

ANTI-BRIBERY POLICY



This document sets out the University's policy governing anti-bribery in compliance with the Bribery Act 2010

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Executive Sponsor	Chief Operating Officer
Officer Responsible for Policy/ Procedures	General Counsel
Consultation Process	Policy Infrastructure Project Board Executive Engagement Group
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INTRODUCTION AND CONTEXT

The Bribery Act 2010 contains strict laws which ban public and private sector bribery. Organisations, including universities, commit a criminal offence if they fail to prevent bribery by their employees, joint venture partners, or contractors. Senior managers commit a criminal offence if they turn a blind eye to bribery. The University could be fined an unlimited amount and members of staff could be imprisoned for up to 10 years should bribery occur.

1. SCOPE OF THE POLICY

1.1 Purpose of the Policy

The purpose of the Policy is to help prevent bribery from occurring and to protect the University and staff from breaching the Bribery Act 2010 and other bribery laws which apply overseas.

1.2 What is covered by the Policy

This Policy:

- sets out the principles that all staff, business partners and contractors must follow; and
- provides guidance on the Bribery Act 2010.

1.3 Who is covered by the Policy

All staff, joint venture and business partners, and contractors providing services to or on behalf of the University must comply with the Policy.

The Policy does not form part of any employee's contract of employment and may be amended at any time.

1.4 Breach of this Policy

Any breach of this Policy and its associated procedures by staff will be investigated in accordance with the University's disciplinary procedure. A serious breach may amount to gross misconduct, and could therefore result in summary dismissal. A breach of bribery laws may also result in the staff member being reported by the University to the police and/or SFO, and any relevant overseas law enforcement body.

Any breach of this Policy and its associated procedures by business partners, contractors and other third parties will be investigated and any breach may result in relevant contracts being terminated and the third party being reported by the to the police and/or SFO, and any relevant overseas law enforcement body.

1.5 Policy Ownership

The Executive has approved this Policy. The Chief Operating Officer is the Executive sponsor and the General Counsel is the officer responsible for the Policy. Any questions about the operation of this Policy or any concerns that the Policy has not been followed should be referred in the first instance to the General Counsel.

2. THE POLICY STATEMENT

2.1 Guiding Principles

The University is committed to fostering a culture in which bribery by persons associated with it is unacceptable. To deliver compliance, the University adheres to the following guiding principles:

- The University carries out its activities fairly, honestly and without bribery or corrupt behaviour.
- The University not give or offer any money, gift, hospitality, incentive trips or other advantages to an employee of another organisation, whether in the public or private sector, with the intention of inducing the employee to do something improper in relation to their work or the exercise of their discretion.

- The University will not give or offer any money, gift, hospitality, incentive trip or other advantage to any public official or third party connected to a public official with the intention of influencing the public official to our business advantage.
- Our business partners and contractors must not bribe in connection with our activities.
- Staff must not accept money, gifts, hospitality and/or other advantages from any suppliers, service providers, business partners or other third parties which are intended to influence a business decision or transaction for the University in some improper way.
- Staff must not have undeclared conflicts between the University's interests and their personal or other business interests.
- No staff member will suffer demotion, penalty, or other adverse consequence for refusing to pay bribes or doing anything else that is unethical or improper; nor will they suffer adverse consequence by reporting such suspected misconduct.
- The University will avoid engaging with others who do not commit to doing business without bribery.

2.2 Procedures

This Policy is implemented by Compliance Procedures which meet the requirements of the six principles of the Bribery Act 2010's adequate procedures.

3. DEFINITIONS

The terms set out in this section 3 apply to this Policy.

Bribery is the offer, promise, giving, requesting or acceptance of a thing of value as an inducement for doing something improper in carrying out work or performing a relevant function.

Corruption is the misuse of public office or a business position for private gain.

A **foreign public official** is any person who exercises a public function for or on behalf of a government, a government agency, or a local or public authority of any country or territory; a politician or a candidate for political office in any country or territory; a person who works for a public international organisation (for example, the United Nations, World Bank or World Food Programme); an official exercising any public function in a state-owned company, university or colleague in any country or territory; and any person, whether elected or appointed, who holds a legislative, administrative or judicial position of any kind in a country or territory.

