Anti-Bribery and Gifts and Hospitality Policy

This Policy sets out the University's zero-tolerance approach to bribery and provides guidance on the appropriate handling of gifts and hospitality. It is important because even small actions, such as accepting a gift or attending an event, can create real or perceived risks to integrity, decision-making and the University's reputation. Breaches can also result in serious legal and financial consequences for both individuals and the institution.

The Policy is relevant to all members of the University community, including staff, members of Council, honorary and visiting academics, and any third parties acting on the University's behalf. Everyone has a responsibility to act with honesty, integrity and to avoid situations that could influence, or appear to influence, their professional judgement.

The Policy sets out what constitutes bribery, the legal framework under the Bribery Act 2010, and clear rules on the acceptance and declaration of gifts, gratuities and hospitality. It also explains how to identify risks and report concerns.

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Queries relating to this document should be directed to the Policy Owner – Clare Jamison.

This document can be made available, on request, in alternative formats and in minority languages to meet the needs of those who are not fluent in English.

Anti-Bribery and Gifts and Hospitality Policy

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1. Purpose

The University is committed to the core values of Inclusion, Integrity, Collaboration and Enhancing Potential and to conducting its activities with the highest ethical standards.

This Policy sets out the University's zero-tolerance approach to bribery, corruption and improper inducements. It also provides clear guidance on the acceptance and provision of gifts, gratuities and hospitality, ensuring that all such activity is conducted lawfully, proportionately and in a manner that protects both individuals and the reputation of the University.

The objectives of this Policy are to:

- ensure compliance with the Bribery Act 2010;
- reduce and mitigate the risk of bribery and corruption in all University activities;
- provide clear and practical guidance on the acceptance of gifts, gratuities and hospitality; and
- support an organisational culture of integrity and accountability.

2. Scope

This Policy applies to all members of the University community, including:

- University employees;
- external and co-opted members of Council and Council Committees (*);
- anyone affiliated to the University through an honorary appointment, including visiting academics, visiting researchers and honorary academics (*); and
- all third parties retained by the University to perform services for, or on behalf of, the University.

(*) in undertaking any form of activity for the University.

3. Legal and Regulatory Framework

This Policy is underpinned primarily by the **Bribery Act 2010**, which came into force on 1 July 2011. The Act:

- applies to individuals and organisations, including higher education institutions;
- applies to members of the University community conducting business on behalf of the University outside the United Kingdom. In such cases, relevant local legislation must also be considered, as it may differ from or impose more rigorous requirements than the Act; and
- creates offences of giving and receiving bribes, bribing a foreign public official and, for organisations, failing to prevent bribery.

The University may be criminally liable where it fails to prevent bribery carried out by persons acting on its behalf.

4. Offences Under the Bribery Act 2010

Three offences apply to both the University and all members of the University community.

(i) Active Bribery - An offence occurs where a person offers, promises or gives a financial or other advantage to induce or reward the improper performance of a function or activity. The offence applies whether the advantage is offered directly or through a third party, and whether or not it is ultimately given.

(ii) Passive Bribery - An offence occurs where a person requests, agrees to receive or accepts a financial or other advantage in return for the improper performance of a function or activity. The offence applies whether the advantage is received directly or through a third party, and whether or not it is ultimately received.

(iii) Bribing a Foreign Official - An offence occurs where a person offers, promises or gives an advantage to a foreign public official to influence their official functions and obtain business or an advantage for the University. The offence applies whether or not the official acts as intended. There is no exception for facilitation payments (see Section 7), and local custom is not a defence.

A fourth offence, as a corporate offence, applies only to the University.

(iv) The University commits an offence if it fails to prevent bribery by a person associated with it (for example, employee, agent, contractor or partner) acting on its behalf. This applies regardless of where the bribery occurs and whether or not the University was aware of it. The only defence is for the University to demonstrate that it had "adequate procedures" in place to prevent bribery.

5. Adequate Procedures Under the Bribery Act 2010

While the Act does not define "adequate procedures", the Ministry of Justice Bribery Act Guidance document has provided the following principles to help organisations decide what is appropriate for their needs:

- Proportionality
- Top-level commitment
- Risk assessment
- Due diligence
- Communication and training
- Monitoring and review.

