

Anti-Bribery Policy

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| **POLICY OWNER (JOB TITLE)** | Chief Officer Resources |
| **UNIT / SERVICE** | Finance |
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# Version Control

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| **VERSION** | **DATE** | **REASON FOR CHANGE** |
| 3.0 | April 2019 | Third version |
| 4.0 | 24 June 2024 | Fourth version |

# Policy Hub

## For further information on policies:

1. You can go to the Secretariat pages on InSite at [https://outlookuwicac.sharepoint.com/sites/Secretariat](https://outlookuwicac.sharepoint.com/sites/Secretariat/);
2. You can go to the Policy Hub at [cardiffmet.ac.uk/about/policyhub](https://www.cardiffmet.ac.uk/about/policyhub); or
3. Contact [policies@cardiffmet.ac.uk](mailto:policies@cardiffmet.ac.uk).

Contents

[Version Control 1](#_Toc172019890)

[Policy Hub 1](#_Toc172019891)

[1 Policy Statement 3](#_Toc172019892)

[2 Purpose 3](#_Toc172019893)

[3 Scope 4](#_Toc172019894)

[4 Legislation 4](#_Toc172019895)

[5 Further Clarification 5](#_Toc172019896)

[6 Roles and Responsibilities 8](#_Toc172019897)

[7 Procedures 8](#_Toc172019898)

[8 Raising Concerns and Seeking Guidance 9](#_Toc172019899)

[9 Review and Approval 9](#_Toc172019900)

[10 Related Policies 9](#_Toc172019901)

Section Name

# Policy Statement

## The University is committed to maintaining the highest possible ethical standards in all its business activities. The University is opposed to any form of bribery and this policy clearly sets out this position. Bribery is a criminal offence. It exposes the University and its representatives to the risk of prosecution, fines, and imprisonment, as well as endangering its reputation. The University does not, and will not, pay or offer bribes or improper inducements, nor accept them.

## The use of a third party to channel bribes to others is a criminal offence. The University will not, engage indirectly in or otherwise encourage bribery.

## The University is committed to transparency in all its affairs. It prohibits the offering, the giving, the solicitation, or the acceptance of any bribe, whether as cash or any other kind of inducement either:

* *to or from* any person or company, whether a public official or public body, or a private person or company, wherever they are situated; or
* *by* any individual employee, agent or other person or body acting on the University’s behalf; or
* *in order* to gain any commercial, contractual or regulatory advantage for the University; or
* *in order to* gain any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.

# Purpose

## The purpose of this policy is to:

* Set out a policy statement that the University will not permit any form of bribery, emphasising the responsibilities of schools, departments, and individuals in upholding the University’s position on bribery.
* Outline the procedures the University has in place to enable compliance, prevent engagement in bribery and set out the process of dealing with bribery should it occur.

## The University requires all personnel, including those permanently employed, temporary agency staff, consultants, and contractors to:

* always act honestly and with integrity and to safeguard the organisation’s resources for which they are responsible.
* comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the organisation operates, in respect of the lawful and responsible conduct of activities.

# Scope

## The policy applies to all staff; to all students representing the University, members of the Board of Governors and Committees, all third parties engaged by the University to perform services for or on behalf of the University including but not restricted to; agents, contractors, associates, subsidiaries, and partners.

## To the fullest extent permissible by law, this policy shall apply in all jurisdictions in which the University operates. It applies to all business activities anywhere in the world, including but not restricted to financial transactions, contracts, the award of academic credit and qualifications, the appointment of staff, research, the award of titles and honours and the recruitment and admission of students Breaches of this policy will result in disciplinary action and possibly criminal proceedings (Criminal Finance Act 2017, Bribery Act 2010).

## Within the University, the responsibility to control the risk of bribery occurring resides at all levels. It does not rest solely within finance and assurance functions but sits in and across all schools and departments.

# Legislation

## The policy has been drafted with reference to the Bribery Act 2010. The Act created 4 offences effective from 1st July 2011;

* Offering, promising or giving a bribe.
* Failure to prevent any persons associated (with the University) from committing bribery.
* Requesting, agreeing to receive or acceptance of a bribe.
* Bribery of a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.
  + Any local custom or practice outside of the UK must be disregarded unless the specific action is permitted or required by written law applicable to the country where the activity took place.

## The policy takes into account the requirements of the Criminal Finance Act 2017. The University’s guidance in respect of this Act can be found on the [Finance webpage](https://www.cardiffmet.ac.uk/about/Pages/Finance.aspx).

