the particular item in question.

While Council may be required to approve any conflict of interest, colleagues should feel free to withdraw from a particular discussion or vote on the grounds of an external interest without specifying the detail of that interest.

Staff should bear in mind that the obligation to declare an interest is a continuing one. Should a member of staff realise retrospectively that they have an interest which is connected with a matter that has been considered they should notify the Chief Governance Officer of that interest at the earliest opportunity.

Declaration of Interests Form

Brunel University London

Declaration of Interests: November 2020

Name:	
Contact Details: (Email and Telephone):	
University Service Area:	
Academic/Research/Professional Service Line Manager Details:	
Interests Declared:	
Declarer's Signature:	Date of Completion:
Line Manager's Signature:	Date of Completion:

Document author:	Chief Governance Officer
Document approver:	Council
Last updated:	November 2020