

# Anti-Bribery Protocol

Version – v3 – May 2023

**Procedure Author** – Head of Legal Services

**Procedure Owner** – Vice Principal (Governance) and University Secretary

**Parent Policy Statement** – Corporate Governance Policy Statement

**Public Access or Staff Only Access** – Public

**Version** – Version 3 – May 2023

**Changes and Reason for Changes** – updated as a result of a review of the Accountability Code of Practice



## **A. Introduction**

The University has a zero tolerance policy towards bribery and is committed to the highest levels of openness, integrity and accountability.

The purpose of this protocol is to set out responsibilities regarding the prevention of bribery and the reporting mechanism to be followed when bribery is detected or suspected. This Anti-bribery Protocol applies to all staff, students, members of Court, visitors, contractors, agents and collaborative partners of the University.

## **B. What is Bribery**

Bribery is defined as *giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so.* ([www.justice.gov.uk/guidance/bribery.htm](http://www.justice.gov.uk/guidance/bribery.htm))

The Bribery Act 2010 (the Act) came into effect in July 2011. The Act introduces offences for acts of bribery by individuals or by persons associated with relevant commercial organisations. The University would fall within the definition of a relevant commercial organisation.

The Act creates four offences.

- Promising or offering a bribe;
- Requesting, agreeing to receive or accepting a bribe;
- Bribing a foreign public official; and
- A corporate offence of “failure to prevent bribery” by “persons associated” with a commercial organisation.

A body corporate cannot itself commit an offence; the corporate offence will be committed by a “person associated” with the body. This could have a very broad interpretation, but would include members of Court and employees of the University as well as agents acting on our behalf. It is also likely to include more “remote” persons such as contractors appointed by us and any joint venture partners we may contract with.

## **C. What is the University approach to preventing bribery?**

### Our principles

We value our reputation for transparent conduct and ethical behaviour in all of our activities. Any involvement in bribery would damage our reputation so we always work towards limiting the possibility of bribery and associated acts through consideration of the six principles set out in the Bribery Act 2010 for preventing bribery:

- Proportionate procedures
- Top level commitment
- Risk Assessment
- Due Diligence
- Communication (including training)
- Monitoring and Review

We apply this in practice in the following ways:

- The University prohibits the offering, the giving, the solicitation or the acceptance of any bribe whether cash or other inducement.
- Members of Court and University staff are expected to demonstrate the highest standards of honesty, propriety and integrity in the exercising of their University duties.

- The University has a zero tolerance policy towards bribery and will investigate all instances of suspected bribery by members of Court, University staff or external parties such as our agents or service providers.
- The University will take action against any member of Court, staff or student engaged in bribery activities. If any member of staff fails to report such offers of gifts and hospitality to their line manager the Disciplinary Procedure may be invoked.
- If an investigation reveals that there is a case to answer in respect of a member of staff or student who is suspected of bribery activity, the University will invoke its Disciplinary Procedures.
- The University will take appropriate action, including reporting to external relevant authority's and/or invoking its disciplinary procedures where bribery has occurred.
- The University will co-operate fully with any external investigating body.

It is the responsibility of all within the University community to be aware of the implications of bribery both to the individual and to the University and take the necessary steps to minimise that risk. Directors and Deans of School must ensure that all staff within their areas of responsibility are aware of the existence and content of this protocol.

General hospitality or similar business expenditure that is reasonable and proportionate is not affected by the Bribery Act 2010 and is covered in the guidance for staff on gifts and hospitality.

### **In practice**

To promote a strong anti-bribery culture the University has a number of measures in place.

#### **Gifts and Hospitality**

The University has a Gifts and Hospitality Protocol that staff must follow. This protocol has been drawn up to make it clear what gifts and hospitality staff should and should not accept and what process they should follow if they are offered a gift.

#### **Donations**

The University has a Donations Procedure which sets out the process to be followed when a donation is offered to the University. All staff must follow this procedure so that we can make sure any perceptions that a donor could secure an inappropriate direct or indirect benefit from making the donation is prevented.

#### **Due Diligence**

The University has a due diligence procedure to make sure that appropriate checks are carried out before we enter into certain business relationships and projects. Advice should be obtained from the Legal Services team on the appropriate level of due diligence to be carried out for each project or business relationship.

#### **Financial Regulations**

The procedures governing services procured from a third party are set out under our Finance Policy Statement and our Financial Regulations. Our template supplier contracts include an anti-bribery clause.

#### **Training**

An online training module on anti-bribery is available for all staff. If you would like to access the module and take the training you can e-mail the Legal Services team on [legal@uws.ac.uk](mailto:legal@uws.ac.uk) to arrange this. Tailored sessions can be arranged for staff working in areas identified as being of risk of bribery.

**D. What are the responsibilities of our staff to prevent bribery?**

The detection and prevention of bribery and other forms of corrupt activity is the responsibility of all staff. There are several practical steps that all staff can take to help with this:-

1. Make sure that the gifts and hospitality protocol is followed when any gift or hospitality is offered.
2. Remember that bribes can often be hidden in legitimate transactions so staff should make sure that all payment terms are justifiable on an arms length basis.
3. Many serious bribery and corruption offences involve some form of inaccurate record-keeping. Accurate records of all agreed payment terms should be kept.
4. Unusual financial arrangements should be flagged to line managers.
5. All agency contracts must include a standard bribery clause confirming the University's zero tolerance policy towards any form of bribery.
6. Facilitation payments are unofficial payments to people in official roles to speed up or facilitate routine actions or processes. Facilitation payments must not be offered or requested by University staff. If you receive a request for a facilitation payment you should bring this to the attention of your line manager in the first instance.
7. When entering into a contract with any party performing services for or on behalf of the University staff should make sure that it contains an appropriate anti-bribery clause. The Legal Services team should be contacted to help with this.

**E. What will the University do when it receives a report of suspect bribery?**

In the first instance, an individual should raise any concerns with their line manager. Any concerns should be raised immediately. The line manager should then refer the matter to the Vice Principal (Governance) and University Secretary. Any concerns raised will be investigated in line with the process set out in section 4 of the University Public Interest Disclosure (Whistleblowing) Procedure.

In the event an individual is not able to raise the matter with either their line manager or the Vice Principal (Governance) and University Secretary, reports can be made directly to the reporting e-mail address [speak.up@uws.ac.uk](mailto:speak.up@uws.ac.uk)

We recognise that some individuals may face barriers to doing reporting concerns under this procedure and may need our support to overcome these barriers. The University is committed to making this support available and individuals can let us know prior to making their disclosure if any additional support is needed to allow them to do so. For example, if we need to meet with you to discuss the concerns you have raised we can take notes on your behalf if this would be difficult for you to do yourself. We may also be able to offer virtual meetings or allow a representative to accompany you to speak on your behalf, if this would be appropriate.

It is important that managers and staff do not attempt to carry out investigations, interview or confront individuals suspected of involvement in bribery, or take any other actions that may alert individuals to their concerns. The details of any report made should be kept confidential by the reporting member(s) of staff.

**F. How will bribery be reported?**

Any bribery or suspected bribery will be reported to the Audit and Risk Committee in line with the arrangements set out in our Public Interest Disclosure procedure.