There is no 'one size fits all' and the guidance makes clear that each organisation needs to decide a proportionate response based on its activities and areas of risk.

6. Penalties

Failure to comply with this Policy may result in serious legal, regulatory, disciplinary and reputational consequences for both individuals and the University.

Individuals who engage in bribery may be subject to action under applicable legislation and, where appropriate, referral to the relevant authorities.

Failure to comply with this Policy may result in action under the University's relevant policies and procedures. Depending on the circumstances, this may include disciplinary action,

recovery of improperly incurred expenditure or losses suffered by the University, termination of contractual arrangements, and referral to an appropriate law-enforcement, regulatory or funding body.

Any action taken will be proportionate to the nature and seriousness of the non-compliance and undertaken in accordance with the applicable University policy or procedure.

The University may be exposed to legal, financial, regulatory and reputational risks arising from instances of bribery, corruption or non-compliance with this Policy.

Where a third party acting on behalf of the University breaches applicable anti-bribery legislation or the requirements of this Policy, the University may take appropriate action, including termination of contractual arrangements and referral of the matter to the relevant authorities.

7. Facilitation Payments and Kickbacks

“Facilitation payments” are typically small, unofficial payments made to secure or expedite a routine government action by a government official. “Kickbacks” are typically payments made in return for a business favour or advantage. Neither is permitted under the Bribery Act 2010, even if regarded as accepted or customary practice in another country.

The Act makes no distinction between facilitation payments and bribes. The University does not make, and will not accept, facilitation payments or kickbacks of any kind.

Members of the University community must distinguish between properly payable fees and disguised requests for facilitation payments. Anyone asked to make a payment on behalf of the University must establish what the payment is for, consider whether the amount is proportionate to the goods or services provided and obtain a receipt setting out the reason for the payment. Any suspicion, concern or query regarding a payment must be raised with the individual’s line manager or reported in accordance with Section 13.

8. The Main Risk Areas for the University

The principal bribery and corruption risks relevant to the University include:

- purchases of goods and services, particularly the award and management of tenders and contracts;
- tenders and bids made by the University for research contracts;
- the giving and receiving of gifts, gratuities and hospitality;
- student admission and recruitment, particularly international recruitment and the use of agents for this purpose;
- collaborations, joint ventures, partnerships and academic or commercial affiliations, particularly with organisations based overseas;
- fundraising, including circumstances in which a donation or sponsorship is conditional upon the University taking or refraining from particular action;
- student assessments and examinations; and
- subsidiary and spin-out companies.

If any member of the University community identifies a bribery risk that is not, or may not be, adequately addressed by existing or planned controls, they must report it to the University Secretary, either directly or through their line manager.

The concern will be considered in accordance with Section 13.

9. Gifts and Gratuities

9.1 General Principles

Members of the University community, as set out at Section 2, must not solicit, accept or retain any gift or gratuity that could, or could reasonably be perceived to, influence the performance of their duties or compromise their impartiality, integrity or professional judgement.

Particular care must be exercised in relation to gifts offered by any individual or organisation that has, or is seeking to establish, a contractual, commercial or other formal relationship with the University.

The acceptance of gifts must be consistent with the principles of transparency, accountability and integrity and must not give rise to an actual, potential or perceived conflict of interest.

9.2 Low-Value Gifts

One-off gifts with a value of £50 or below may be accepted and do not require approval or declaration, provided that acceptance is consistent with the principles set out in this Policy.

When considering whether a gift is of low value, members of the University community must take account of any previous gifts received from the same source. Gifts should not be considered in isolation where their cumulative value or frequency could reasonably give rise to an actual, potential or perceived conflict of interest. Where multiple gifts are received from the same source over a reasonable period and their cumulative value exceeds £50, the gifts must be declared and recorded in the Gifts and Hospitality Register.

9.3 Gifts Valued at More Than £50

All gifts valued at more than £50, whether accepted or refused, must be declared using the University's designated declaration process and recorded in the Gifts and Hospitality Register as soon as reasonably practicable and no later than 28 days after the date of acceptance or refusal.

Approval from the relevant Dean or Director must be sought before a gift valued at more than £50 is accepted, wherever reasonably practicable. Where prior approval cannot reasonably be obtained, the gift must not be accepted unless the recipient is satisfied that acceptance is consistent with this Policy. The circumstances must then be reported promptly and retrospective approval sought. A gift that is refused must also be notified to the relevant Dean or Director.

For gifts over £50, the Register must record the relevant approval, notification or other determination, including whether the gift was approved, refused or otherwise determined. Recording is required irrespective of whether approval is granted.

Declarations relating to members of Council must be authorised by the University Secretary. Where a declaration concerns the University Secretary, or where the University Secretary has an actual, potential or perceived conflict of interest, it must instead be authorised by the Chief People Officer.

Where it is not practicable to decline or return a gift, consideration must be given to its use for University purposes rather than personal benefit. Any such arrangement must be approved by the relevant Dean or Director and recorded in the Gifts and Hospitality Register.

Any uncertainty regarding the acceptance, refusal, declaration or recording of a gift must be referred to the University Secretary for determination.

9.4 Honoraria, Fees and Other Payments

Payments, honoraria, gift vouchers, gift cards or other benefits provided in recognition of lectures, presentations, publications, external examining, advisory work, conference participation or other professional services are not normally regarded as gifts for the purposes of this Policy. Such arrangements must be considered in accordance with the University's requirements relating to external activities, conflicts of interest and applicable financial procedures.

Where gift vouchers or gift cards are provided as a form of honorarium or fee for services, they must be treated in the same manner as any other honorarium or payment and not as a gift for the purposes of this section.

Where there is uncertainty as to whether an offer should be treated as a gift, hospitality, honorarium or payment for services, advice must be sought from the relevant Dean or Director or the University Secretary.

9.5 Gifts That Must Not Be Accepted

The following gifts must not be accepted:

- cash or cash equivalents, including cheques, personal loans, cryptocurrency, referral payments, discounts not available to the wider University community, or any other readily convertible financial benefit;
- gifts which provide a personal benefit and cannot reasonably be regarded as supporting a legitimate University purpose;
- gifts which give rise to an actual, potential or perceived conflict of interest;
- gifts offered with the intention, or perceived intention, of influencing a decision or obtaining an improper advantage;
- gifts connected with political parties, elections or trade disputes;
- gifts offered by media organisations, journalists or their representatives where acceptance could compromise, or be perceived to compromise, the University's independence or integrity; and
- gifts offered during, or in connection with, any procurement, tendering, purchasing or contract management activity.

Any unsolicited gift that cannot appropriately be accepted under this Policy should be declined or returned with a courteous explanation of the University's requirements.

9.6 Advice and Queries

Advice on the application of this section, including the acceptance, refusal, declaration or recording of gifts and gratuities and the treatment of honoraria, fees and other payments, may be obtained from the Office of the University Secretary.

10. Hospitality

10.1 Acceptable Hospitality

Members of the University community may accept hospitality where it is reasonable, proportionate and clearly connected to legitimate University business.

Examples of hospitality that would normally be acceptable include:

- refreshments, working lunches or dinners provided in the course of meetings, visits, conferences or other business activities;
- conference or event hospitality that is available to all participants;
- hospitality associated with participation in an official capacity, including speaking engagements, presentations or representation of the University;
- attendance at events where there is a legitimate University purpose and the hospitality is proportionate to the purpose of the engagement; and
- hospitality offered as part of established academic, professional or sector relationships, provided there is no actual, potential or perceived conflict of interest.

Such hospitality does not normally require declaration unless the circumstances give rise to a conflict of interest concern, involve travel, accommodation, entertainment or other significant benefits, or otherwise meet the declaration requirements set out in Section 11.

10.2 Hospitality That Must Be Refused

Hospitality must not be accepted where it could reasonably be perceived as influencing, rewarding or compromising the recipient in the performance of their University duties.

Particular care must be exercised in relation to hospitality offered by current or prospective suppliers, contractors, consultants or other parties seeking to establish or maintain a commercial relationship with the University.

The following must be refused unless expressly approved in advance by the relevant Dean or Director and determined to be consistent with this Policy:

- hospitality offered with the intention, or perceived intention, of influencing a decision or securing an improper advantage;
- hospitality connected with procurement, tendering, purchasing or contract management activity;
- hospitality involving travel, accommodation, entertainment or other benefits that are disproportionate to the purpose of the engagement;
- hospitality that primarily benefits the individual rather than the University; and
- repeated or excessive hospitality from the same source where this could give rise to an actual, potential or perceived conflict of interest.