SFO is the Serious Fraud Office.

4. BRIBERY AND CORRUPTION

Acts of bribery or corruption are designed to influence an individual (usually an employee) in the performance of their duties and to act in a way contrary to how their employer, their organisation or the public would expect them to act.

The person being bribed is generally someone who will be able to obtain, retain or direct business, sales or revenue; or who can help the University with the successful completion of an administrative or legal process. This may involve increasing business dealings, securing students for courses, or the handling of legal or administrative tasks such as licences, planning, customs, taxes, or import/export matters.

Bribes take on many different shapes and forms such as commissions, gifts, loans, holidays, travel and other expenses, secret rebates, charitable or political donations, job offers,

scholarships, and excessive hospitality. Bribes can be direct personal benefits or indirect benefits, for example, a gift given to a spouse of a sponsor partner.

Bribery is a conduct offence and so the intention to deliver such an improper outcome will be the issue, rather than the actual outcome (irrespective of the merits of the ultimate action taken).

5. FAILURE TO PREVENT BRIBERY

5.1 The Offences

Under the Bribery Act 2010, it is an offence:

- to offer or give a bribe another person;
- to request or receive a bribe;
- to bribe a foreign public official;
- for senior managers to consent to or connive in an act of bribery; and
- for an organisation to fail to prevent bribery by an "associated person".

Individuals risk up to 10 years imprisonment and/or an unlimited fine if they breach the Bribery Act 2010.

The Bribery Act 2010 applies to British organisations and citizens and also to foreign people and businesses if they do any business in or with the UK. It applies to bribery that takes place in the UK and overseas.

Under UK law, the University will commit a criminal offence if it fails to prevent employees, subsidiaries, joint ventures, agents, contractors and service providers engaging in bribery to benefit the University.

5.2 Bribery and Foreign Public Officials

A bribe can be anything of value that is offered or given with the intention of influencing the public official to obtain or retain a business advantage from a foreign public official. This is a low threshold as it does not require an intention that the official exercises his role improperly; it is sufficient that the offer is made to influence and to obtain or retain business or a business advantage.

5.3 Facilitation Payments

Facilitation payments are a form of bribery. They are typically small unofficial payments paid to public officials personally to speed up an administration process or to secure a routine government action by an official (e.g. customs clearance).

Employees, business partners, contractors and service providers must not make facilitation payments in connection with the University's activities.

The only exception to this prohibition of payments would be in circumstances where there is a real and imminent threat to the health, safety, personal security or welfare of any member of staff or a member of his or her family. An example of this would be where a Customs Official makes a demand for a personal payment together with a threat that if payment is not made, the person may be detained. If your personal safety is threatened, the University would not expect that member of staff refuse to make payment.

6. IMPLEMENTATION

The offence of failing to prevent bribery is subject to a defence of having in place "adequate procedures" designed to prevent bribery. This Policy is implemented by the Compliance Procedures. The UK's Ministry of Justice has published guidance on anti-bribery procedures which is formulated around six guiding principles:

Principle 1: Proportionate Procedures – the University's Compliance Procedures are proportionate to the bribery risks it faces and to the nature, scale and complexity of its activities. They are also clear, practical, accessible, effectively implemented and enforced.

Principle 2: Top Level Commitment - this Policy and the Compliance Procedures are approved by the Executive and ratified by Audit Committee to demonstrate that the University is committed to preventing bribery by persons associated with it.

Principle 3: Risk Assessment - the University has assessed the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment is periodic, informed and documented.

Principle 4: Due Diligence - the University applies due diligence procedures, taking a proportionate and risk based approach, in respect of persons who perform or will perform services for or on behalf of the University, in order to mitigate identified bribery risks.

Principle 5: Communication (including Training) - the University seeks to ensure that this Policy and the Compliance Procedures are embedded and understood throughout the University through internal and external communication, including training, proportionate to the risks it faces.

Principle 6: Monitoring and Review - the University monitors and reviews procedures designed to prevent bribery by persons associated with it and makes improvements where necessary.



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