



## Anti-bribery Policy

**Approving Body:** Council

**Date of Approval:** 26 November 2018

**Policy owner:** Director of Finance and Corporate

Services **Policy contact:** Stephen Forster,

[stf17@aber.ac.uk](mailto:stf17@aber.ac.uk) **Policy status:** Revised

**Version:** 2.0

**Last review date:** November 2018

**Next review date:** November 2020

# ABERYSTWYTH UNIVERSITY

## ANTI-BRIBERY POLICY

### 1. POLICY STATEMENT

Aberystwyth University (“the University”) is committed to carrying out its academic and business functions in an honest and ethical manner and to observing the provisions of the UK Bribery Act 2010 (“The Bribery Act”), in respect of its conduct both at home and overseas.

The purpose of this policy is to:

- Provide information and guidance to everyone in the University, irrespective of their position, on how to recognise and deal with bribery and corruption issues;
- Assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly; and
- Set out the University’s responsibilities in terms of deterrence, prevention, detection and investigation of bribery and corruption.

The Bribery Act, which came into force on 1 July 2011, introduced a clearer regime for tackling bribery that applies to all businesses and institutions based or operating in the UK. It covers all forms of bribery, the offering or receiving of a bribe, directly or indirectly, whether or not it involves a public official, in the UK or abroad.

Bribery is a criminal offence for both individuals and commercial organisations. The sanctions for these offences include up to 10 years imprisonment for the individuals responsible. In addition, if the University is found to have been complicit in or consented to acts of corruption undertaken in its name, the penalties include personal liability for senior managers and an unlimited fine and significant reputational damage for the University.

This statement of policy is adopted and endorsed by the University’s Executive. The Director of Finance and Corporate Services is the University’s Bribery Act compliance officer.

### 2. WHO IS COVERED BY THE POLICY?

This policy applies to all individuals working at all levels and grades, including senior managers, officers, employees (whether permanent, fixed-term or temporary) and those acting on behalf of the University (“associated persons”), including consultants, seconded staff, agency staff, volunteers, interns, agents, sponsors, members of the governing body, or any other parties who have a business relationship with the University wherever they are located.

Top-level commitment is an essential feature of compliance of the Bribery Act and colleagues and associates with management responsibility are expected to share the Executive’s commitment to observe and implement the spirit and terms of this policy.

### 3. INTERMEDIARIES

The University may, in certain circumstances, be held responsible for acts of bribery committed by intermediaries acting on its behalf such as subsidiaries, clients, business partners, contractors, suppliers, agents, advisors, consultants or other third parties. The use of intermediaries for the purpose of committing acts of bribery is prohibited.

All intermediaries must be selected with care, and all agreements with intermediaries shall be concluded under terms that are in line with this policy. The University will contractually require its

agents and other intermediaries to comply with the Anti Bribery Policy and to keep proper books and records available for inspection by the University, its auditors or investigating authorities. Agreements with agents and other intermediaries shall at all times provide for the necessary contractual mechanisms to enforce compliance with the anti-bribery regime. The University will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement.

#### **4. WHAT IS BRIBERY?**

Definitions for bribery and corruption vary, but both are covered within the Bribery Act 2010.

Bribery is the offer or acceptance of gifts, loans, fees, rewards or other advantages to or from any person as an inducement to do something which is illegal, unethical or a breach of trust.

Corruption is the offer or acceptance of gifts, favours, payment or benefit-in-kind which may influence the actions of any person. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

It is an offence under the Bribery Act to:

- Offer a bribe;
- Receive a bribe;
- Bribe a Foreign Official; or
- Consent or connive to the commission of a bribery offence by anyone associated with the University in respect of business carried out on behalf of the University – i.e. failure to prevent a bribe taking place.

#### **5. GIFTS AND HOSPITALITY**

This policy does not prohibit appropriate corporate entertainment and / or normal and appropriate hospitality (given and received) in connection with the University's business activities, provided the activity is bona fide, customary under the circumstances, is proportionate, and is properly disclosed in accordance with the University's Financial Procedures. However, gifts, hospitality and political or charitable donations will be bribes if they are given or received with the intention of influencing business decisions.

Guidance on the University's accepted practice with regard to gifts and hospitality is set out in

- Financial Procedures Section 10 - Gifts and Hospitality Policy;
- Financial Regulations Section 12 – Funds held on Trust – gifts, benefactions and donations.

Courtesy gifts and hospitality must not be given or received in return for services provided or to obtain or retain business but must be handled openly and unconditionally as a gesture of esteem or goodwill only.

