

POLICY TITLE		
ANTI - BRIBERY POLICY & PROCEDURE		
DOCUMENT AUTHOR AND DEPARTMENT	POLICY OWNER	
Alison Loudon Assistant Secretary to Court	Donna McMillan Registrar & Secretary to Court	
APPROVING BODY	DATE OF APPROVAL	
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June 2016	CS/15	1
EITHER For public access online (internet)? <i>Tick as appropriate</i>	OR For staff access only (intranet)? <i>Tick as appropriate</i>	
Yes <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	
Impact on Other University Policies <i>Tick as appropriate</i>	If Yes – Please List	
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Donations Policy & Procedure Due Diligence Policy & Procedure Fraud Policy & Procedure Procurement Policy & Procedure Public Interest Disclosure Policy & Procedure Disciplinary Policy & Procedure Risk Management Policy & Procedure	
Who should be aware of this Policy?	Included within Central Induction Process?/Other Training Required	
All Staff, Students, Members of Court, Visitors, Contractors, Agents and Collaborative Partners	To be included within Central Induction Process Specific training will be provided to staff working in areas identified as high risk of bribery	

Document History

Version	Date	Changes	Reason	Author
1			New Policy	AL
2	June 2013	Update	In light of recommendations in IAS review	AL

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1. INTRODUCTION

The University of the West of Scotland has a zero tolerance policy towards bribery and is committed to the highest levels of openness, integrity and accountability both in letter and spirit.

The purpose of this policy is to set out responsibilities regarding the prevention of bribery and the procedures to be followed when bribery is detected or suspected.

This policy forms part of a suite of anti bribery measures and should be read in conjunction with University's Financial Regulations and the following policies and procedures:

Donations
Due Diligence
Disciplinary
Fraud
Procurement
Public Interest Disclosure
Risk Management

All University wide policies and procedures are available for the information of staff on <http://intranet.uws.ac.uk/policy/Pages/Home.aspx>

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)

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.

Under the terms of the Act, the definition of "relevant commercial organisations" includes incorporated bodies and other bodies corporate. As an institution established under the Further and Higher Education Act 1992, the University is a body corporate, with charitable status.

A body corporate cannot itself commit an offence; the corporate offence will be one committed by a "person associated" with the body. This could have a very broad interpretation, but would certainly include members of Court, employees and office bearers of the University, and agents on behalf of the University. It is also likely to include more "remote" persons such as contractors appointed by the University and joint venture partners, for example in spin out companies.

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.

General hospitality or similar business expenditure that is reasonable and proportionate is not affected by the Act or by this policy and procedure.

2. **SCOPE OF POLICY**

This policy is mandatory and applies to all staff, students, members of Court, visitors, contractors, agents and collaborative partners of the University.

If any member of staff fails to report such offers of gifts and hospitality to their line manager the Disciplinary Policy and Procedure may be invoked.

3. **POLICY STATEMENT**

The University has a zero tolerance policy towards bribery and is committed to adopting a risk based approach to manage and mitigate bribery risks through consideration of the six principles set out in the Act for preventing bribery:

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

The following principles will apply:

- 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 employees are expected to demonstrate the highest standards of honesty, propriety and integrity in the exercising of their UWS duties
- The University has a zero tolerance policy towards bribery and will investigate all instances of suspected bribery by members of Court, University employees or external parties
- 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 Policy and Procedure may be invoked
- If an investigation reveals that there is a case to answer in respect of an employee or student who is suspected of bribery activity, the University will invoke its Disciplinary Policy and Procedures
- The University will take action – including criminal prosecution where appropriate – against external organisations attempting to bribe the University, members of Court or University employees in the course of their work
- 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./Heads of School must ensure that all staff within their areas of responsibility are aware of the existence and content of the Bribery Policy & Procedure. Colleagues should bear in mind that losses to the University may be reputational as well as of a financial nature.

It is in the interests of the whole University community that individuals should feel able to come forward if they suspect that bribery activity has been, or is being committed. The Public Interest Disclosure (Whistleblowing) Policy & Procedure provides a channel through which members of Court, staff, students and third parties can raise concerns and report breaches in confidence.

The University has appointed a Bribery Compliance Officer (University Registrar & Secretary to Court) to whom all concerns of bribery should be referred to for investigation in the first instance. If there is evidence of bribery activity, the matter will be referred to the Fraud Response Group (http://portal.staff.uws.ac.uk/docstore/staff/_universitymanag/_universitypolic/_fraudpolicyproc/fraudpolicyproc.doc) for further investigation and action as appropriate.

4. **PROCEDURES**

4.1 **Anti Bribery Measures**

4.1.1 **Gifts and Hospitality**

Colleagues should be aware that gifts, including hospitality, offered by contractors, agents, service providers or other associated persons may place them in a vulnerable position. Even when offered and accepted in innocence, such gifts may be misconstrued by others.

