

Amendment to the University's Financial Regulations in Respect of Bribery

Bribery

Definition

The University defines bribery as the offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal or a breach of trust.

Policy Statement/Principles

The University is committed to:

- Conducting its business fairly, honestly and transparently;
- Not making or offering bribes, whether directly or indirectly, to gain business or other advantages;
- Not accepting bribes, whether directly or indirectly, to give business or other advantages;
- Developing a Programme to implement and support these Principles.

Code of Conduct

The University is committed to the highest standards of openness, integrity and accountability. It seeks to conduct its affairs in a responsible manner, having regard to the principles established by the Committee on Standards in Public Life (formerly known as the Nolan Committee), which members of staff at all levels are expected to observe. These principles are set out at appendix B. In addition, the University expects that staff at all levels will observe the code of conduct that covers:

- probity and propriety;
- selflessness, objectivity and honesty; and,
- relationships.

Additionally, members of the governing body, senior management or those involved in procurement are required to disclose interests in the University's register of interests maintained by the Secretary to Council. They will also be responsible for ensuring that entries in the register relating to them are kept up to date regularly and promptly, as prescribed in the financial procedures.

In particular, no person shall be a signatory to a University contract where he or she also has an interest in the activities of the other party.

Receiving gifts or hospitality

It is an offence under the Bribery Act 2010 to:

1. Bribe another person;
2. be bribed;
3. bribe foreign public officials;
4. fail to prevent bribery.

In adhering to its stated Principles the University will:

1. Carry out its business fairly, honestly and openly (as exemplified by having transparent payment terms, clear records)

2. Not make bribes, nor will we condone the offering of bribes on our behalf, so as to gain a business or other advantage (as exemplified by not paying bribes to any third party or agent)
3. Not accept bribes, nor will we agree to them being accepted on our behalf in order to influence business (as exemplified by careful management of commission payments)
4. Avoid doing business with others who do not accept our values and who may harm our reputation (as exemplified by the careful selection of business partners)
5. Set out our processes for avoiding direct or indirect bribery, and keeping to and supporting our values (as exemplified by adopting a process for dealing with gifts and entertainment)
6. Keep clear and updated records (as exemplified by having records of decisions on giving donations or how a demand for a bribe or conflict of interest was handled)
7. Make sure that everyone in our business and our business partners know our Principles (as exemplified by having good communication and training/no excuse for not knowing)
8. Regularly review and update our processes as needed (as exemplified by learning from experience and networking with others)
9. Keep to these Principles even when it becomes difficult (as exemplified by not paying facilitation or similar payments)

A statement has been developed that may be issued to third parties to explain the University's position is appended to this document.

Gifts and Entertainment

Members of staff should not accept any gifts, rewards or hospitality (or have them given to members of their families) from any organisation or individual with whom they have contact in the course of their work that would cause them to reach a position whereby they might be, or might be deemed by others to have been, influenced in making a business decision as a consequence of accepting such hospitality. The frequency and scale of hospitality accepted should not be significantly greater than the University would be likely to provide in return.

When it is not easy to decide between what is and what is not acceptable in terms of gifts or hospitality, the offer should be declined or advice sought from the relevant head of department or the director of finance.

A member of staff must not, either directly or indirectly, accept any gift, reward or benefit from any member of the public, educational establishment or other organisation with whom he/she has been brought into contact by reason of their duties, with the following exceptions:

- a. occasional gifts of a trivial character or inexpensive seasonal gifts (such as calendars); and,
- b. conventional hospitality, provided it is normal and reasonable in the circumstances.

In considering what is normal and reasonable [see b above], regard should be had to:

- 1-The degree of personal involvement

There is no objection to the acceptance of, for example, an invitation to the annual dinner of a large trade or college association or similar body with which staff have day to day contact; or of working lunches (provided the frequency is reasonable) in the course of official visits;

2-The usual conventions of returning hospitality

The occasional acceptance of, for example, a meal would not offend the rule, whereas acceptance of frequent or regular invitations to private lunches, dinners or sporting or other events might give rise to a breach of the standard of conduct required; and,

3-The total cost of hospitality

For example, the acceptance of travel or overnight accommodation in addition to the event itself should be taken into account.

For the protection of those involved, the director of finance will maintain a register of gifts and hospitality received where the value is in excess of £50. Members of staff in receipt of such gifts or hospitality are obliged to notify promptly the director of finance.

Valuable items [such as gold jewellery, expensive watches or airline tickets] received as gifts will be returned, or disposed of as agreed by the Director of Finance. Where the declining of a gift may give offence [e.g. at a public event] it may be accepted, but returned later with a letter of explanation or donated to charity. The giver should be told what has been done and why, to avoid gifts of value being presented on other occasions.

Where no-one from the organisation offering the event attends to host guests [e.g. at a sporting event], this is then treated as a gift and not entertainment, and falls under the rules on gifts.

Key Bribery Issues-Guidance for Staff

Transparency International have highlighted the following as the main issues which may directly affect business and which it is expected organisations will assess and prioritise.

A bribe may take many guises other than money. It can be paid directly or as part of a 'commission' in a contract, but it can also be disguised as a gift, a benefit, a favour or a donation. Bribes may also be paid without the University being aware by agents or third parties working on our behalf.

Gifts and Entertainment

An expensive gift or the offer of lavish entertainment may be perceived as bribes and can all be used as bribes, more subtle than cash, but made with the deliberate intention of improperly gaining a business advantage and perhaps preparing the way for more extensive bribery.

Reasonable gifts and entertainment offered openly in the normal course of business to promote good relations and mark special occasions are not bribes.

It is important that everyone in the University understands the difference. To protect the University, the people working with you and, of course, yourself, agree when gifts and entertainment may be given and accepted. Make sure a record of this is kept.

Where the value of the gifts and hospitality received is in excess of £50 notify promptly the director of finance so a formal record of this can be made..

All business partners/third parties need to be aware of our rules in relation to gifts and entertainment

Conflicts of Interest

A conflict of interest is when a personal interest or relationships is put before the business interests. Senior managers and Council members are required to declare these annually and before each Council meeting that they attend.

Even without malpractice, conflicts of interest may be seen as corrupt activities so any member of staff who is concerned that they might be compromised by a potential conflicts of interests should consult the Secretary to Council.

Charitable Contributions and Sponsorships

Bribes may be disguised as charitable contributions or sponsorships. Money paid to a charity should not be dependent on a favour in kind. Any such contribution must be given to the organisation and not an individual.

Sponsorship should bring real, measurable benefits to the University such as more publicity and a stronger brand. Make sure sponsorships are made for the benefit of the University and not used as cover for bribery.

Facilitation Payments

Facilitation payments are just another form of bribery and, as such, are illegal in nearly all countries. They may be small amounts demanded by providers of services to secure or 'facilitate' services to which you are entitled. Schools/Departments within the University are expected to develop clear plans on how to ensure against making facilitation payments.

Affiliations

The University does not make political contributions or affiliate to any political party.

Any non-political affiliation needs to be agreed by Council.

UBS needs to report its affiliations annually to Finance Committee.

Appendix

Brunel University – Policy and Principles Statement [guidance for third parties on the conduct of business with the University]

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Approved by the University Council-8 December 2010