



Policy name	<b>Anti-Bribery Policy</b>
Subject	The University's position on bribery and corruption
Approving authority	Council
Accountable person	Chief Governance and Risk Officer
Responsible Team	Legal Services
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## 1. Introductory Purpose and Background

- 1.1 The University of Nottingham (the "University") has a zero-tolerance policy towards bribery and corruption of all kinds. The University is committed to carrying out its academic and business functions in a fair, honest, ethical and open manner.
- 1.2 In applying this policy, the University will observe the provisions of the UK Bribery Act 2010 (the "Bribery Act") which has international reach and applies to the University's overseas campuses and to business, research and other activities conducted overseas in addition to any applicable local laws. This policy takes specific account of the anti-bribery regulations which apply under local laws in China and Malaysia. The US equivalent legislation, the Foreign Corrupt Practices Act, also extends beyond national borders and in some instances will apply to activities carried out by or on behalf of the University.
- 1.3 The purpose of this policy is to:
- set out the University's responsibilities, and of individuals working for or on behalf of the University at all levels (referred to as relevant individuals), in observing and upholding our position on bribery and corruption;
  - provide information and guidance to relevant individuals on how to recognise and deal with bribery and corruption issues;
  - provide specific guidance on what is expected of relevant individuals in our overseas campuses;
  - set out the University's processes on the receipt or giving of gifts and hospitality;
  - provide detailed guidance to relevant individuals on resisting demands for facilitation payments; and
  - ensure that the University's financial operation complies with anti-bribery regulations.
- 1.4 This policy **must** be read in conjunction with the related Anti Bribery Guidance and Procedure. Any references to this policy below should be taken to include the Anti-Bribery Guidance and Procedure.

## 2. Scope

- 2.1 This policy applies to all of our dealings, anywhere in the world, with both public officials and those

in the private sector.

- 2.2 This policy applies to all individuals working for or on behalf of the University at all levels, including senior managers, officers, directors, employees (whether permanent, fixed-term or temporary), consultants, seconded staff, agency staff, volunteers, trainees, interns, agents, sponsors, whether they are located in the UK, China or Malaysia, or otherwise engaged in University work anywhere in the world.
- 2.3 The term “staff” encompasses anyone who is employed by the University; anyone engaged under a contract for services with the University on a self-employed or contractor basis, or who represents the University in an official capacity and students who are employed as staff, including volunteers, associates and honorary appointments.
- 2.4 This policy also applies to any other person associated with the University who performs services for or on behalf of the University anywhere in the world. This includes the University's joint venture partners, agents, brokers, sub-contractors, representatives, distributors, consultants and other service providers. The University expects those persons to abide by this policy or have in place equivalent policies and procedures to combat bribery and corruption.

### 3. Definitions

- 3.1 A bribe does not need to be a monetary sum. For example, lavish hospitality or a gift or an offer of employment could all be used as bribes in certain circumstances. It can be any form of improper inducement or reward offered, promised or provided in order to gain (or to reward) any commercial, contractual, regulatory or personal advantage.
- 3.2 A recipient of a bribe does not need to benefit personally. For example, they could nominate another party to be given an advantage.
- 3.3 Actual payment of a bribe does not need to occur for there to be a criminal offence. An offer or request would be sufficient.
- 3.4 A person can be guilty of giving or receiving a bribe under the Bribery Act if there was an intention to induce or reward "improper performance" of a function or activity through offering, promising or paying a bribe. What is proper or improper is judged objectively. It is no defence to rely, for example, on local customs or norms as justification for making a payment that would otherwise be considered a bribe.
- 3.5 Sometimes offering or making a payment (or performing some other favour) can be a Bribery Act offence – where the payment or favour is in itself improper. The recipient does not necessarily need to do anything else as a consequence.

3.6 The Bribery Act also contains a separate offence of bribing a foreign public official as well as an offence that can be committed by organisations of failing to prevent bribery by any person performing services for or on behalf of the organisation.

## 4. Key Principles

4.1 Colleagues 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 success of the University's anti-bribery approach depends on all relevant individuals and those acting for the University playing their part in helping to detect and eradicate any potential for bribery.