Where there is uncertainty regarding the appropriateness of hospitality, advice must be sought from the relevant Dean or Director or the Office of the University Secretary.

11. Declaration Requirements for Gifts and Hospitality

All gifts valued at more than £50, whether accepted or refused, must be declared using the University's designated declaration process and recorded in the Gifts and Hospitality Register as soon as reasonably practicable and no later than 28 days after the date of acceptance or refusal, in accordance with Section 9.3.

Hospitality that is routine, proportionate and provided in the normal course of University business does not normally require declaration. Hospitality must be declared where:

- it involves travel, accommodation, entertainment or other significant benefits;
- it is offered by a prospective supplier, contractor or commercial partner;
- it may give rise to an actual, potential or perceived conflict of interest;
- it falls outside the categories of hospitality normally regarded as routine business hospitality; or
- the recipient is uncertain as to its appropriateness.

Where hospitality requires declaration, approval must be sought from the relevant Dean or Director before acceptance wherever reasonably practicable. This is particularly important where the hospitality involves travel, accommodation, entertainment or other significant benefits.

Where prior approval cannot reasonably be obtained, the hospitality must not be accepted unless the recipient is satisfied that acceptance is consistent with this Policy. The circumstances must then be reported promptly and retrospective approval sought.

All hospitality requiring declaration, whether accepted or declined, must be recorded in the Gifts and Hospitality Register as soon as reasonably practicable and no later than 28 days after the date of acceptance or refusal. The Register must record the relevant approval, notification or other determination, including whether the hospitality was approved, declined or otherwise determined. Recording is required irrespective of whether approval is granted.

Declarations relating to members of Council must be authorised by the University Secretary. Where a declaration concerns the University Secretary, or where the University Secretary has an actual, potential or perceived conflict of interest, it must instead be authorised by the Chief People Officer.

The Office of the University Secretary is responsible for maintaining the Gifts and Hospitality Register. An annual summary report on declarations made under this Policy will be provided to the Audit and Risk Committee.

12. Gifts and Hospitality Given by the University

University funds must not be used to purchase gifts for staff for personal occasions.

University-branded items should be used wherever possible when selecting gifts for legitimate University purposes.

Any purchase of gifts must comply with the University's Financial Regulations and related policies, including the Purchasing Card Policy where applicable.

Modest gifts, not exceeding £50, may be given to external individuals who contribute services to the University. Gifts exceeding this amount must be approved in advance, on an exceptional basis, by a member of the Senior Leadership Team.

Line managers must ensure that University funds are not used to pay for staff lunches or social or seasonal gatherings. Expenditure on meals is permitted only in the circumstances set out in Section 11 of the Travel, Expenses and Hospitality Policy.

13. Reporting Concerns

All members of the University community have a responsibility to report promptly any concern or suspicion relating to bribery, corruption, an inappropriate offer of a gift or hospitality, or a breach of this Policy. A person making a report must not investigate the matter themselves.

Reports should normally be made to the University Secretary, either directly or through the individual's line manager. Concerns may also be raised under the University's Raising Concerns (Whistleblowing) Policy where appropriate. Reports will be considered under the

relevant University policy or procedure, which may include the Fraud and Theft Response Procedure.

Where a concern relates to, or involves, the University Secretary, it may be reported directly to the Chief People Officer.

Information will be handled as confidentially as reasonably practicable, subject to the need to investigate the concern, take appropriate action and comply with legal or regulatory obligations. Where there is evidence of a potential criminal offence or other serious wrongdoing, the matter may be referred to an appropriate law-enforcement, regulatory or funding body.

14. Other Relevant Policies

This Policy should be read in conjunction with the following University policies and procedures:

- Acceptance of Donations Policy;
- Staff Disciplinary Policy;
- Financial Regulations, Policies and Procedures;
- Fraud and Theft Response Procedure;
- Purchasing Card Policy;
- Raising Concerns (Whistleblowing) Policy; and
- Travel, Expenses and Hospitality Policy.

All policies and procedures can be viewed on the University Policy Repository.

15. Further Information

For further information on this Policy, please contact the Office of the University Secretary.