The giving or receipt of gifts is not prohibited, if the following requirements are met:

- The gift is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits.
- It complies with any local law.
- It does not include cash or a cash equivalent (such as gift certificates or vouchers).
- Taking into account the reason for the gift, it is of an appropriate type and value and given

at an appropriate time. For example, in the UK it is customary for small gifts to be given at Christmas.

- It does not exceed £25 in value. Gifts in excess of this value must be declared to the Director of Finance and Corporate Services who will determine their ownership. Where the Director of Finance and Corporate Services deems it appropriate for the member of staff to keep the gift, this must be declared on the Register of Interests.
- It is given openly, not secretly.

Gifts should never be offered to, or accepted from, government officials or representatives, or politicians or political parties.

No member of staff or associated persons may accept hospitality (for example trips, hotel accommodation or attendance at sporting or other events) with a value in excess of £100.

## **6. POLITICAL AND CHARITABLE DONATIONS**

The University does not make contributions to political parties or election campaigns. The University supports charitable giving and initiatives by colleagues. However, it is only open to the University to make charitable donations at an institutional level in limited prescribed circumstances. These payments or donations shall not be provided to any organisation upon suggestion of any person in order to induce them to perform improperly the function or activities which they are expected to perform in good faith, impartially or in a position of trust, or to reward that person for the improper performance of such function or activities.

Any donations or contributions must be ethical and transparent. The recipient's identity and planned use of the donation must be clear and the reason and purpose for the donation must be justifiable and documented. All charitable donations will be publicly disclosed.

Donations to individuals and for-profit organisations and donations paid to private accounts are not compatible with the University's ethical standards and are prohibited.

If you are in any doubt about the nature and validity of any request to make charitable donations these should first be referred to the Director of Finance and Corporate Services.

Charitable contributions and sponsorship are potentially an important source of income for the University and should not be discouraged. Risks are however associated with these payments and managers need to be vigilant to ensure that the University knows the contributor, where the money is coming from, the purpose and that no conflicts of interest arise from accepting these payments.

Guidance on the University's accepted practice with regard to receipt of charitable donations is set out in:

- Aberystwyth University Donations and Acceptance Policy.

## **7. SPONSORSHIP**

Sponsorship means any contribution in money or in kind by the University towards an event organised by a third party in return for an opportunity to raise the University's profile. All sponsorship contributions must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the consideration offered to the event host.

They may not be made towards events organised by individuals or organisations that have goals that are incompatible with the University's mission and values or that could damage the University's reputation.

Prior approval should be sought from the Director of Finance and Corporate Services. All sponsorships will be publicly disclosed.

Where commercial sponsorship is offered to fund the University's education events or materials and general meetings, the sponsorship must be transparent, pursuant to a written agreement, for legitimate business purposes and proportionate to the occasion. Where meetings are sponsored by external sources, that fact must be disclosed in the papers relating to the meeting and in any published minutes / proceedings.

## **8. FACILITATION PAYMENTS**

Facilitation payments are payments made to secure or expedite the performance of a routine action by a government official or agency to which the payer has legal or other entitlement. They are not commonly paid in the UK but may be common in other countries in which the University conducts its activities.

Facilitation payments are prohibited under the Bribery Act like any other form of bribe. The making or accepting of facilitation payments must not be undertaken by staff and associated persons on behalf of the University.

If you are asked to make a payment on behalf of the University, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment.

In the event that a facilitation payment is being extorted, or if you are forced to pay under duress, you must record the payment and report it without delay under the procedure set out in paragraph 11.

## **9. RECORD-KEEPING**

The University has a duty to monitor the fact that the terms of the Bribery Act are being observed by employees, workers and those associated with the University. The University is required to keep financial records and to have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

You must declare and keep a written record of all hospitality or gifts accepted or offered in accordance with:

- Financial Procedures Section 10 - Gifts and Hospitality Policy;
- Financial Regulations Section 12 – Funds held on Trust – gifts, benefactions and donations.

You must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the Policy and specifically record the reason for the expenditure.

All accounts, invoices and other documents and records relating to dealings with third parties, such as suppliers and other business contacts, must be prepared with accuracy and completeness. No accounts or records should be kept "off book" to facilitate or conceal improper payments.

## **10. HOW TO RAISE A CONCERN**

You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with your line manager in the first instance. If you or your line manager requires further guidance, you should contact the University's Bribery Act compliance officer. Malpractice may be reported by following the procedure set out in the University's Public Interest Disclosure (Whistleblowing) Policy.

