

Anti-Bribery Policy

1. POLICY STATEMENT

- 1.1 The University of Nottingham ("the University") is committed to carrying out its academic and business functions in an honest and ethical manner and to observing the provisions of the Bribery Act 2010, in respect of its conduct both at home and overseas.
- 1.2 On 1 July 2011, the Bribery Act comes into force, and its provisions apply to all University business. The Bribery Act creates a number of new bribery and corruption offences and holds businesses and institutions liable for failing to prevent bribery carried out on their behalf, irrespective of whether the bribe takes place in the UK or overseas. The sanctions for these offences include up to 10 years' imprisonment for the individuals responsible. In addition, if the University is found to have connived in or consented to acts of corruption undertaken in its name, the penalties include personal liability for senior managers and an unlimited fine and significant reputational damage for the University.
- 1.3 This policy outlines how the University is implementing and enforcing effective systems to counter bribery. The purpose of this policy is to:
 - (a) Set out the University's responsibilities, and of those working for us, in observing and upholding our position on bribery and corruption; and
 - (b) Provide information and guidance to those working for us on how to recognise and deal with bribery and corruption issues.
- 1.4 This statement of policy is adopted and endorsed by the Management Board. The Registrar is the University's Bribery Act compliance officer.

2. WHO IS COVERED BY THE POLICY?

This policy applies to all individuals working at all levels and grades, including senior managers, officers, directors, employees (whether permanent, fixed-term or temporary), consultants, seconded staff, agency staff, volunteers, interns, agents, sponsors, or any other person associated with the University wherever located in Nottingham, at our international campuses, or otherwise engaged in University business overseas.

Top-level commitment is an essential feature of compliance of the Bribery Act and colleagues and associates with management responsibility are expected to share Council's and Management Board's commitment to observe and implement the spirit and terms of this policy.

3. 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.

Acts of bribery or corruption are designed to influence the individual in the performance of their duty and incline them to act dishonestly.

It is an offence under the Bribery Act to:

- Offer a bribe;
- Receive a bribe;
- Bribe a Foreign Official; and
- Consent or connive to the commission of a bribery offence by anyone associated with the University in respect of business carried out on behalf of the University.

Examples:

Offering a bribe

You offer a potential business partner or client tickets to a major sporting event, on condition that they agree to do business with you/the University as a result.

This would be an offence as you are making the offer to gain a commercial and contractual advantage. The University may also be found to have committed an offence because the offer has been made to obtain business for the University. (See below for Hospitality Guidance).

Receiving a bribe

A supplier gives a member of your family a job, but makes it clear that in return they expect you to use your position to influence the chances of obtaining University business or another advantage to them in return.

It is an offence for a supplier to make such an offer. It would be an offence for you to accept the offer as you would be doing so to gain a personal advantage. Suppliers who are found to have committed a bribery offence are automatically debarred from any future public authority tender process.

A wealthy alumna arranges for her company to make a substantial donation to the University on condition that her child is offered a place on a particular course.

Bribing a foreign official

You pay or make arrangements to pay an additional payment to a foreign official to speed up an administrative process (such as clearing goods through customs). For example, an academic colleague on a field trip pays a sum to customs officials to avoid excessive delay in the import of field equipment.

An agency responsible for recruiting students pays a small bribe to an education department official to be allowed access to students in a highly rated school.

The offence of bribing a foreign public official has been committed as soon as the offer is made. This is because it is made to gain a business advantage for you or for the University.

POTENTIAL RISK SCENARIOS:

The matters set out below illustrate a number of scenarios which indicate an increased risk of an offence under the Bribery Act being committed:

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

4. GIFTS AND HOSPITALITY

4.1 This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties. However, gifts, hospitality and political or charitable donations will be bribes if they are given or received with the intention of influencing business decisions.

4.2 Guidance on the University's accepted practice with regard to gifts and hospitality is set out in:

- 4.2.1 [The policy on Conflicts of Interest, Gifts and Hospitality](#) and
- 4.2.2 [The Travel and Expenses policy](#)

In addition, when giving or receiving gifts and hospitality, you should consider whether the following requirements are met:

- (a) It is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
- (b) It complies with any local law;
- (c) It does not include cash or a cash equivalent (such as gift certificates or vouchers);
- (d) Taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time; and
- (e) It is given openly, not secretly.
- (f) Gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the University's Registrar.

5. WHAT IS NOT ACCEPTABLE?

It is not acceptable for you (or someone on your behalf) to:

- (a) Give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given.
- (b) 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.
- (c) Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them.
- (d) Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return.
- (e) Threaten or retaliate against a colleague or third party who has refused to commit a bribery offence or who has raised concerns under this policy.
- (f) Engage in any activity that might lead to a breach of this policy.

6. FACILITATION PAYMENTS

- 6.1 In some countries it is customary practice to make payments or gifts of small value to junior government officials in order to speed up or facilitate a routine action or process. However, this is not permitted under the Bribery Act and the University does not, therefore, support or endorse the making or accepting of facilitation payments by staff and anyone carrying out business on behalf.
- 6.2 If you are asked to make a payment on behalf of the University, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment.
- 6.3 In the event that a facilitation payment is being extorted, or if you are forced to pay under duress, you must record the payment and report it without delay under the procedure set out in paragraph 10.

7. DONATIONS

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 to the Chief Financial Officer.

8. RESPONSIBILITIES

- 8.1 You must ensure that you read, understand and comply with this policy.
- 8.2 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. You are required to avoid any activity that might lead to, or suggest, a breach of this policy.
- 8.3 Effective risk assessment in order to evaluate and mitigate risk is an essential element of this policy. Colleagues must assess the vulnerability of their activities, particularly overseas, on an ongoing basis.
- 8.4 You must notify your manager and the University's Registrar as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.
- 8.5 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct.

9. RECORD-KEEPING

- 9.1 The University has a duty to monitor the fact that the terms of the Bribery Act are being observed by employees, workers and those associated with the University. The University is required to keep financial records and to have appropriate internal controls in place which will evidence the business reason for making payments to third parties.
- 9.2 You must declare and keep a written record of all hospitality or gifts accepted or offered in accordance with the policy on Conflicts of Interest, Gifts and Hospitality and the Travel and expense policy.
- 9.3 You must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the travel and expenses policy and specifically record the reason for the expenditure.

10. HOW TO RAISE A CONCERN

You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with your line manager in the first instance. If you or your line manager requires further guidance, you should contact the Registrar's Office. Malpractice may be reported by following the procedure set out in the [University's Whistleblowing policy](#).

11. WHAT TO DO IF YOU ARE A VICTIM OF BRIBERY OR CORRUPTION

It is important that you tell your line manager as soon as possible if you are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity. Any instances of bribery or attempted bribery should also be reported promptly to the Registrar. If the bribery concerns your line manager, your concern may be reported directly to the Registrar's Office.

12. PROTECTION

- 12.1 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 University will support anyone who raises genuine concerns in good faith under this policy.
- 12.2 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. The University's HR Department may be contacted for advice and support. If the matter is not remedied, and you are an employee, you should raise it formally using the University's Grievance Procedures.

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