



UNIVERSITY *of* GREENWICH

ANTI-BRIBERY POLICY AND PROCEDURES

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ANTI-BRIBERY POLICY

1. Introduction

1.1 The University has a zero-tolerance policy towards acts of bribery and corruption as described in the Bribery Act 2010. This Policy sets out the University's approach to minimising the risk of Bribery Act offences, and the potential consequences facing any person who breaches the Policy, or the law.

1.2 Scope. The Bribery Act 2010 is applicable to an organisation's activities anywhere in the world, and sets out both organisation-level and personal responsibilities. To match the scope of the law, this Policy applies to:

- All locations and geographic functions of the University;
- All partners, offices, and subsidiary companies;
- All the University's staff, including employees, contract, agency and temporary workers, irrespective of location or work, as well as Members of the Governing Body;
- Other parties when they represent or hold themselves out as working or acting for the University, such as agents and students; and
- Persons and organisations with whom the University enters into contracts, who will be expected either to have their own satisfactory anti-bribery policies and processes, or to abide by this one.

1.3 Who is responsible for preventing Bribery Act offences? It is everyone's responsibility to help ensure that the University's business is conducted honestly and fairly. Everyone who is listed above is within the scope of the policy, and is responsible for helping the University to comply with the law, the terms of this Policy and associated procedures. They must all identify the risk of bribery and consider the duty to make appropriate disclosures in reporting instances of bribery as necessary. This policy also names specific post holders who have particular responsibilities for Bribery Act compliance.

2. What is bribery?

2.1 Bribery is defined in the Bribery Act 2010 and for practical purposes can be summarised broadly to include offering, promising, giving, demanding or accepting an advantage as an inducement for an action which is illegal, unethical, a breach of trust, or the improper performance of a contract. The Bribery Act 2010 also describes offences which have traditionally been described as corruption, including the misuse of public office or power for private gain, or misuse of private power in relation to business outside government. There are particular offences relating to bribery of a foreign public official, discussed further below. All such acts improperly influence the individual in the performance of their duty and interfere with their ability to act impartially or in good faith. It is not necessary for the person in public office to have obtained an advantage themselves, for a Bribery Act offence to be committed.

- 2.2 Bribes can take many forms, including money, excessive gifts, entertainment or hospitality, 'kickbacks', excessive commissions, 'facilitation' payments, political/charitable contributions, unwarranted expenses, or anything else of value. It does not have to be the person to whom the bribe is offered, or who receives it, who is deemed to act improperly. Promising to make a bribe or agreeing to receive one is part of this prohibited conduct.
- 2.3 It is not necessary for a bribe to have taken place for an offence to have been committed. Bribery is prohibited in dealing with anybody, irrespective of whether they are based in the public or private sector

3. Consequences of breaching this Policy and/or the law

- 3.1 Any breach of the terms of this Policy could result in disciplinary action being taken, with the potential for dismissal. The University reserves the right to take civil action to recover losses caused by any person who commits such acts. Matters of suspected fraud committed against the University could be referred for criminal prosecution, with penalties including unlimited fines and up to 10 years imprisonment.

4. Key Steps to Prevent Bribery Act offences

Responsibilities imposed on the University by the Bribery Act 2010 include to prevent bribery, and to have sufficient and adequate procedures to prevent bribery and corruption from taking place. The Governing Body delegates management and implementation of the procedures to the Vice-Chancellor's Group. However it is the Governing Body which retains responsibility for overseeing their effectiveness. The procedures used by the University include the following:

- 4.1 ***Risk assessment*** identifies the specific areas where the University is exposed to the risk of bribery, and allows the risks to be evaluated and appropriate risk mitigation to be put in place. All activities, especially new activities and those conducted remotely or overseas, should be assessed for vulnerability on an ongoing basis. The University Secretary and/or their nominee(s) will at least annually ask a senior representative of each of the Faculties and professional services ("risk owners") to submit an anti-bribery risk register for their functions which may be at risk of Bribery Act offences. This can be a stand-alone document or, preferably, included within Faculty and professional service risk registers which are reviewed and updated quarterly. Plans for mitigation will be discussed with and implemented by the risk owners. This exercise enables the University to understand, monitor and mitigate its portfolio of Bribery Act risks, and keep them under routine review.
- 4.2 ***Accurate record keeping*** is a key strand of managing the risks and taking timely action to prevent bribery. The Chief Financial Officer and their nominees will mandate and maintain appropriate and reasonable standards for financial reporting and good record keeping, both by the university and all third-party representatives acting on behalf of the University.

- 4.3 ***Effective monitoring and control*** are required to ensure that, once the risks have been identified, any procedures which may need to be amended to mitigate those risks are refined on an ongoing basis.
- 4.4 ***Training to staff*** is provided to all new staff via an online Anti Bribery module. An online Anti-Bribery refresher module is mandatory for all staff identified as being of higher risk in relation to Bribery Act offences. This includes all members of the Vice-Chancellor's Group and Operations Management Group and senior staff in the following departments:
- Finance and Procurement
 - Estates
 - Development and Alumni Relations
 - International Relations Office
 - Student Recruitment and Admissions
 - Marketing
- 4.5 ***Procurement and partner selection risks*** are managed by conducting financial and reputational due diligence on suppliers and partners, and using open and transparent tendering procedures proportionate to the value of the contracts being awarded. Where a supplier or partner will be performing services with a high degree of autonomy, or in a territory known to be a risk for corruption, due diligence and training will be more intensive. Agreements with suppliers and partners should include contractual mechanisms to control anti-bribery and anti-money laundering risks as a matter of routine.
- 4.6 ***Registers of interests, gifts and hospitality*** are maintained to ensure that any actual or apparent conflicts of interest are given visibility, and steps taken to eliminate or mitigate any risk of actual or apparent bias. All Governing Body members and senior staff, as well as key Finance, Procurement and International Office staff are required to complete an annual record of interests and an annual declaration of gifts and hospitality.

In accordance with the University's Financial Regulations, members of staff may not accept any gifts, rewards or hospitality (or have them given to members of their families) from any organisation or individual with whom they have contact in the course of their work that would cause them to reach a position whereby they might be, or might be deemed by others to have been, influenced in making a business decision as a consequence of accepting such hospitality.

Members of staff may accept normal courtesy hospitality (such as business lunches or attendance in an official capacity at a public function) and low-value promotional gifts. Care must always be taken to ensure that whenever such hospitality or gifts are accepted, no obligation to the person or organisation offering the hospitality or gifts is created. If anyone is in doubt, please consult the University Secretary or Chief Financial Officer.

Staff must receive approval from their line manager for the following types of hospitality/gifts, and which must be registered on the University's online gift register:

- Attendance as a non-paying guest of a commercial organisation or individual at a non-work related cultural or sporting event;
 - The acceptance of any gift valued in excess of £50, including multiple individual gifts from the same source whose total value is more than £50.
- 4.7 In accordance with the University's Financial Regulations, staff must declare to their Pro Vice-Chancellor / Director of Professional Service, or to a member of the Vice-Chancellor's Office, any conflict of interest which may affect the conduct of the University's business. They must act in accordance with the advice received in managing the conflict of interest. No member of staff shall be a signatory to a University contract where he/she (or persons connected with them) also has an interest in the activities of the other party. Actual or potential conflicts of interest and actions taken to manage them must be registered using the University's online register of interests.
- 4.8 ***Interaction with foreign public officials ("FPOs")*** must be treated carefully. FPOs are defined broadly by the act as people who are employed by or perform functions for state owned or controlled entities. In many countries, where education institutions are state-owned or controlled, this could include colleagues or counterparts at other universities. In some countries, it is also considered customary to make small payments or gifts to junior government officials, to speed up or facilitate routine local processes. Although these may seem at opposite ends of a spectrum, it would be a Bribery Act offence to make any sort of payment or give anything of value to a foreign public official where this is done improperly to obtain or retain business or some other commercial advantage for the University. If a facilitation payment is extorted under duress or where there are personal safety issues, the Chief Financial Officer should be contacted as soon as possible for advice. The Chief Financial Officer must consider how to record and report such transactions to reflect the nature of the transaction.
- 4.9 ***Political and charitable donations and sponsorships*** paid from University funds must be treated with caution. Advice should always be sought from the Chief Financial Officer before such payments are made using University funds, to avoid Bribery Act issues, and other issues such as tax accounting and charity law.

