

GUIDANCE FOR STAFF ON ANTI-BRIBERY

Introduction

Bribery is a criminal offence in the UK. Corrupt acts expose both the University and our staff to the risk of fines and also damage to our reputation. This guidance note sets out a summary of the legal position for staff and also provides some practical tips on how staff can make sure they comply with the legislation.

The University does not tolerate bribery or corruption of any kind. All members of staff must always act in line with the legislation and follow the procedures we have in place to prevent bribery.

We expect the highest standards from both our staff and also from parties that provide services to or on behalf of the University.

The Law

The Bribery Act 2010 came into force in July 2011. The Act introduced offences for acts of bribery by individuals or by persons associated with relevant commercial organisations. The definition of relevant commercial organisations includes the University.

The Act creates four offences:

- Promising, offering or giving a bribe;
- Requesting, agreeing to receive or accepting a bribe;
- Bribing a foreign public official to obtain or retain a business advantage; and
- Corporate liability for failing to prevent bribery on behalf of a commercial organisation.

The maximum sentence is 10 years for individuals who commit such offences. Organisations are liable for an unlimited fine.

The Act has extra-territorial reach which means that the offence does not need to take place in the UK and will therefore impact on the University's international activities. In some circumstances crimes committed anywhere in the world can be prosecuted in the UK courts.

A bribe does not need to be a monetary sum to fall within the scope of the Act. It can also include the offer of gifts or hospitality or the provision of services free of charge or at a substantial discount.

Actual payment of a bribe does not need to occur for there to be an offence. An offer of a bribe or a request for a bribe is enough for an offence to be committed.

What Anti Bribery Measures does the University have in place?

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.

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 to arrange this.

Tailored sessions can be arranged for staff working in areas identified as being of risk of bribery.

What practical steps can staff take?

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.

8. All staff should familiarise themselves with the 'Raising Concerns' procedure which sets out the formal procedure that should be followed if a staff member suspects any bribery or corrupt activity is taking place within the University.

If you have any questions about any of the information contained in this guideline you should contact the Legal Services team (legal@uws.ac.uk).