Podbriefing Summary Note
Bribery Law

Overview
The Podbriefing video on bribery provides a summary of the key elements of anti-bribery legislation of which staff need to be aware.

It supplements the University’s anti-bribery policy, a link to which is at the end of the Podbriefing and at the end of this summary. Other pieces of useful information and examples of relevant case law are also provided.

Content and Aims
Focus
This briefing, on key legislation such as the Bribery Act 2010 and some illustrative case law, is provided by Neil McInnes, a practising lawyer who specialises in corporate criminal investigations.

The Bribery Act 2010
The focus of the Bribery Act is the way in which an institution can be held liable for the actions of its employees and associates. However, it is important to note that individual prosecutions can also be brought against the employees themselves under the Bribery Act.

The Court Room Scenario
In the Podbriefing, a court room scenario depicts the prosecution of Mr Pryce, a procurement manager from the fictional Oldtown University. Mr Pryce's indifference to anti-bribery procedures leads to ignorance of the issues present in his business dealings, and ultimately to the commission of an offence under the Act.

Furthermore, while the scenario depicted is fictional, the outcome and the principles that it relies upon are based on the facts of real cases.
**Key Points**

**Bribes**

A bribe is not necessarily a payment in cash, it can be anything.

It is an offence to offer, pay or receive a bribe.

Two main rules:

1. Do not make payments to anyone or favour them in some other way which would involve them misusing their position
2. Do not misuse your position in connection with payments or favours to yourself or someone else

**Bribery overseas**

The Act also covers bribery committed outside of the UK.

There is an additional specific offence of bribery of a foreign public official. The definition of ‘foreign public official’ is also very wide.

Local norms and customs are no defence of bribery committed overseas.

**Liability**

Liability for the University is very wide. It has an active duty to prevent bribery and can be liable for acts committed by employees, contractors, consultants and joint venture partners.

The University does not need to have known about the act of bribery, or have approved it to be liable.

It is important to remember that the organisation and the individual can both be prosecuted.

**Prevention and consequences**

Preventing bribery can achieved with due diligence, effective risk assessment of third parties and a zero-tolerance approach

The consequences under the Bribery Act include terms of imprisonment for individuals and unlimited fines for organisations such as the University in addition to severe reputational damage.
Relevant Cases

The first conviction under the Bribery Act in November 2011 saw a court clerk sentenced to 6 years in prison for accepting bribes of up to £500 in exchange for helping more than 50 offenders avoid prosecution for driving offences. His sentence was later reduced to 4 years on appeal.

(source: http://www.bbc.co.uk/news/uk-england-london-18191289)

A recent case in the Higher Education sector involved a Master’s student from the University of Bath who was convicted in April 2013 of attempting to bribe his tutor with £5,000 in exchange for a pass in his dissertation.

The student was also convicted of possessing an imitation firearm.

He was jailed for 12 months for the bribery offence, 6 months for the firearms offence and was ordered to pay nearly £5,000 in costs.

It is of note that the bribery offence carried the harsher penalty.

(source: http://www.bbc.co.uk/news/uk-england-somerset-22269573)

Further Information

University policies can be found at:
http://www.nottingham.ac.uk/governance/otherregulations/index.aspx

Relevant policies include:

- Anti-Bribery Policy
- Whistleblowing (Public Interest Disclosure) Code
- Gifts Acceptance Policy and Ethical Fundraising Practice

The Conflicts of Interest, Gifts and Hospitality Policy can be found separately at:
http://www.nottingham.ac.uk/hr/guidesandsupport/universitycodesofpracticeandrules/conflictsofinterest,giftsandhospitality.aspx