## An individual guilty of an offence under the Act is liable:

* on conviction in a Magistrates Court, to imprisonment for a maximum term of 10 months and/or to a fine not exceeding £5,000.
* on conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both.

## An organisation such as the University is liable for these fines and if guilty of failing to prevent bribery is liable to an unlimited fine.

## Under the Economic Crime and Corporate Transparency Act Oct 2023 the government is introducing a new ‘failure to prevent fraud’ offence. Under the ‘failure to prevent fraud’ legislation, a large organisation may be prosecuted with the potential for an unlimited fine where an ‘associated person’ (such as an employee, agent, or subsidiary) commits a fraud offence intended to benefit the organisation or any person to whom the ‘associated person’ provides services on behalf of the organisation, regardless of whether senior management of the organisation was aware of the offence being committed. This may apply even if the organisation and the ‘associated person’ are based outside of the UK.

## Organisations will be able to avoid prosecution if they have reasonable procedures in place to prevent fraud. The government will publish guidance providing organisations with more information about reasonable procedures before the new offence comes fully into force. When the act comes into effect later in 2024 and full guidance is published, this policy (and related policies) will be updated.

# Further Clarification

## For the avoidance of doubt, this policy prohibits the making, giving or receiving of any inducement which results in, or may be perceived as resulting in, a personal gain or advantage to the recipient or any person or body associated with the recipient, and which is intended to influence the recipient to take action which may not be solely in the best interests of the University. This includes;

* Facilitation payments – to a public official to do or to not do something.
* Hospitality or gifts given (or received) with the intention to influence. This excludes normal gifts, hospitality, meal and entertainment (refer to the [Gifts and Hospitality Policy](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx) for definitions).
* Donations – the University does not make political donations. It may make charitable donations in certain circumstances, with the approval of the President & Vice Chancellor.

## Facilitation Payments: Facilitation payments are unofficial payments made to public officials to secure or expedite actions, they are not tolerated and are illegal.

* Facilitation payments are typically small, unofficial payments made to government officials to secure or expedite a routine service to which there is already entitlement. For example, an official may request an undue payment to issue an academic’s visa. Similarly, individuals within an official overseas regulatory authority may require an improper payment to issue regulatory approval for any joint educational arrangements the University maintains with overseas organisations. Facilitation payments do not, however, only arise in relation to government officials – any payment to ‘smooth the way’ that is not legally and ethically justifiable is potentially relevant.
* The University does not offer or make, and shall not demand or accept, facilitation payments of any kind by members of the University anywhere in the world.

## Recognising a facilitation payment

* Where a payment is in doubt:
  + Query what the payment is ostensibly being asked for and whether the amount requested appears relevant and proportionate to the matter in hand.
  + Ask for clarification, preferably written, if in doubt about what you are being asked for.
  + Seek further advice to distinguish between properly payable fees and disguised requests for facilitation payments.

## Where there are suspicions or concerns in respect of a payment then, subject to the following paragraph, do not make the payment. Report concerns using the processes stated in [section 8](#_Raising_Concerns_and).

## The University recognises that there may be circumstances in which a person could face a request for such payments in circumstances of duress, including actual or implied threat to their personal safety. Common sense must be used in deciding whether to make a payment in such circumstances. The University will not penalise payments made in such circumstances. Where the circumstances set out in this paragraph apply, members of the University must as soon as possible report the circumstances using one of the processes under sections 8 below.

## Overseas Jurisdictions

* Certain jurisdictions present a heightened risk of bribery. [Transparency International](https://www.transparency.org/en)publishes a helpful [Corruption Perceptions Index](https://www.transparency.org/en/cpi/2023) by jurisdiction which can be used by staff to access the perceived risks of bribery activity associated with a particular part of the world.
* Staff travelling, as part of their research, teaching, recruitment or for any other reason, to countries identified in the index as having a perceived high risk of corruption should be especially vigilant and prepared to identify and resist bribery.
* The guidance provided in this policy apply equally when working overseas or in the UK.

## High Risk Areas: The provisions of this policy clearly state that the University must remain vigilant and seek to identify and avoid bribery and corruption. It would be impossible to list all potential situations that may be encountered, but certain areas and business relationships require scrutiny, for example improper hospitality, facilitation payments, and certain overseas jurisdictions (see above). Such ‘high risk’ areas will change over time, however areas of high risk to the higher education sector which will require enhanced levels of due diligence and caution will almost certainly include the following:

* Agents and Intermediaries, particularly those who operate in a jurisdiction where bribery is endemic.
* Joint ventures and consultancies, where the University could be held liable for any bribery or corruption committed by the associated third party.
* Contracts, particularly construction contracts where the values involved are likely to be high.
* All aspects of the procurement of goods and services carried out by the University.
* Business travel to countries identified in the Corruption Perceptions Index.

