

ANTI-CORRUPTION AND ANTI-BRIBERY POLICY

1. Policy Statement

- 1.1. It is the policy of the University of Chichester (“University”) to conduct all of its affairs in an honest and ethical manner. The University takes a zero-tolerance approach to bribery and corruption. We are committed to acting professionally, fairly and with integrity in all our business dealings and relationships. We will implement and enforce effective systems to counter bribery.
- 1.2. The purpose of this policy is:
 - 1.2.1. 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
 - 1.2.2. to provide information and guidance to those working for the University on how to recognise and deal with bribery and corruption issues.
- 1.3. 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.
- 1.4. The University has identified that the following are particular risks for the organisation.
 - 1.4.1. assessment of progression of students;
 - 1.4.2. recruitment of overseas students via agents;
 - 1.4.3. overseas partnerships;
 - 1.4.4. receipt of financial donations; and
 - 1.4.5. procurement, particularly in high-value projects.

2. Who is covered by this policy?

- 2.1. This policy applies to all individuals associated with the University (collectively referred to as **associated persons** in this policy). This includes:
 - 2.1.1. Governors;
 - 2.1.2. Students;
 - 2.1.3. Staff, whether permanent, fixed-term, seconded or temporary;
 - 2.1.4. Consultants, contractors and agents; and
 - 2.1.5. Volunteers.

3. What is bribery?

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

- 3.2. The law and this policy do not prohibit normal and appropriate hospitality (given and received) to or from third parties.
- 3.3. The giving or receipt of gifts is not prohibited if the following requirements are met:
 - 3.3.1. 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;
 - 3.3.2. it complies with local law;
 - 3.3.3. it is given in the name of the University, not in the name of an individual;
 - 3.3.4. it does not include cash or a cash equivalent (such as gift certificates or vouchers);
 - 3.3.5. it is appropriate in the circumstances. For example, in the UK it is customary for small gifts to be given at Christmas time;
 - 3.3.6. taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time;
 - 3.3.7. it is given openly, not secretly; and
 - 3.3.8. gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the Director of Finance & Performance.
- 3.4. It is not acceptable:
 - 3.4.1. 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;
 - 3.4.2. 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;
 - 3.4.3. 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;
 - 3.4.4. 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;
 - 3.4.5. to threaten or harass against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or
 - 3.4.6. to engage in, or to assist any person or organisation in engaging in, any activity that might lead to a breach of this policy.
- 3.5. At no time should a member of staff engage in acceptance of gifts or hospitality where a conflict of interest may appear to occur or where it may be suggested that the gift or hospitality has been an inducement to show favour to the contractor or supplier.
- 3.6. No gifts, other than items of small intrinsic value such as business diaries or calendars (normally carrying the giver's logo) shall be accepted. If in doubt about the level of a proposed gift staff shall consult the Director of Finance & Performance or the University Solicitor.
- 3.7. 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. In cases where a refusal of a significant gift might cause offence (e.g. a visiting overseas dignitary) the gift

should be accepted on behalf of the University and passed to the Vice-Chancellor who will determine to what use the gift may be put.

- 3.8. Staff may accept conventional hospitality – coffee, meals etc. - at a level and frequency that is reasonable and which the University would normally provide for its guests.
- 3.9. Acceptance of travel must demonstrably be of benefit to the University and should under no circumstances include arrangements which may be interpreted as holiday. Prior to acceptance approval must be given by the Director of Finance & Performance; where the recipient is the Director of Finance and Performance, by the Vice-Chancellor; where the recipient is the Vice-Chancellor or a Governor, by the Chair of the Board of Governors, and where the recipient is the Chair, by the Governors' Audit Committee.

4. Records

- 4.1. The Governors, Vice-Chancellor, members of the Vice-Chancellor's Group, Directors of Service and the Director of Finance & Performance are required to maintain a record of all gifts/hospitality they have approved for acceptance. The register(s) shall be held by the University Secretary. All gifts, other than items of small intrinsic value, and hospitality received shall be acknowledged in writing by the recipient, with a copy provided to the person approving the acceptance.

5. Facilitation Payments and Kickbacks

- 5.1. 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.
- 5.2. 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 Director of Finance & Performance or the University Solicitor.
- 5.3. 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.

6. Donations

- 6.1. The University only makes charitable donations that are legal and ethical under local laws and practices and in line with the University's charitable objects. No donation may be offered or made without the prior approval of the Director of Finance & Performance.

7. Responsibilities of all staff and associated persons

- 7.1. All University staff and associated persons must read, understand and comply with this policy.
- 7.2. 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.

- 7.3. 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 Director of Finance & Performance or the University Solicitor. For example, if a person offers a member of staff something to gain a commercial advantage with the University, or indicates that a gift or payment is required to secure their business.
- 7.4. Any employee who breaches this policy will face disciplinary action in accordance with the University's Disciplinary Policy, 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.

8. Record keeping

- 8.1. 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.
- 8.2. A written record of all hospitality or gifts accepted or offered must be maintained which will be subject to managerial review.
- 8.3. 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.
- 8.4. 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 may be kept "off-book" to facilitate or conceal improper payments.

9. How to raise a concern

- 9.1. 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 Director of Finance & Performance or the University Solicitor should be consulted. Concerns should be reported by following the procedure set out in our Public Interest Disclosure (Whistleblowing) Policy.

10. Protection

- 10.1. Staff and 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.
- 10.2. 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 Director of Finance & Performance or the University Solicitor should be notified immediately.

11. Communication

- 11.1. 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.

12. Who is responsible for the policy?

- 12.1. 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. The Governors' Audit Committee provides a channel for formal reporting and appraisal of the system of managing corruption and bribery issues.
- 12.2. The Director of Finance & Performance has primary responsibility for implementing this policy, for monitoring its use and effectiveness and for 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.

13. Monitoring and Review

- 13.1. The Director of Finance & Performance 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.
- 13.2. All associated persons are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.
- 13.3. This policy does not form part of any employee's contract of employment and it may be amended at any time.

Approved by the Vice-Chancellor's Group: 27 March 2018