Gifts other than token value gifts should normally be refused. If such refusal is deemed likely to cause offence, the gift may be accepted as a gift to the University and should be passed on receipt to the University Registrar and Secretary to Court for University use.

Offers of gifts and hospitality must be reported to your line manager who has responsibility for approving or vetoing the hospitality if it is considered to give rise to conflict of personal or official interest or if it might be constructed as such by an external observer. In judging whether offers of hospitality exceed a reasonable norm the line manager should consider the frequency and timing of the offers in relation to any proposed expenditure by the University which could benefit the offerer. A pro forma gift/hospitality form (Appendix 2) should be completed and signed by your line manager. Once approved, this form should be forwarded to the University Registrar & Secretary to Court who will maintain a central register of hospitality.

Individual members and governing bodies should at all times conduct themselves in accordance with accepted standards of behaviour in public life which embrace selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Members of Court must not receive gifts, hospitality or benefit of any kind from a third party which might be seen to compromise their personal judgement or integrity. Any offer or receipt of such gifts, hospitality or benefits should immediately be reported to the Court Office.

4.1.2 Donations

The University welcomes philanthropic donations from individuals, charitable trusts and other corporate bodies in support of its agreed vision, mission and values and in line with the University's Code of Ethics.

All charitable giving is subject to the provisions of the Donations Policy & Procedure.

4.1.3 Facilitation Payments

Facilitation payments to people in official roles to speed up or facilitate routine actions or processes are prohibited.

All agency contracts must include a standard bribery clause confirming the University's zero tolerance policy towards any form of bribery.

4.1.4 Financial Controls

Many serious bribery and corruption offences have been found to involve some form of inaccurate record-keeping. Accurate records and financial reporting must be maintained for all activities, including where third parties are acting on the University behalf.

4.2 **Risk Assessment/Due Diligence**

The University will take a targeted approach to risks identified in relation to the Bribery Act.

In terms of the Act, commonly encountered external risks have been categorised into five broad groups:

- Country Risk – evidenced by perceived high levels of corruption and lack of local anti-bribery legislation
- Sectoral Risk – some sectors are higher risk than others eg large scale infrastructure sector
- Transaction Risk – eg charitable or political contributions, licences and permits and transactions relating to public procurement
- Business Opportunity Risk – eg high value projects or with projects involving many contractors
- Business Partnership Risk – eg use of intermediaries, joint venture partners.

Thorough due diligence must be undertaken in relation to participants in business relationships and projects before entering into them in line with the University's Due Diligence Policy & Procedure. Staff should ensure that suppliers, contractors, agents and collaborative partners are aware of, and agree to adhere to, the University's Bribery Policy & Procedure, and where necessary have adequate procedures of their own in place.

The Act has extra-territorial reach which means that the offence does not need to take place in the UK and may therefore impact on the University's international activities. In particular, academic delivery at a distance poses significant risk and

due diligence and assessment of risk must be undertaken prior to entering into any formal negotiations with prospective agents or collaborative partners.

Further information on the University's risk management processes are contained within the Risk Management Policy & Procedure.

4.3 **Communication and Training**

It is essential that the University's Anti - Bribery Policy & Procedure is embedded and understood throughout the organisation through internal and external communication. The Bribery Policy & Procedure is included within the University's central induction process for new staff. Training on the implications of the Act and the provisions of the University's Bribery Policy & Procedure will be provided to staff as required with specific tailored sessions being held for staff working in areas identified as being of risk of bribery.

Before entering into any formal negotiations, colleagues must ensure that suppliers, contractors, agents and collaborative partners are aware of, and agree to adhere to, the University's Bribery Policy & Procedure, and where necessary have adequate procedures of their own in place.

4.4 **Monitoring and Review**

Audit Committee should receive annually at its November meeting a report on any allegations of bribery.

In line with all University wide policies and procedures, this policy and procedure is subject to review every three years.

5. **KNOWLEDGE AND SKILLS**

No prerequisite knowledge and skills are required to implement this policy and procedure. However, colleagues may find it useful to refer to Ministry of Justice Guidance for any further information on the implications of the Bribery Act 2010. (www.justice.gov.uk/guidance/bribery.htm) .

Specific training has been provided for staff working in certain areas of the University deemed to be at risk of bribery.

6. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment of this policy and procedure is attached as an appendix.

7. HEALTH AND SAFETY IMPLICATIONS

There are no health and safety implications in the implementation of this policy and procedure.

8. SUSTAINABILITY

There are no sustainability implications in the implementation of this policy and procedure.