## Despite the above areas of potential concern this policy is not intended to prohibit the following practices provided they are customary in a particular market, are proportionate, are properly recorded and fully transparent including:

* the normal and appropriate hospitality authorised, provided and logged in line with the [University’s Gifts and Hospitality Policy](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx).
* the giving of a ceremonial gift on a festival or at another special time authorised, provided and logged in line with the University’s [Gifts and Hospitality Policy.](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx)
* the use of any recognised fast-track process which is available to all on a payment of a fee.
* the offer of resources to assist the person or body to make the decision more efficiently if they are supplied for that purpose only.

## Inevitably, decisions as to what is acceptable may not always be easy. If anyone is in doubt as to whether a potential act constitutes bribery, the matter should be referred to the Chief Officer Resources for guidance before proceeding.

# Roles and Responsibilities

## The University aims to maintain anti-bribery compliance as ‘business as usual’, rather than as a one-off exercise. The prevention, detection and reporting of bribery is the responsibility of all employees throughout the University.

## Staff must raise concerns as soon as possible if they believe or suspect that a conflict with this policy has occurred or may arise in the future.

## As well as the possibility of civil and criminal prosecution, staff that breach this policy will face disciplinary action, which could result in dismissal for gross misconduct.

## The University reserves the right to terminate contractual relationships with third parties if they fail to comply with the terms of this policy.

## When an instance of bribery is identified, remedial steps must be taken immediately, including the reporting of the incident (or suspected incident) of bribery, in accordance with the University’s [Whistle Blowing Policy](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx).

## Managers must ensure all their employees are aware of this policy and of their responsibilities to act in accordance with its procedures.

## Staff must: ensure that they read, understand, and comply with this policy.

# Procedures

## The University ensures its procedures to prevent bribery by persons associated with it are proportionate to the bribery risks it faces and to the nature, scale and complexity of the University’s activities.

* Commitment: The top-level University managers and governors are committed to preventing bribery by persons associated with it. Bribery is never acceptable.
* Risk Management: All Deans and Heads of Departments must consider the risk to their areas of bribery. Risks must be documented in the departmental risk register and reviewed regularly.
* Due Diligence: the University Executive Group will oversee due diligence relating to proposed major academic or financial collaboration and any activity where there is a significant risk of bribery, ensuring that the anti-bribery policy is considered in all agreements.
* Accurate Record Keeping: Accurate records and financial reporting will be maintained for all activities and by all third parties acting on behalf of the University.
* Communication: Updates to this policy will be communicated to all staff. All new starters at the University will be made aware of the requirement to adhere to this policy.
* Whistleblowing: – see section 8
* Action in response to suspected bribery: In such situations an investigation into suspected fraud will be carried out by the University. This may involve a police investigation and may lead to action being taken against the individual. Where a case of bribery is proven against a member of staff, this is viewed as gross misconduct and may lead to dismissal. A case of bribery by a student will be addressed in line with the current Student Regulations. It may result in the termination of studies and the withholding of an academic award.
* Register of Bribery & Fraud Cases: A register of all cases or attempted cases of bribery will be maintained by the University Chief Operating Officer and Secretary, The register will inform risk assessments.

# Raising Concerns and Seeking Guidance

## There are a number of avenues available to direct concerns. Please refer to the University’s [Whistle Blowing Policy](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx) which provides details of how to disclose incidents (or suspected incidents) of bribery, and how to seek advice on such issues.

## It may be possible for the disclosure to be made and resolved internally (e.g. to your Dean or Head of Department). Alternatively, where such internal disclosure proves inappropriate, concerns can be raised with the University Secretary or the Vice-Chancellor, the Whistle Blowing Policy provides contact details. Raising concerns in these ways are more likely to be considered reasonable than making disclosures publicly (e.g. to colleagues or via the media).

## Staff who refuse to accept or offer a bribe, or those who raise concerns or report wrongdoing, understandably can be worried about the repercussions. The University aims to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.

## The University is committed to ensuring that no one suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.

# Review and Approval

## This policy is reviewed and approved triennially by the University’s Audit Committee, or more frequently where legislative change requires.

# Related Policies

[Counter Fraud and Corruption Policy](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx)

[Anti-Money Laundering Policy](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx)

[Gifts and Hospitality Policy](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx)

[Risk Management Policy](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx)

[Whistleblowing Policy and Procedure](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx)