

# Anti-Bribery and Corruption Policy



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## 1. Introduction

- 1.1 The University has a duty to protect public assets; to ensure that management and other practices accord with the standards of probity expected of public sector bodies; and to ensure that the resources available to it are used only in furtherance of the University's objectives as an educational body.
- 1.2 Fraud, corruption, or any other kind of financial misconduct or irregularity cannot be tolerated. It should include the aims and objectives of the Policy and the statutory or regulatory requirements which may be addressed by the Policy.
- 1.3 In addition, the Bribery Act 2010 creates corporate offences for organisations that fail to prevent bribery, with the defence to such an offence being that the organisation had adequate procedures in place to prevent bribery occurring.

## 2. Scope

- 2.1 This policy applies to any conduct that may be considered bribery or corruption within the terms of the Bribery Act 2010. It applies to all employees and any other person that performs services for or on behalf of the University. For the avoidance of doubt, this will include all agents who work on behalf of the University.
- 2.2 This Policy applies to acts or omissions both within and outside the United Kingdom.

## 3. Glossary

- 3.1 For the purposes of this Policy, conduct that may be considered bribery or corruption will include:
  - 3.1.1. Where a person (P) makes an offer, promise or gives a financial or other advantage to another person where P intends the advantage to bring about the improper performance by another person of a relevant function or activity or to reward such improper performance.
  - 3.1.2. Where a person (P) makes an offer, promise or gives a financial or other advantage to another person where P knows or believes that the acceptance of the advantage offered, promised or given in itself constitutes the improper performance of a relevant function or activity.
  - 3.1.3. Where a person offers, promises or gives a financial or other advantage to a foreign public official with the

intention of influencing the official in the performance of their official functions. The person offering, promising or giving the advantage must also intend to obtain or retain business or an advantage in the conduct of business by doing so. However, the offence is not committed where the official is permitted or required by the applicable written law to be influenced by the advantage.

- 3.2 For the purposes of this policy, improper performance means performance which amounts to a breach of an expectation that a person will act in good faith, impartially, or in accordance with a position of trust.
- 3.3 For the purposes of deciding whether a function or activity has been performed improperly the test of what is expected is a test of what a reasonable person in the UK would expect in relation to the performance of that function or activity.
- 3.4 Where the performance of the function or activity is not subject to UK law (for example, it takes place in a country outside UK jurisdiction) then any local custom or practice must be disregarded – unless permitted or required by the written law applicable to that particular country.
- 3.5 For the purposes of this policy, facilitation payments – that is, payments to induce officials to perform routine functions they are otherwise obligated to perform – are considered a form of bribery.

## 4. Responsibilities

### Council

- 4.1 The Council has overall responsibility for the conduct and good governance of the University and through its delegation to Committees and to the Vice-Chancellor for ensuring a system of internal controls is in place, including to manage the risk of bribery and corruption within the University.
- 4.2 The Council will receive and scrutinise reports from the Audit Committee on these matters and make such directions or recommendations as may be appropriate.

### Audit Committee

- 4.3 The Audit Committee has delegated authority from the Council to undertake detailed review and scrutiny of the system of internal

control in place at the University, including as it relates to managing the risk of bribery and corruption within the University.

- 4.4 The Audit Committee is also responsible for approving the annual internal audit programme and ensuring that there is ongoing assurance review of the risk management framework at the University.

### **Vice Chancellor**

- 4.5 The Vice-Chancellor has overall delegated authority for the general day to day management and administration of the University and is accountable to the Council and Audit Committee with respect to the exercise of this delegated authority as it relates to the matters outlined in this policy.

### **University Secretary**

- 4.6 The University Secretary is the executive lead for risk management at the University and is responsible for designing, developing, implementing, monitoring and reviewing the systems in place for managing the risk of bribery and corruption within the University in accordance with this policy.
- 4.7 The University Secretary is the responsible officer for reporting instances of bribery and corruption, and the University response, to the Audit Committee and the Council.
- 4.8 The University Secretary is accountable directly to the Vice-Chancellor and indirectly to the Audit Committee and Council with respect to the matters in this policy.

### **Deans and Directors**

- 4.9 Deans and Directors with executive responsibility for areas of University operations and activities, along with their senior management teams, are responsible for ensuring that the requirements of this policy and any associated procedures are followed and effectively implemented within their local areas.

### **Staff**

- 4.10 All staff are responsible for following the requirements of this policy and any related procedures.

### **Internal and External Auditors**

- 4.11 Management will seek to involve internal audit to advise on incorporating ways of preventing or detecting bribery and corruption when new systems are being designed or existing systems are to be

modified. Audit will have regard to the controls against bribery and corruption as part of its ongoing work.

4.12 External audit's reviews of financial statements, internal controls and validation testing provide further deterrence, and advice about systems. Auditors may also assess systems in place to deter corruption.

4.13 Both internal and external auditors have a full right of access at all reasonable times to all university property, assets, documents and financial and other records. The auditors are also entitled to seek explanations from any member of the University's staff.

## 5. General principles

### Risks

5.1 Given the size and complexity of operations of higher education institutions, there is a wide range of potential vulnerabilities to bribery and corruption. This can include, without limitation, in areas such as:

- 5.1.1. Conduct of recruitment agents
- 5.1.2. Gifts and hospitality
- 5.1.3. Receipt of cash payments
- 5.1.4. Purchasing activities
- 5.1.5. Academic or examination fraud

### Leadership

5.2 Key determinants of the standards of behaviour in any organisation will be the standards observed at the top, and the top-level commitment to University policies, including their implementation and, where appropriate, enforcement.

