



Anti-Bribery and Corruption (AB&C) Policy

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University document: Yes

A University document applies across the institution, is approved by a committee of Council or Senate and is held in the University Policy Directory on SharePoint.

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- The University has adopted the principles of Designing for Diverse Learners, and all policy documents should be written with reference to these principles. Further information is available at the **Designing for diverse learners website**.
- An Equality Impact Assessment (EIA) must be considered for all new and amended policies. Further information is available from the **EIA section of SharePoint**.
- This document is available in alternative formats from **policy@hull.ac.uk**.
- All printed or downloaded versions of this document are classified as uncontrolled

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1 Definitions

- 1.1 Corruption is defined as dishonest or fraudulent conduct, typically involving bribery.
- 1.2 Bribery can also be defined as the offering, giving, receiving or soliciting of any item of value (money, goods, favours or other forms of recompense) to influence the actions of an official or other person in charge of a public or legal duty.

2 Introduction and scope

A Introduction

- 2.1 The University and its subsidiary companies (the University) is committed to the highest standards of integrity, probity and ethics in all its dealings - wherever they may take place and in whatever context. Bribery is both illegal and unethical, and brings with it the potential for criminal liability and severe penalties - at both University and individual level. Under the Bribery Act 2010, individuals found guilty can be punished by up to 10 years' imprisonment and/or an unlimited fine. The University, if found guilty could face an unlimited fine, exclusion from tendering for public contracts and severe damage to its reputation. The legislation is extensive and, crucially, the University's anti-bribery responsibilities do not end at the office door or campus gate. Those responsibilities potentially extend to any associated person, representative, agent, subsidiary, partnership or body engaged on University business, including those within and outside of the UK.

B Approach

- 2.2 The University has a zero-tolerance approach to bribery and serious action will be taken against anyone found to be involved in bribery, up to and including dismissal under the University's disciplinary processes. For associated persons, breach of this policy may result in contractual, legal and/or other sanction(s).

C Scope

- 2.3 This policy applies to all University staff and students, consultants, contractors, volunteers, interns, casual workers, agency staff and self-employed workers working for the University, and all other persons associated with and acting for the University, whether directly or indirectly. This definition includes external members of University Committees, representatives, agents, subsidiaries, individuals appointed as directors of any company, consultants, contractors and partners. To the fullest extent permissible by law, this policy shall apply in all jurisdictions in which the University operates.
- 2.4 In any suspected cases of students offering bribes in return for academic gain (e.g. higher marks or classification) this would normally be referred to the Student Disciplinary or Fitness to Practise processes in the first instance.

D Bribery risks

- 2.5 It should be stressed that, in common with other Higher Education Institutions (HEIs), the University faces a range of bribery risks throughout its activities, operations and geographies. These risks include, but are not limited to, bribery in relation to admissions, examinations, awards, procurement, construction and field trips.

3 What is bribery? The Bribery Act 2010 and other legislation

A The Bribery Act

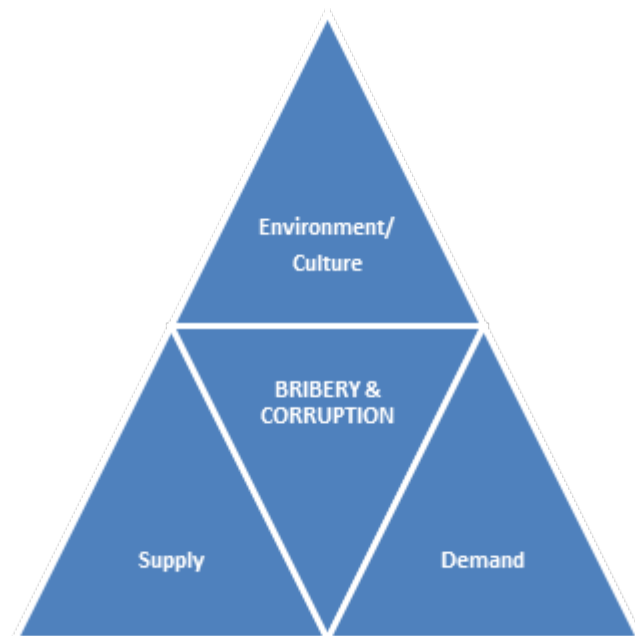
- 3.1 The Act came into force in July 2011. It is a precisely worded and comprehensive piece of legislation which has extensive scope and geographic reach.
- 3.2 According to the Act, bribery is where someone requires, gives or promises financial (or other) advantage with the intention of inducing or rewarding improper performance. Improper performance is a key concept and generally means where an individual does not act in good faith, impartially and/or properly. The test of what is proper is based upon what a person in the UK would reasonably expect.
- 3.3 A typical example of improper performance could involve work being continually directed to a particular construction contractor at the expense of other qualified contractors as a result of bribery - work that has invariably been overpriced to allow for the bribery payments required.
- 3.4 Under the Act, there are two general forms of bribery where individuals are personally criminally liable:
 - Offering, promising or giving of a bribe (either directly or indirectly) with the intent to induce a person to improperly perform a relevant function - known as active bribery.
 - Requesting, agreeing to receive or accepting a bribe (either directly or indirectly) such that a relevant function is, or will be, improperly performed - known as passive bribery.
- 3.5 There are two other related offences:
 - Bribing a foreign public official in order to obtain or retain business or an advantage to the conduct of business; and
 - Corporate liability where a body, such as a University, fails to prevent bribery.
- 3.6 It is important to note that:
 - So-called 'facilitation payments' - payments typically to government officials to facilitate special treatment, such as prioritisation in an approval process - are also bribes. The University does not offer or make, and shall not demand or accept, facilitation payments of any kind. Advice should be sought if required in order to distinguish between properly payable fees and disguised requests for facilitation payments.
 - The timing of bribery payments - before, during and/or after a relevant function - does not affect the offence.

