

University of Chichester

Anti-corruption and Anti-Bribery Policy

Introduction

The Bribery Act 2010 (“the Act”) came into force on 1st July 2011. The Act introduces four main offences which may be committed in the UK or overseas:

- i) Promising, offering or giving a bribe
- ii) Requesting, agreeing to receive or accepting a bribe
- iii) Bribing a foreign public official
- iv) A new corporate offence of “failure to prevent bribery” - this is a strict liability offence, so there is no need to demonstrate intention on the part of the organisation in order for the crime to have been perpetrated.

The first three offences above can only be committed by an individual, the fourth being committed by a commercial organisation.

The commercial offence is committed only by the act of bribery by an associated person. The organisation cannot itself be guilty of an offence where a bribe is accepted by an associated person.

The University policy has been established to ensure that none of its staff or other associated persons will promise, give or accept bribes.

Policy Statement

It is the policy of the University of Chichester (“The University”) to conduct all of its affairs in an honest and ethical manner. The University takes a zero-tolerance approach to bribery and corruption and is committed to acting professionally, fairly and with integrity in all the University business dealings and relationships wherever the University operates and implementing and enforcing effective systems to counter bribery.

The purpose of this policy is:

- To set out the University’s responsibilities, and of those working for the University, in observing and upholding the University’s position on bribery and corruption; and
- To provide information and guidance to those working for the University on how to recognise and deal with bribery and corruption issues.

Bribery and corruption are punishable for individuals by up to ten years' imprisonment and if the University is found to have failed to prevent bribery by an associated person, the University could face an unlimited fine, be excluded from tendering for public contracts and face damage to its reputation.

The University has identified that the following are particular risks for the organisation.

- Assessment of progression of students
- Recruitment of overseas students via agents
- Overseas partnerships
- Receipt of financial donations
- Tendering for major projects

Who is covered by this policy?

This policy applies to all individuals associated with the University (collectively referred to as **associated persons** in this policy). This includes:

- Governors;
- Students;
- Staff, whether permanent, fixed-term, seconded or temporary;
- Consultants, contractors and agents; and
- Volunteers.

What is bribery?

A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.

Gifts and Hospitality

The Act and this policy do not prohibit normal and appropriate hospitality (given and received) to or from third parties.

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

It is not made with the intention of influencing a third party to obtain or retain funding or a business advantage, or to reward the provision or retention of funding or a business advantage, or in explicit or implicit exchange for favours, benefits or funding;

It complies with local law;

It is given in the name of the University, not in the name of an individual;

It does not include cash or a cash equivalent (such as gift certificates or vouchers);

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

Taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time;

It is given openly, not secretly; and

Gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the Chief Operating Officer.

The University appreciates that the practice of giving business gifts varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

What is not acceptable?

The following are not acceptable:

To give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a commercial advantage will be received, or to reward a commercial advantage already given;

To 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;

To accept payment from a third party that you know or suspect is offered with the expectation that it will obtain an academic or commercial advantage for them;

To accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that an academic or commercial advantage will be provided by the University in return;

To threaten or harass against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or

To engage in any activity that might lead to a breach of this policy.

Facilitation Payments and Kickbacks

The University does not make, and will not accept, facilitation payments or kickbacks of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action by a government official. They are not commonly paid in the UK, but are common in some other jurisdictions in which the University might operate.

If a member of staff is asked to make a payment on behalf of the University, they should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. A receipt must be obtained which details the reason for the payment. Any suspicions, concerns or queries regarding a payment should be raised with the Head of Department or the Chief Operating Officer.

Kickbacks are typically payments made in return for a commercial favour or advantage. All associated persons must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by the University.

Donations

The University only makes charitable donations that are legal and ethical under local laws and practices. No donation must be offered or made without the prior approval of the Chief Operating Officer.

Responsibilities of all staff and associated persons

All university staff and associated persons must read, understand and comply with this policy.

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the University or under the University's control. All associated persons are required to avoid any activity that might lead to, or suggest, a breach of this policy.

If anyone believes or suspects that a conflict with this policy has occurred, or may occur in the future, this must be notified to the Head of Department or the Chief Operating Officer, for example, if a client or potential client offers a member of staff/associated person something to gain a commercial advantage with the University, or indicates that a gift or payment is required to secure their business. Further examples that may indicate bribery or corruption are set out in the attached guidance for staff.

Any employee who breaches this policy will face disciplinary action, which may result in dismissal for gross misconduct. The University reserves the right to terminate the University's contractual relationship with other associated persons if they breach this policy.

Record Keeping

The University must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

A written record of all hospitality or gifts accepted or offered must be maintained which will be subject to managerial review.

All expenses claims relating to hospitality, gifts or expenses incurred to third parties must be submitted in accordance with the University's expenses policy and specifically record the reason for the expenditure.

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

How to raise a concern

All concerns about any issue or suspicion of malpractice should be raised at the earliest possible stage. If clarification is required as to whether a particular act constitutes bribery or corruption, the Head of Department or the Chief Operating Officer should be consulted. Concerns should be reported by following the procedure set out in our Public Interest Disclosure Policy. A copy of the University's Public Interest Disclosure Policy can be found on the University's intranet and website.

Actions recommended for Victims of Bribery and Corruption

The Head of Department or the Chief Operating Officer must be notified if a member of staff is offered a bribe by a third party, is asked to make one, suspects that this may happen in the future, or believes that they are a victim of another form of unlawful activity.

Protection

Associated persons 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 aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

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 anyone believes that they have suffered any such treatment, the Head of Department or the Chief Operating Officer should be notified immediately.

Communication

Our zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and business partners at the outset of our business relationship with them and as appropriate thereafter.

Who is responsible for the policy?

The Board of Governors has ultimate responsibility for ensuring this policy complies with the University's legal and ethical obligations, and that all those under the University's control comply with it. Audit Committee provides a channel for formal reporting and appraisal of the system of managing corruption and bribery issues.

The Chief Operating Officer has primary responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation. Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this policy.

Monitoring and Review

The Chief Operating Officer will monitor the effectiveness and review the implementation of this policy regularly, considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption.

All associated persons are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

Guidance for Staff: Potential risk scenarios:

The following is a list of possible situations that may arise during the course of your working for the University and which may raise concerns under various anti-bribery and anti-corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only.

If you encounter any of the following situations while working for the University, you must report them promptly to your manager or to the Chief Operating Officer or use the procedure set out in the Public Interest Disclosure Policy:

- (a) You are offered a payment or gift in return for an action which would be in breach of the University's academic regulations or admissions policy;
- (b) you become aware that a third party engages in, or has been accused of engaging in, improper business practices;
- (c) 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;
- (d) a third party insists on receiving a commission or fee payment before committing to sign up to a contract with the University, or carrying out a government function or process for the University;
- (e) 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;
- (f) a third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business;
- (g) a third party requests an unexpected additional fee or commission to "facilitate" a service;
- (h) a third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
- (i) a third party requests that a payment is made to "overlook" potential legal or regulatory violations;
- (j) a third party requests that you provide employment or some other advantage to a friend or relative, in exchange for services;
- (k) you receive an invoice from a third party that appears to be non-standard or customised;
- (l) a third party insists on the use of side letters or refuses to put terms agreed in writing;
- (m) 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;
- (n) 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; and
- (o) you are offered an unusually generous gift or offered lavish hospitality by a third party.