9. APPENDICES

Appendix 1 – Equality Impact Assessment
Appendix 2 – Hospitality Pro Forma

APPENDIX 1

Equality Impact Assessment	
Faculty Dept.	COURT
Policy	BRIBERY POLICY & PROCEDURE
Author This should be the person who is responsible for the Impact assessment of the policy, service, function, decision etc.	Alison Loudon Assistant Secretary to Court
Partners decision makers implementers etc Identify who else will need to be involved. This can be decision makers, frontline staff implementing the policy, partner/parent organisations, etc.	University Registrar & Secretary to Court, Corporate Marketing, Estates & Buildings, Finance, IRO, Internal Audit Service, Equality & Diversity, HR
Start date The EIA should be started prior to policy development or decision being taken. It should continue throughout the review process. For an existing policy, it needs to be ensured that any changes identified as necessary can be implemented.	September 2011
Effective date of implementation The EIA will need to inform decision-making so the date should take this into account. This may be the date on which the policy is put to committee or when a decision is required. It is not however the end of the EIA cycle, which links to review (below).	September 2011
Relevance This should outline what the relevance of the policy, service, decision, etc is to the equality groups (remembering to consider the duties to promote understanding and equal opportunity and not only the duty to eliminate discrimination). Where it is concluded that the policy is not relevant, this should be recorded here with the reasons and evidence. The EIA can then proceed to 'decision making and quality control'. Relevance may be obvious, in which case go straight to an assessment and detailed collection of data. In other instances some basic data may need to be collected first to identify relevance.	The Bribery Policy & Procedure is designed to respond to the requirement of the Bribery Act 2010. It sets out responsibilities for University colleagues for prevention of bribery and the process to be adopted if bribery is suspected or detected. The policy applies equally to all Equality groups and therefore it is concluded that an adverse effect on any one group or individual in the university community is unlikely. The policy is not relevant in terms of an EIA
Aim of Policy/decision It will help to ask: <ul style="list-style-type: none"> • Why is the policy or decision needed? • What do we hope to achieve by it? • How will we ensure that it works as intended? (e.g. that there is no discrimination in practice) This is not always easy and a discussion will probably be needed between those who define the policy or make the decision and those who implement it	

<p>Available evidence Identify what evidence is available and set it out here. This includes data and evidence from involvement and consultation</p>	
<p>Evidence Gaps Identify where there are gaps in the evidence and set out how these will be filled</p>	
<p>Involvement and consultation What involvement and consultation has been done in relation to this decision, policy or service and what were the results? What additional involvement and consultation will be needed? Report the results</p>	
<p>What is the actual/likely impact? Consider the impact in respect of the individual requirements of each of the protected characteristics (Age, Disability, Gender re-assignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion or belief, Sex, Sexual orientation) to which the policy or decision is relevant. The assessment can be supported with a set of key questions to identify the effect, tailored to the area being considered. These should cover all relevant aspects of the policy or decision and, where appropriate, the different options. Broadly the following should be identified:</p> <ul style="list-style-type: none"> • Who is affected positively? • Who is affected negatively? • Will the policy or decision have the anticipated effect? <p>Please give a full explanation of your reasoning in answering these questions and document the actual or likely impact, along with the evidence used to explain how that conclusion was reached.</p>	
<p>Address the impact Identify the range of options to address the impact Remember to consider each of the general duties. There are four possible options, more than one of which may apply to the policy or decision:</p> <ol style="list-style-type: none"> 1. No major change. 2. Adjust the policy. 3. Continue the policy. 4. Stop and remove the policy. <p>Document the range of options and identify the effects of each. Identify the option(s) chosen and document the reasons for this.</p>	
<p>Monitoring and Review Set out the arrangements for reviewing the actual impact of a decision, new policy or changes to an existing policy once it has been implemented.</p>	
<p>Action Plan An action plan should be developed, monitored and reviewed. This should include evaluation of the changes to measure whether they have had their intended effect, and of the outcomes achieved.</p> <p>The action plan should include:</p>	

<ul style="list-style-type: none"> • actions identified as necessary • details of who is responsible for implementation of actions • timescale for implementation • timescale and actions for review, and • details of how the effects of the actions will be evaluated to measure if expected outcomes are achieved in practice. 	
<p>Decision making and quality control Includes sign-off by a responsible officer. (e.g. Head of School, Head of Department) The EIA will then be considered by the Equality and Diversity Monitoring Group.</p>	<p>The policy will be subject to review at least every three years.</p> <p>A report on bribery will be submitted to Audit Committee annually at its November meeting. An EIA may be completed in the future where any equality issue surfaces as a result of the implementation of this policy</p> <p>Donna McMillan University Registrar & Secretary to Court</p>

APPENDIX 2

GIFT/HOSPITALITY PRO-FORMA

Name :

School/Department :

I confirm that I have read and understood the University's Bribery Policy & Procedure and in terms of the policy declare that the following gift/hospitality was offered to and accepted by me.

Date Gift Received/ Date of Event	Details of Gift/Event	Gift Received From/ Event Organiser (Name/Company)	Value (if not known, insert estimated value or Not Known)

Signed : Dated :

Approved by Line Manager :

Name :

Title :

Dated:

Once approved, please forward to University Registrar & Secretary to Court