4.2 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 you believe that you have suffered any such treatment, you should inform your line manager or, if you prefer, raise this directly with the Chief Governance and Risk Officer, the relevant Provost, or a member of the relevant University HR Department. If the matter is not remedied, and you are an employee, you should raise it formally using the relevant University Grievance Procedures.

## 5. Key roles, responsibilities and/or requirements.

5.1 **University's Council** has overall responsibility for ensuring this policy complies with our legal and ethical obligations and to ensure everyone at the University complies with it. At the University of Nottingham Ningbo China (UNNC) this statement of policy has also been adopted by the University Joint Venture Board and by the authority of its Provost. The Provost and Joint Venture Board at the University of Nottingham Malaysia Campus (UNM) have approved and adopted an earlier version of this policy which contains the same provisions for all matters affecting UNM. Note: where there is a conflict in the terms between the two versions, this policy takes precedence.

5.2 **The Chief Governance and Risk Officer** has global responsibility for this policy and for dealing with any queries in relation to it. For the purposes of the Bribery Act, the Chief Governance and Risk Officer is the University's Bribery Act compliance officer. For UNNC and UNM, local responsibility for this policy falls to their respective Provosts.

5.3 **Management at all levels** within the University are responsible for promoting this policy and ensuring those reporting to them are made aware of and understand this policy. Effective risk assessment in order to evaluate and mitigate risk is an essential element of this policy. You must assess the vulnerability of their activities, particularly overseas, on an ongoing basis.

5.4 **All relevant individuals and those acting for the University** must ensure that they read, understand, and comply with this policy and the Anti-Bribery Guidance and Procedure. They must adhere strictly to the following three anti-bribery rules in respect of gifts, hospitality and entertainment, favours and other advantages:

- a) never offer, promise or give a gift, hospitality, entertainment, favour or other advantage where this may be construed as a bribe or be otherwise improper;
- b) Never request, agree to or accept a gift, hospitality, entertainment, favour or other advantage where this may be construed as a bribe or be otherwise improper; and
- c) never offer, promise or give a gift, hospitality, entertainment, favour or other advantage to a public official where this may be construed as a bribe or an attempt to influence the public official in their capacity as such – and remember that public officials may include employees of state owned entities (see section 7. Foreign Public Officials below).

**5.5 Staff visiting or working at UNNC and UNM:** because of the higher corruption risks that can arise in certain jurisdictions, parts of the policy have particular relevance to the University's international activities. For staff visiting UNNC and UNM, it is a requirement of this policy that they should read and adhere to the additional guidance in sections 7 to 10 of the Anti-Bribery Guidance and Procedure as well as obtain copies of the local policies from UNNC and UNM.

**5.6 Students who are employed as staff, including volunteers, associates and honorary appointments:** individuals who employ students as staff (whether on a paid or voluntary basis) are responsible for ensuring students are made aware of this policy.

**5.7** The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for or associated with the University and as such they are required to avoid any activity that risks a breach of this policy.

**5.8** All those working for or associated with the University:

- 5.8.1 should be alert to corruption indicators, and report concerns if they arise in their activities for or on behalf of the University. Sections 4 and 5 of the Anti-Bribery Guidance and Procedure also lists some scenarios which indicate an increased risk of a bribery offence being committed and which should therefore be reported immediately using one of the mechanisms set out in this policy. All relevant individuals should familiarise themselves with these corruption indicators and red flags so that they are alert to risks that may be relevant to their work at or for the University;
- 5.8.2 must ensure all expense claims relating to gifts, hospitality or entertainment or expenses incurred by third parties are submitted in accordance with the relevant travel and expenses policy and, in each case, specifically record the reason for the expenditure;
- 5.8.3 are encouraged to raise concerns about any issue or suspicion of bribery or corruption at the earliest possible stage. If unsure whether a particular act constitutes bribery or corruption, staff should raise it with their line manager in the first instance. If further guidance is required, contact the Chief Governance and Risk Officer and (for those working at UNNC or UNM) the relevant Provost. Concerns may also be reported by following the procedure set out in the [University's Whistleblowing Code](#); and

5.8.4 must notify their line manager as soon as possible if they are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that they are a victim of another form of unlawful activity. Any concerns about bribery or attempted bribery should also be reported promptly to the Chief Governance and Risk Officer and the relevant Provost (for those working at UNNC or UNM). This includes notification of any demand for a facilitation payment. If a staff member does not wish to raise the matter with their line manager, their concern should be reported directly to the Chief Governance and Risk Officer and (for those working at UNNC or UNM) the relevant Provost.

