

# Anti-Bribery Policy and Procedures (Including Gifts and Hospitality)



Policy Owner	Secretary to Council
Approving Body	Council
Date of Approval	28 February 2019
Version number	1
Related Policies and procedures and guidelines	Counter-fraud Whistleblowing Conflicts of Interest Fraud response plan Criminal Finances Act Anti-money laundering policy
Reviewed by	Chief Financial Officer Director of Governance and Legal Services and College Secretary
Approved by Audit and Compliance Committee	4/2/2019
Deadline for Review by Council	February 2021

## 1. POLICY STATEMENT

- 1.1 Bribery is both illegal and unethical and brings with it the potential for criminal liability and severe penalties at both College and individual level.
- 1.2 The College is committed to conducting all of its business activities in an ethical and honest manner. The College has a zero tolerance for bribery and corrupt activities and is committed to acting professionally, fairly and with integrity in all business dealings and relationships.
- 1.3 The College 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 College.
- 1.4 The College expects any person or company (public or private) associated with the College including representatives, agents, subsidiaries or partnerships to act ethically and with integrity and without any actions that may be considered an offence within the meaning of the Bribery Act 2010.
- 1.5 The prevention, detection and reporting of bribery is the responsibility of all individuals working for or with, or performing services for the College, at all levels and grades including temporary and agency staff, contractors, consultants, volunteers, interns and agents and also students of the College.
- 1.6 Any breach of this policy by a member of staff will lead to disciplinary action, which could result in dismissal for gross misconduct. Any acts of Bribery found by the College under the Bribery Act 2010 will be reported to the police.

## 2. What is Bribery? The Bribery Act 2010

- 2.1 According to the Act, bribery is where a person requires, gives or promises financial (or other) advantage (eg goods, favours or other forms of recompense) 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.

Bribery is not limited to the act of offering a bribe. If an individual is on the receiving end of a bribe and they accept it, they are also breaking the law.

Under the Act, there are two general forms of bribery where individuals are personally criminally liable:

1. Offering, promising or giving a bribe (either directly or indirectly) with the intent to induce a person to improperly perform a relevant function - known as *active bribery*.
2. 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*.

There are two other related offences:

1. Bribing a foreign public official in order to obtain or retain business or an advantage to the conduct of business.
2. Corporate liability where a body, such as the College, fails to prevent bribery.

The timing of bribery payments - before, during and/or after a relevant transaction does not affect the offence.

## 2.2 **Overseas reach**

The Act holds UK organisations liable for failing to implement *adequate procedures* sufficient to prevent such acts by those working for the College or on its behalf, no matter where in the world the act takes place.

## 2.3 **Mitigation**

There is a statutory defence against the Act if the College can demonstrate that it had in place appropriate and adequate procedures designed to prevent bribery.

## 3 Responsibilities

All members of staff and those under the control of the College are responsible for ensuring that bribery does not occur within the College, or by persons associated with the College when engaged on College business and also for reporting any suspicions or concerns in line with the requirements of the Counter Fraud Policy.

Alternatively concern regarding a breach of the Act may be reported by following the procedure set out in the College's Whistleblowing Policy.

The College Executive Team will oversee matters relating to Bribery and its members will provide senior leadership in ensuring that the College has a zero tolerance approach to bribery.

The College Executive Team will also be responsible for identifying areas of high risk for bribery and for ensuring that appropriate measures are in place to manage the risk in those areas.

The Audit and Compliance Committee will be notified of any incidents of actual or suspected bribery and will provide assurance to Council on matters relating to bribery and corruption.

Staff Development will provide training for appropriate members of staff. Staff working in areas identified as high risk will have particular responsibilities to ensure that third parties are aware of the College's zero tolerance approach to bribery.

#### **4 Areas of high risk**

Whilst the College's risks will undoubtedly change over time, the areas that will require enhanced levels of due diligence and caution to prevent bribery and corruption will almost certainly include:

- Agents and Intermediaries, particularly those who operate in jurisdictions where bribery is prevalent or endemic.
- Joint Ventures and consultancies, where the College could be held liable for any bribery or corruption committed by a third party with whom the College is associated by means of a joint venture or consultancy agreement.
- Contracts, particularly construction contracts where the values involved are likely to be high - and the industry has a perceived propensity for bribery.
- All aspects of procurement of services (particularly) and goods undertaken by the College.
- Receipt of financial donations

#### **5 Gifts and Hospitality**

##### **5.1 Introduction**

Gifts and Hospitality 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 College.

##### **5.2 Accepting Gifts and Hospitality**

Gifts or hospitality should never be accepted if they could be perceived as compromising the integrity of the individual or the College. Any alleged incidents of bribery will be investigated under the College's Counter Fraud Policy and procedures and referred to the police, which could lead to the prosecution of the individual(s) concerned. In order to avoid potential allegations of bribery the following procedures must be adhered to:

##### **5.3 Procedures relating to gifts and hospitality resulting from normal commercial business relationships, academic visits or work related overseas visits**

Every department should keep a gift and hospitality book. All members of the department must record any gift or hospitality accepted with the exception of small business gifts such as

diaries and calendars which are sent out to a large number of people. Brief details of the organisation or the individual making the gift or providing hospitality must be recorded.

Any gifts accepted, should be accepted on behalf of the College. Gifts that appear to have a value of more than £50 should be refused or returned.

Excessive hospitality should be refused. As a guide, one might only accept hospitality that one could reciprocate in a similar fashion. The acceptance of corporate hospitality where one is part of a group being entertained, including individuals from a number of organisations, would normally be reasonable.

Staff on overseas visits may receive considerable hospitality from their hosts. It is expected that it will normally be appropriate to accept this hospitality, subject to the overriding requirements stated above. The details must be recorded in the gift and hospitality book on the member of staff's return to the UK. Any concerns about the level of hospitality being provided should be raised with the employee's line manager as soon as possible.

Gifts and hospitality for family members should not normally be accepted. If accepted, for example to enable staff members to attend conferences on behalf of RHUL, they must be agreed in advance with the head of department and recorded in the gift and hospitality book.

If it is judged that following these guidelines might cause offence to the donor, then the Principal should be notified and a judgement will be made. A record must be kept of any unavoidable acceptance.

#### **5.4 Gifts and hospitality resulting from the Staff/Student Relationship**

Gifts from students should be refused if their timing or value could in any way be construed as influencing academic judgement. All gifts of this sort likely to have a value of over £20 must be recorded in the gift and hospitality book.

If it is judged that following this guideline might cause offence to the student, then the Principal should be notified and a judgement will be made. A record must be kept of any unavoidable acceptance.

### **6 Facilitation Payments**

Facilitation payments are payments typically made to government officials to facilitate special treatment, such as prioritisation in an approval process, are also bribes. The College does not offer or make, and shall not demand or accept, facilitation payments of any kind. Advice should be sought if required from the Chief Financial Officer in order to distinguish between properly payable fees and disguised requests for facilitation payments.

### **7 Monitoring and review**

This policy and related procedures will be reviewed and updated by the Directorate of Governance and Legal services as a minimum every 2 years.