B Overseas reach

- 3.7 The Bribery Act has extensive global reach and holds UK organisations liable for failing to implement adequate procedures sufficient to prevent such acts by those working for the University or on its behalf, no matter where in the world the act takes place. In addition, current US legislation (Foreign Corrupt Practices Act or FCPA) offers similar prohibitions and potential penalties, and is enforced robustly by the US authorities, supported by extensive inter-agency co-operation on an international basis.

C Mitigation

- 3.8 There is a statutory defence against the Act if the University can demonstrate that it had in place appropriate adequate procedures designed to prevent bribery.
- 3.9 The 'Bribery Triangle', below, shows the three key drivers of bribery and corruption; environment and culture, supply of money, goods, services and favours as the currency of bribery, and demand for that currency:



- 3.10 The University's anti-bribery and corruption procedures are intended to directly mitigate its risk of bribery and corruption by impacting the three elements of the bribery triangle - by changing the organisational environment and culture, by removing/restricting the supply of money, goods, services and favours and/or reducing the demand for bribery. Reducing the demand for bribery, although clearly challenging, can be achieved in a number of ways including collaboratively creating a 'level playing field' or 'no bribery' approach in the higher education sector.

4 **Identifying the risk of bribery**

A Risk management

- 4.1 Effective risk management lies at the very heart of this policy. Risk management is a crucial element of the University's overall governance process. It facilitates identification of the specific areas where the University does, or could, face bribery and corruption risks and allows mitigation plans, actions and protections to be put in place.
- 4.2 Global custom and practice in business can be deeply rooted in the attitudes, cultures and economic prosperity of a particular region. Moreover, UK or European norms may not be applicable in some parts of the world where the University has interests; for example, the definition of 'foreign public official' may be technically significantly different in countries with different models of public / private services.

B Areas of risk

- 4.3 Whilst the University's high risks will undoubtedly change over time, the areas of continuing bribery high risk that will require enhanced levels of due diligence and

caution will almost certainly include:

- Agents and Intermediaries, particularly those who operate in jurisdictions where bribery is prevalent or endemic. Transparency International publishes a Corruption Perceptions index by jurisdiction which ranks 180 countries and territories by their perceived levels of public sector corruption, according to experts and business people. The index can be found at: <https://www.transparency.org/cpi>.
- Gifts, Hospitality and Entertainment
- Joint Ventures and consultancies, where the University could be held liable for any bribery or corruption committed by a third party with whom the University is associated by means of a joint venture or consultancy agreement.
- Contracts, particularly construction contracts where the values involved are likely to be high.
- All aspects of procurement of services (particularly) and goods undertaken by the University.

4.4 The University recognises these risks and seeks to ensure that mitigation is in place.

5 Gifts, hospitality and entertainment

A Outline

5.1 Gifts, Hospitality and Entertainment is a collective term for the receipt or offer of gifts, meals, travel costs, entertainment, tokens of appreciation and gratitude, or invitations to events, functions, or other social gatherings, in connection with matters related to the University. It should be noted, however, that travel costs would not always be borne by a third party, and that the travel authorisation process is a key element of the University's overall corporate governance infrastructure and best practice.

B Scope

5.2 Normal, reasonable and proportionate hospitality given or received as part of the University's wider student, commercial, promotional and marketing activities which is genuinely aimed at building a good business relationship or improving the profile of the University is allowable, within limits (see below).

5.3 Hospitality must not be accepted by employees of the University in circumstances that may allow the employee to appear to be unduly influenced in favour of the provider of that hospitality. Those circumstances might, for example, include the proximity of the hospitality to the award of a contract. The gift or receipt of hospitality which is aimed at securing an improper business or other advantage, or which may affect the recipient's independence is obviously not permissible.