## 6. Gifts and Hospitality

6.1 This policy does not prohibit modest gifts and reasonable hospitality (given and received) to or from third parties provided certain rules and requirements are met.

6.2 Gifts, hospitality and entertainment (whether given or received), must:

- a) be approved in advance and recorded in a Gifts, Hospitality and Entertainment Register ("GHE Register"), if they fall outside certain limits (see section 6.8 below and sections 11 to 13 of the Anti-Bribery Guidance and Procedure for details). Members of staff at the University of Nottingham in the UK should also refer to the guidance on Gifts and Hospitality and the Conflicts of Interest Procedure at the link below:  
<https://www.nottingham.ac.uk/hr/guidesandsupport/universitycodesofpracticeandrules/conflictsofinterest.giftsandhospitality.aspx>;
- b) be proportionate and reasonable having regard to the recipient and not give rise to any ethical concerns. In other words, it should have a genuine and legitimate purpose, such as the promotion of the University's services or to establish cordial relationships with those with whom we work;
- c) not risk being perceived as lavish or excessive (for example, it should not include any unjustifiable "add-ons" such as the provision of travel, or entertainment of spouses or family members);
- d) comply with all applicable local laws as well as the Bribery Act (if given or received outside of the UK) and comply with any other rules relevant to the recipient (such as their own organisation's policies in this area);
- e) not be offered or received at an inappropriate time (such as during a competitive tender involving the recipient or in advance of another business decision the recipient is involved with), which might risk being perceived as improperly influencing the recipient;
- f) never include cash or a cash equivalent, such as gift certificates or vouchers;
- g) be given openly, not secretly; and
- h) be correctly and transparently documented in the University's accounting and other written records.

6.3 Gifts include any token of appreciation and gratitude, gift vouchers, cash, physical gifts (e.g. a bottle of wine) or other items of value (e.g. sports tickets) – whether offered, given or received.

6.4 Hospitality and entertainment can include any attendance at social events, conferences, functions, or other occasions, business lunches or drinks (whether they include a business purpose or not

and whether received or offered) and any travel or accommodation provided in connection with the hospitality and entertainment.

6.5 It will not be appropriate to accept any gift or hospitality from any third party who is concerned with, or has an interest in, the recruitment or admission of a student or students to the University; or the award of any academic qualification or grading, by the University, of a student. This could be an offer made by the student themselves or by a third party, such as a relative or a recruitment agent.

6.6 It will also not be appropriate to request or to accept a request for an award of an academic qualification outside of the University's established procedures and in circumstances where the honour could be perceived as a bribe.

6.7 Approval and limits: staff need to obtain prior approval for accepting or offering gifts, hospitality and entertainment of a certain level or involving particular categories of recipient. Full details are set out below.

#### 6.7.1 Gifts

<b>UK</b>	<b>Approval Levels</b>
Gifts to private sector	Approval required for gifts of £50 or more.
Gifts from private sector	Approval required for gifts of £140 or more. Gifts from suppliers or potential suppliers of goods and services to the University of more than low value (e.g. diaries, calendars) should be declined.
Gifts to public sector	Approval required for gifts of £50 or more. Exercise caution when offering gifts within the public sector.
Gifts from public sector	Approval required for gifts of £140 or more. Exercise caution when accepting gifts from public sector sources.
Record in the GHE Register	Gifts over £50 should be recorded in the GHE Register.