5. Procedures for reporting

- 5.1 The University is committed to ensuring that all those who are within scope of this Policy (see paragraph 1.2 above) can speak with confidence if they have any concerns in relation to this Policy. This includes people who wish to seek assistance or clarification about whether a Bribery Act issue concerning the University may have arisen, or be about to happen.
- 5.2 If a person suspects or observes or becomes aware of anything which might contravene this Policy, they have an obligation to report it. Staff are encouraged to report any such concerns in the first instance to the person at the University who is responsible for them. For example, staff should ordinarily report to their line manager, students to their personal tutor,

contractors and agency workers to their employer's line manager (or University contract manager), etc. That person should then report the matter to the University Secretary or Chief Financial Officer in writing.

- 5.3 If offered a bribe, the person must refuse and immediately report any attempt to bribe them to the person listed in paragraph 5.2 above, who in turn must provide a written report of the incident to the University Secretary or Chief Financial Officer.
- 5.4 If a person's Bribery Act concerns relate to the person listed in paragraph 5.2, or if they have any doubts about who should receive the report, they may report the matter directly to the University Secretary or Chief Financial Officer or make use of the Public Interest Disclosure (Whistleblowing) Policy.
- 5.5 The University Secretary and Chief Financial Officer will present a report of any incidents of actual or attempted bribery to the next Scheduled meeting of the Audit and Risk Committee.

6. Review

- 6.1 The content and effectiveness of this Policy will be reviewed by the Audit and Risk Committee every two years, or sooner if legislation changes.
- 6.2 This policy should be read in conjunction with the following policies, whose bribery-related content will be reviewed and updated:
 - [Financial Regulations](#)
 - [Procurement Policy and Standard Procedures](#)
 - [Public Interest Disclosure \(Whistleblowing\) Policy and Procedure](#)
 - [Counter Fraud Policy](#)
 - [Anti-Money Laundering and Counter Terrorist Financing Policy](#)
 - [Rules for Staff Conduct](#)
 - [Student Disciplinary Procedure](#)
 - [Staff Disciplinary Procedure](#)

Approved by the Governing Body on 24 November 2021.

Appendix 1

Anti-bribery Guidance

A. Examples of risk areas:

The following are examples of a range of UK and Overseas activities which, depending on the circumstances, could lead to breaches of the Act by the individuals or HEI. Other activities could carry similar risks.

- **Procurement:** A company is desperate to win a major contract with the HEI and offers to make a car available on a long-term loan to a staff member who can influence the award of the contract.
- **Alumni/charitable donations:** A wealthy alumnus arranges for his company to make a substantial donation to the HEI to ensure that his child is awarded a place.
- **Overseas recruitment:** An agency responsible for recruiting students pays a small bribe to an education department official to be allowed access to students in a highly rated school.
- **Overseas development :** The HEI seeks to expand into the Middle East and the Director exchanges valuable gifts with local leaders on the basis that this is expected practice in the country.
- **Research:** A professor conducting research in a specialist area is asked to give an overly positive peer review in exchange for a similar review of their own work.
- **Use of third-party representatives:** It is important to identify risks when a third-party conducts activity on the University's behalf:
 - Where risk regarding a third -party arrangement has been identified, staff must:
 - Evaluate the background, experience, and reputation of the third-party;
 - Understand the services to provide, and methods of compensation and payment;
 - Evaluate the rationale for engaging the third-party;
 - Take reasonable steps to monitor the transactions of third parties appropriately;
 - Ensure there is a written agreement in place which acknowledges the third party's understanding and compliance with this policy.
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- **Giving and accepting gifts and hospitality:**
 - When evaluating what is acceptable, first take a step and consider:
 - What is the intent - is it to build a relationship or is it something else?
 - Gifts in the form of cash or cash equivalent vouchers;
 - Entertainment which could be perceived to be a bribe or inducement.

As a general rule, employees and third parties should not provide gifts to, or receive them from, those meeting the definition of a government official.