5.4 Clearly, hospitality can amount to real or perceived bribery, and caution should always be exercised. If there is any doubt about the propriety of hospitality, it should not be accepted or offered.

5.5 Unfortunately, policy and real events can be different, and it is not unknown for a purported 'quick bite' with a supplier to be turned into a lavish five-star lunch, with all its potential connotations. In general, the simple 'acid' test for hospitality can be phrased as *'Is it reasonable, and could I reciprocate?'*

C Register and declarations

- 5.6 The University maintains a central gift register, for both inbound and outbound gifts and hospitality, and it is essential that each occurrence is accurately recorded. Gifts with a value of less than £50 or hospitality with a value of less than £100 per person, whether received or declined, need not usually be registered. The offer of all other gifts or hospitality must be declared within 10 days or on return to the UK if the gift or hospitality is offered during an overseas visit. Offers of gifts and hospitality must be approved by the relevant Line Manager.
- 5.7 All gifts and hospitality must be handled in accordance with the University Gifts and Hospitality Procedure.
- 5.8 If a gift or hospitality is not in keeping with circumstances then every effort must be made to refuse the offer, without offending the person or organisation making the offer. If the gift cannot be refused, it should be declared on return to the University.
- 5.9 Under no circumstances must any gift of money be made or received by an employee or official of the University.
- 5.10 The University recognises that staff may be put in a difficult position and may feel obligated or under pressure to accept gifts or hospitality, or other inducements to act or not act in certain ways. Staff are encouraged to report such instances to their line manager at the earliest opportunity so that appropriate support may be put in place.

6 Policy statement

- 6.1 The University values its reputation for ethical behaviour and recognises that any involvement in bribery is illegal and will reflect adversely on its hard-earned image and reputation.
- 6.2 The University prohibits the offering, giving, soliciting or the acceptance of any bribe in whatever form to, or from, any person or company (public or private) by anyone associated with the University.
- 6.3 The University expects any person or company (public or private) associated with the University to act with integrity and without any actions that may be considered an offence within the meaning of the Bribery Act 2010.
- 6.4 The University requires any potential breaches of this policy and bribery offers to be reported under the University's reporting processes (see 9, below).
- 6.5 The prevention, detection and reporting of bribery is the responsibility of everyone associated with the University.

7 Communication

- 7.1 It is the responsibility of all Deans, Directors and Heads of Departments to ensure that this policy is fully and regularly communicated to those involved with University business within their area. Crucially, this will include communication not only to staff but other external agencies e.g. agents, representatives and contractors. The University will continue to provide regular training to identified high risk areas, particularly procurement and where overseas activities are involved. Anti-bribery training through HR is mandatory every 3 years for all staff who negotiate contracts / tenders with suppliers or who travel overseas as part of their University work / work with agents abroad.

7.2 The University Human Resources and Organisational Development Directorate has in place a number of relevant Policies and Procedures to clarify individual staff responsibilities and to provide support when needed.

7.3 The University has a dedicated email address for seeking advice or guidance around bribery and for reporting any concerns - briberyprevention@hull.ac.uk.

8 Monitoring and review

8.1 This policy and related procedures will be reviewed every three 3 years by University Governance and the Audit and Risk Committee. Risk identification (4, above) will form a key element of the overall monitoring and review process. Any incidents of bribery and corruption reported to, and recorded by, Governance will be reported annually to Audit and Risk Committee.

9 Reporting concerns (including whistleblowing)

9.1 All employees and others associated with the University are encouraged to report any concerns that they may have regarding potential breaches of this policy, including incidents relating to external agencies and third parties. This includes any instances where you may be the victim of attempted bribery.

9.2 The University has a comprehensive Whistleblowing Policy.

9.3 The University is fully committed to ensuring that there is a safe and confidential method of reporting any suspected wrongdoing to nominated officers. The University's Whistleblowing Policy and Procedure also permits employees and anyone contractually associated with the University to raise concerns of malpractice in the University, and those involving partners or competitors.

9.4 Any allegations of misconduct under this policy within the jurisdiction the University will be taken very seriously. If appropriate, action may be taken under the University's disciplinary process. Attempted bribery or acceptance of a bribe may be considered as gross misconduct.

10 Acknowledgements

10.1 This document is based on information provided in the Counter-Fraud Toolkit provided for HE institutions by the Counter-Fraud Working Group of the British Universities Finance Directors Group (BUFDG) - <https://www.bufdg.ac.uk/>.

11 Version control

Version	Author	Date approved	Relevant sections
v0.01	Derek Ord		New version based on BUFDG template.
v0-02	Derek Ord		Updated after feedback.
v0-03	Derek Ord		Updated after ULT feedback.
V1-00	Derek Ord	6 July 2023	Approved by Council