<b>CHINA</b>	<b>Approval Levels</b>
Gifts to/from private and/or public sector	<ol style="list-style-type: none"> <li>1. Approval required for gifts of RMB 100 or more (per person per event).</li> <li>2. Gifts over RMB200 (per person per event) should be declined or handed in.</li> <li>3. Gifts with an aggregate annual value over RMB 600 should be handed in (staff may also hand in any gifts received if they wish to do so).</li> <li>4. Gifts from suppliers or potential suppliers of goods and services to the University of more than low value (e.g. diaries, calendars) should be declined or handed in.</li> <li>5. Exercise caution when offering or accepting gifts from public sector sources.</li> </ol>
Record in the GHE register	Gifts over RMB100 should be recorded in the GHE Register.

<b>MALAYSIA</b>	<b>Approval Levels</b>
Gifts to/from private sector	Approval required for gifts of 50 MYR or more. Excludes the formal exchange of corporate gifts and honoraria associated with the performance of a service. Honoraria should be recorded in the GHE Register.
Gifts to/from public sector	Approval always required save for the formal exchange of corporate gifts.
Record in the GHE Register	Gifts over 25 MYR in value, excluding the formal exchange of corporate gifts. Honoraria should be recorded in the GHE Register.

#### 6.7.2 Hospitality and entertainment

<b>UK</b>	<b>Approval Levels</b>
Hospitality/Entertainment to and from public and private sector	Approval required over £50.
Record in the GHE Register	Hospitality and Entertainment which exceeds £50

<b>CHINA</b>	<b>Approval Levels</b>
Hospitality and Entertainment to/from private and/or public sector	Approval required over RMB 200 (per person per day).
Record in the GHE Register	Hospitality and Entertainment which exceeds 200 RMB (per person per day).

<b>MALAYSIA</b>	<b>Approval Levels</b>
Hospitality and Entertainment to/from private sector	Approval required over 100 MYR.
Hospitality and Entertainment to/from public sector	Approval always required. Excludes small servings of food as routine hospitality in meetings.
Record in the GHE Register	All public sector hospitality and entertainment, excluding small servings of food as routine hospitality in meetings, and private sector hospitality and entertainment over 100 MYR.

#### 6.7.3 Table of Approval authorities for Gifts, Hospitality and Entertainment Expenditure

If you are an approver, before approving a gift, hospitality or entertainment, you must ensure that it fully complies with this policy.



<b>Claimant of business expenditure</b>	<b>Appropriate level of seniority to authorise or approve expenditure</b> (You must also refer to the <a href="#">Delegated Financial Authorities</a> for financial limits)
Pro-Vice-Chancellor (including Provosts)	Vice-Chancellor, Chief Financial Officer or nominated delegate
Vice-Provost	Pro-Vice-Chancellor/Provost
Head of School	Pro-Vice-Chancellor
Member of School	Head of School or nominated delegate
Head of Professional Services	Chief Financial Officer, Chief Operating Officer or nominated delegate
Member of Professional Services	At the University in the UK, the Director of the relevant Professional Services department or nominated delegate; at UNNC or UNMC, the Provost or their nominated delegate

## 6.8 Gifts, Hospitality and Entertainment Registers:

- 6.8.1 All gifts and hospitality and entertainment of a certain level (see sections 11 to 13 of the Anti-Bribery Guidance and Procedure) given and received by staff in connection with the University's business must be recorded in a GHE Register.
- 6.8.2 Details of gifts, hospitality and entertainment offered to staff but refused, should also be recorded in a GHE Register along with details of the circumstances surrounding their refusal. Guidance on how to refuse a gift is in section 7 of the Anti-Bribery Guidance and Procedure.
- 6.8.3 A template GHE Register is set out at section 13 of the Anti-Bribery Guidance and Procedure which should be adopted by each Department and Faculty within the University (and by UNNC and UNM) and will be periodically monitored.

## 7. Foreign Public Officials

- 7.1 Under the Bribery Act, there are special rules regarding bribery of a 'Foreign Public Official', which require the exercise of particular caution when dealing with public officials.
- 7.2 To risk constituting a bribe, a gift, hospitality or entertainment need only be given to a Foreign Public Official with the intention of influencing the official in his/her capacity in return for business or a business advantage. The giver need not intend to induce the official to act improperly.
- 7.3 The definition of Foreign Public Official includes a wide range of people who have influence over the conduct of state institutions or the management of state assets, as well as the management of international institutions. The definition is sufficiently wide to include persons who work for state owned entities (such as a higher education funding or grant-giving body outside of the UK or an



overseas university). For example, in China, as many enterprises are state owned, their personnel may fall into the category of Foreign Public Official although they are engaged in commercial activities.