5.3 The University of Bradford is committed to the highest standards of openness, integrity and accountability. It seeks to conduct its affairs in a responsible manner, having regard to the principles established by the Committee on Standards in Public Life, which members of staff at all levels are expected to observe. These principles include:

- 5.3.1. Selflessness – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

- 5.3.2. Integrity – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
  - 5.3.3. Objectivity – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
  - 5.3.4. Accountability – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
  - 5.3.5. Openness – Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
  - 5.3.6. Honesty – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
  - 5.3.7. Leadership - Holders of public office should promote and support these principles by leadership and example.
- 5.4 The University and its management are committed to a zero tolerance policy and will not accept any forms of bribery or corruption taking place within its organisation or by representatives/third parties/ business partners or agents of the University.

## Internal Controls

- 5.5 The University will maintain clear policies on governance including ethics, registration and declaration of interests and acceptance of hospitality and gifts, anti-fraud and anti-bribery and corruption and whistleblowing and will ensure that these policies and underlying principles are embedded in Financial Regulations and purchasing policies.
- 5.6 The University will maintain a clear due diligence framework designed to ensure that the University, in the relationships it forms across its operations and activities, including within its supply chain, does not expose the University to unacceptable risks of bribery and corruption.

- 5.7 The University will ensure bribery and corruption risks will be considered as part of the University's overall risk management process, with adequate controls designed to prevent and minimise such risks.
- 5.8 The University will maintain a Code of Conduct for recruitment agents to ensure standards of conduct of those acting on behalf of the University and will make compliance with this code an element of agent agreements.
- 5.9 The University will ensure that contractual relationships with other parties include, as appropriate, obligations to ensure compliance with the terms of the Bribery Act 2010 or such other legislation that may apply from time to time, in this context.
- 5.10 The University will maintain a policy on the receipt of philanthropic gifts and donations that contains controls designed to ensure appropriate due diligence is undertaken and that any risks of bribery and corruption associated with such gifts or donations are appropriately mitigated.
- 5.11 The Bribery Act does not prevent the offering or receipt of reasonable gifts, hospitality, donations, or sponsorship; however it is imperative that gifts and hospitality must not be received in return for services provided or to obtain or retain business. Should a service user or client wish to express gratitude through tokens of goodwill, a person should ensure that the University's gifts and hospitality policies are followed. In this context, cash payments should not be accepted and politely refused. However, if declining the payment causes offence and / or the money is left despite refusal to accept the payment, a person must report receipt of the gift to their line manager or Director immediately.

## Reporting bribery and corruption

- 5.12 The prevention, detection and reporting of potential bribery and corruption is the responsibility of all employees/representatives/third parties/business partners or agents of the University.
- 5.13 The person reporting the bribery and corruption should not:
- 5.13.1. Contact the suspect to determine facts or demand restitution
  - 5.13.2. Discuss case facts outside the University

- 5.13.3. Discuss the case with anyone within the University other than those staff mentioned in the University policy
- 5.13.4. Attempt to carry out investigations or interviews unless specifically asked to do so by the University Secretary.
- 5.14 Any staff that suspect bribery or corruption may have been committed should report this to their Dean or Director, who shall in turn report this to the University Secretary.
- 5.15 Where it would not be appropriate to raise the matter with the Dean or Director, a report should be made directly to the University Secretary.
- 5.16 Where an individual suspects that the University Secretary has committed bribery or corruption, they should report this to the Vice-Chancellor or the Chair of the Audit Committee, the contact details for which can be obtained through the Vice-Chancellor's office.
- 5.17 Staff and students may also choose to invoke the Public Interest Disclosure (Whistleblowing) Code of Practice in making a report, where they feel that this would be appropriate. This Code of Practice provides an additional level of protection and support for staff and students who wish to make a disclosure about possible bribery and corruption but are concerned about any possible repercussions for doing so. Details of the Code of Practice may be found on the University website.

## Training and awareness

- 5.18 The policy will be uploaded onto the University intranet.
- 5.19 The approval of the policy will be communicated through the University's staff briefing processes.
- 5.20 Line Managers are responsible for raising awareness of all new/updated policies through their normal Faculty/Directorate communication channels.
- 5.21 An overview of the policy will be included as part of the staff induction.
- 5.22 Individuals who are in positions that may, by the nature of that position, give rise to a higher risk of potential fraud, bribery or corruption will receive more in depth training on their obligations under this policy.

## 6. Consequences of Non-compliance

- 6.1 It is the University policy that the University reserves the right to report to the police, irrespective of the status of the individual, any instances of bribery, corruption or suspected fraud. Any such report shall only be made on the direction of the University Secretary or, where a report relates to the University Secretary, the Vice-Chancellor and the Chair of the Audit Committee.
- 6.2 The University may take disciplinary or other legal action against any person to whom this policy applies, in addition to reporting offenders to the Police.

## **7. Monitoring and review**

- 7.1 This policy will be reviewed by the University Secretary at least every three years.
- 7.2 The University Secretary will report any instances of bribery and corruption raised under this policy to the Audit Committee.

## **8. Related policies and standards / documentation**

- 8.1 Public Interest Disclosure (Whistleblowing) Code of Practice
- 8.2 Anti-Fraud Policy
- 8.3 Anti-Money Laundering Policy
- 8.4 Financial Regulations
- 8.5 Staff Conduct and Capability Policy