The University's Bribery Act Compliance officer is the Assistant Director of Finance (Controllership).

## **11. WHAT TO DO IF YOU ARE A VICTIM OF BRIBERY OR CORRUPTION**

It is important that you tell your line manager as soon as possible if you are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity. Any instances of bribery or attempted bribery should also be reported promptly to the University's Bribery Act compliance officer. If the bribery concerns your line manager, your concern may be reported directly to the Director of Finance and Corporate Services (or to the Vice-Chancellor if the bribery concerns the Director of Finance and Corporate Services).

## **12. PROTECTION**

University staff who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. The University will support anyone who raises genuine concerns in good faith under this policy.

The University is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager. The University's Human Resources Department may be contacted for advice and support. If the matter is not remedied, and you are an employee, you should raise it formally using the University's Grievance Procedures.

## **13. RESPONSIBILITIES**

It is the University's responsibility to:

- Ensure that all staff are provided with sufficient information and opportunity to enable them to be fully compliant with the requirements of the regulations. This will be done through:
- The production and regular updating of this policy; and
- The delivery of mandatory online training.

It is your responsibility to:

- Read, understand and comply with this policy;
- Avoid any activity that might lead to, or suggest, a breach of this policy. The prevention detection and reporting of bribery and other forms of corruption are the responsibility of all those working for or associated with the University;
- Assess the vulnerability of your activities, particularly overseas, on an ongoing basis. Effective risk assessment in order to evaluate and mitigate risk is an essential element of this policy; and
- Notify your manager and / or the University's Bribery Act compliance officer as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.

Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct.

#### **14. WHAT IS NOT ACCEPTABLE?**

It is not acceptable for you (or someone on your behalf) to:

- Give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given.
- Give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure.
- Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them.
- Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return.
- Threaten or retaliate against a colleague or third party who has refused to commit a bribery offence or who has raised concerns under this policy.
- Engage in any activity that might lead to a breach of this policy.

## **Annex A: Potential Risk Scenarios 'Red Flags'**

### **Examples: Offering a bribe**

- You offer a potential business partner or client tickets to a major sporting or cultural event, on condition that they agree to do business with you / the University as a result.

This would be an offence as you are making the offer to gain a commercial and contractual advantage. The University may also be found to have committed an offence because the offer has been made to obtain business for the University.

### **Receiving a bribe**

- A supplier gives a member of your family a job, but makes it clear that they expect you to use your position to influence the chances of obtaining University business or another advantage to them in return.

It is an offence for a supplier to make such an offer. It would be an offence for you to accept the offer as you would be doing so to gain a personal advantage. Suppliers who are found to have committed a bribery offence are automatically debarred from any future public authority tender process.

- A wealthy alumna arranges for her company to make a substantial donation to the University on condition that her child is offered a place on a particular course.

### **Bribing a foreign official**

- You pay or make arrangements to pay an additional payment to a foreign official to speed up an administrative process (such as clearing goods through customs). For example, an academic colleague on a field trip pays a sum to Customs officials to avoid excessive delay in the import of field equipment.
- An agency responsible for recruiting students pays a small sum to an education department official to be allowed access to students in a highly rated school.

The offence of bribing a foreign public official has been committed as soon as the offer is made. This is because it is made to gain a business advantage for you or for the University.

### **Failure to prevent a bribe**

- Knowing that activity is occurring at or involving someone acting on the University's behalf which is in direct contravention of the University's Anti-Bribery Policy but you fail to make the relevant individual or body at the University aware of your suspicions.

### **Potential Risk Scenarios**

The matters set out below illustrate a number of scenarios which indicate an increased risk of an offence being committed under the Bribery Act:

- You become aware that a third party engages in, or has been accused of engaging in, improper business practices.
- You learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a "special relationship" with foreign government officials.
- A third party insists on receiving a commission or fee payment before committing to sign up to a contract, or carrying out a government function or process.
- A third party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made.

- A third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business.
- A third party requests an unexpected additional fee or commission to "facilitate" a service.
- A third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services.
- A third party requests that a payment is made to "overlook" potential legal violations.
- A third party requests that you provide employment, a place on a course, or some other advantage to a friend or relative.
- You receive an invoice from a third party that appears to be non-standard or customised.
- A third party insists on the use of side letters or refuses to put terms agreed in writing.
- You notice that the University has been invoiced for a commission or fee payment that appears large given the service stated to have been provided.
- A third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to the University.
- You are offered an unusually generous gift or lavish hospitality by a third party.