7.4 In respect of gifts, hospitality and entertainment, all staff must exercise additional caution when dealing with individuals who may be classed as Foreign Public Officials.

7.5 Specific rules applicable to dealing with public officials in China and Malaysia are set out at sections 8 and 9 of the Anti-Bribery Guidance and Procedure.

## 7.6 Facilitation Payments

7.6.1 Facilitation payments are typically small unofficial payments paid to speed up an administrative process or secure a routine government action by an official, which are not necessarily considered bribery under local law or custom. They are more common in certain overseas jurisdictions in which we operate, but it is possible that they could arise in the UK.

7.6.2 These payments are bribes under UK, Chinese and Malaysian law and the University adopts a zero tolerance approach to demands for facilitation payments.

7.6.3 In very exceptional circumstances, if you are at risk of violence or loss of liberty, or there is a threat to personal safety, you should not refuse a demand for a facilitation payment. It may then be necessary to make the payment. Take a detailed note of what happened and report the incident as soon as practicable using the reporting procedure set out at paragraph 7.6.4 below

7.6.4 Any demand for a facilitation payment should be reported immediately to the University's Chief Governance and Risk Officer, to the UNM or UNNC Provost where applicable and to your line manager.

7.6.5 See section 10 of the Anti-Bribery Guidance and Procedure for detailed guidance on how to deal with facilitation payment requests should they arise. This will be of particular relevance to staff permanently or temporarily in higher risk jurisdictions outside of the UK.

## 8. Donations

8.1 The University does not make contributions to political parties. The University supports charitable giving and initiatives by colleagues, however, it is only open to the University to make charitable donations at an institutional level in limited prescribed circumstances, and any such requests should first be referred, in the case of the University of Nottingham in the UK, to the Chief Governance and Risk Officer and, in the cases of UNNC and UNM, to their respective Provosts.

## 9. Consequences of non-compliance.

- 9.1 Bribery offences carry very serious sanctions. Under the Bribery Act, sanctions can include up to 10 years' imprisonment for individuals and unlimited fines for organisations. Under local laws in China and Malaysia, additional sanctions apply.
- 9.2 Involvement in a bribery investigation, or a conviction of a bribery offence, would result in significant reputational damage for the University. It may also prevent the University from tendering for certain contracts or debar it from future business opportunities.
- 9.3 The possibility of corruption can arise across a wide range of a university's activities and dealings with third parties. Some example situations are listed at sections 4, 5 and 6 of the Anti-Bribery Guidance and Procedure.
- 9.4 Any University employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. For students who breach this policy, this may result in disciplinary action via the Student Code of Conduct (Non-Academic).

### 9.5 How compliance with the policy will be monitored

- 9.5.1 Compliance with this policy will be monitored by the Assurance Committee. It is expected that all senior leaders and managers will drive compliance with this policy in their local areas, ensuring they have the appropriate registers in place. The Legal Services team will provide support, seeking guidance from other teams as appropriate.

### 9.6 Provisions for monitoring and reporting related to the policy

- 9.6.1 The Governance team will record matters reported to the Chief Governance and Risk Officer under this policy and will provide an annual report to University Council.
- 9.6.2 Concerns or matters raised at UNNC or UNM under this policy and local policies will be reported to the Chief Governance and Risk Officer (UNUK) and will be included in the annual report to University Council.

## 10. Review

- 10.1 This policy will be reviewed every two years.

## 11. Related policies, procedures, standards and guidance

Anti Bribery Guidance and Procedure

[Conflicts of Interest, Gifts and Hospitality](#)

[Bribery Law Pod Briefing \(staff only\)](#)

[Student Code of Conduct](#) (Non-Academic)

### Related Policies

[Whistleblowing \(Public Interest Disclosure\) Code](#)