

Anti-bribery Policy-Incorporating the Policy and Procedures in Respect of Gifts and Hospitality

Anti-bribery Policy

It is the policy of the University that all staff and students conduct business in an honest way, and without the use of corrupt practices or acts of bribery to obtain an unfair advantage.

Bribery is a criminal offence in most countries and corrupt acts expose the University and its employees to the risk of prosecution, fines and imprisonment, as well as endangering the University's reputation. Setting that aside, the University wishes to make a commitment to promoting standards of integrity and honesty.

This policy is reviewed annually by the University's Audit Committee. Concerns and comments may be reported, in confidence, to the Secretary to Council who has oversight of the management of the policy within the University. Staff are advised that this policy should be considered in conjunction with the University's Public Interest Disclosure (Whistleblowing) Procedure.

Preamble

The Bribery Act 2010 outlines four corporate offences, three of which also apply to individuals. These offences, whether for commercial organisations or for individuals, apply regardless of where in the world the bribes are offered or received, and regardless of whether the bribery is direct or via a connected party such as an agent or partner. If the University is found to have committed any bribery offence it could face unlimited fines and may come under additional scrutiny from funders in the future. Individuals could face a 10 year prison sentence and unlimited fines. This includes senior officers of entities held liable through their consent to or connivance with the University in committing the offence. The four offences are summarised below:

Offence	Organisational	Individual
Paying or offering a bribe	Yes	Yes
Receiving or requesting a bribe	Yes	Yes
Bribing a foreign public official	Yes	Yes
Failing to prevent bribery	Yes	No

1. *Paying or offering a bribe*

A person will be guilty of this offence if they offer, promise or give a financial advantage or other advantage, to another person to bring about improper performance of a relevant function or an activity, or to reward a person for the improper performance of a relevant function or an activity. The types of function or activity that can be improperly performed include:

- All functions of a public nature;
- All activities connected with a business;
- Any activity performed in the course of a person's employment;
- Any activity performed by or on behalf of a body of persons.

Under the Act, the person performing the function is expected to perform it in good faith, impartially and is assumed to be in a position of trust by virtue of performing it. The function will be covered even if it has no connection with the UK or is performed outside the UK. It may not matter whether the person offered the bribe is the same person that will actually perform, or has performed, the function or activity concerned. The advantage can also be offered, promised or given by a third party.

2. Receiving or requesting a bribe

The recipient, or potential recipient, of the bribe will be guilty of this offence if they request, agree to receive or accept a financial or other advantage to perform a relevant function or activity improperly. It does not matter whether it is the recipient, or someone else through whom the recipient acts, who requests, agrees to receive or accepts the advantage. In addition, the advantage can be for the benefit of the recipient or another person.

3. Bribing a foreign public official

A person will be guilty of this offence if they intend to influence an official in their capacity as a foreign public official. The offence does not cover accepting bribes, only offering, promising or giving bribes. It does not matter whether the offer, promise or gift is made directly to the official or via a third party.

4. Failing to prevent bribery

The University will be guilty of this offence if a person associated with it bribes another person, with the intention of obtaining or retaining business or a business advantage for the University. The offence can be committed in the UK or overseas. The University will be able to avoid conviction if it can demonstrate that it had adequate procedures in place designed to prevent bribery. The University is taking considerable measures to demonstrate that it has robust systems and procedures in place to minimise the risk of bribery. Where an offence is proved to have been committed with the consent or connivance of a "senior officer" of the University, both that person and the institution can be prosecuted. Furthermore, it is not necessary to secure a conviction for bribery by an associated person (e.g. an employee or contractor) to prove the offence of failing to prevent bribery.

Definitions

"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

Brunel University London's Anti-bribery Policy applies to all staff and officials including Directors of any subsidiary or associated companies and Council Members. The policy also includes third parties such as agency workers, consultants, sub-contractors and others working on behalf of the University irrespective of their location, function or grade.

The University does not wish to stifle the development of good working relationships with suppliers, agents, contractors or officials; however, the actions must be

transparent, proportionate and auditable. The University expects our business partners, agents, suppliers and contractors to act with integrity and to avoid any actions that may be considered as an offence within the meaning of the Bribery Act 2010.

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)

In support of the University's commitment to these Principles, and for the avoidance of any doubt, the University has entered the following clause into its general contractual terms and conditions:

1.1 The Seller will, and will procure that its officers, employees, agents and any other persons who perform services for or on behalf of it in connection with the Contract will:

1.1.1 not commit any act or omission which causes or could cause it or the University to breach, or commit an offence under, any laws relating to anti-bribery and/or anti-corruption;

1.1.2 comply with the University's anti-bribery policy as updated from time to time;

1.1.3 keep accurate and up to date records showing all payments made and received and all other advantages given and received by it in connection with the Contract and the steps it takes to comply with this Clause, and permit the University to inspect those records as required;

1.1.4 *promptly notify the University of:*

1.1.4.1 *any request or demand for any financial or other advantage received by it; and*

1.1.4.2 *any financial or other advantage it gives or intends to give whether directly or indirectly in connection with the Contract; and*

1.1.5 *promptly notify the University of any breach of this Clause.*

1.2 *The University may terminate the Contract immediately by giving 28 days' written notice to that effect to the Seller if the Seller is in breach of Clause 1.1.*

1.3 *The Seller will indemnify the University against all losses, liabilities, costs, damages and expenses that the University does or will incur or suffer, all claims or proceedings made, brought or threatened against the University by any person and all losses, liabilities, costs (on a full indemnity basis), damages and expenses the University does or will incur or suffer as a result of defending or settling any such actual or threatened claim or proceeding, in each case arising out of or in connection with any proceedings under section 7 Bribery Act 2010 being brought against the University as a result of the conduct of the Seller or any of its officers, employees, agents or any other persons who perform services for or on behalf of it in connection with the Contract, where such proceedings do not result in a conviction against the University, including the costs of procuring the Goods and/or Services from a person other than the Seller (including the costs of interim service provision, the costs of any re-tender and the amount by which any new service provider's prices exceed the Prices payable to the Seller under the Contract).*

Reporting

The University takes compliance with the act very seriously and any known or perceived breach of the policy or act should be reported immediately to the Secretary to Council under the procedures outlined in the University Whistleblowing policy. Any breach of the procedure, policy or law will be treated as a disciplinary offence and may result in dismissal following investigation.

The form for 'Raising a Whistleblowing Concern' as it relates to the Anti-Bribery Policy is appended to this policy. Concerns may be submitted to the Secretary to Council, one of the Deputy-Vice Chancellors, one of the Pro-Vice Chancellors or the Vice Chancellor. Alternatively, if you would rather disclose a matter to a lay member of Council (who is not an employee of the University) you may report your concerns to the Chair or Vice Chair of Council, or the Chair of the Audit Committee.

Hospitality and Gifts

The occasional exchange of business gifts, meals or low level entertainment is a common practice and is meant to create goodwill and enhance relationships. However, if the receipt of business courtesies becomes excessive, it can create a sense of personal obligation on the part of the recipient. Such sense of obligation can interfere with the individual's ability to be impartial in the transaction.

Staff may accept business courtesies, but such courtesies must be modest enough not to interfere with the ethical judgement of the member of staff and must not create an appearance of impropriety. Corporate hospitality and gifts (whether received or provided) must be transparent, auditable and proportionate. Modest gifts and hospitality may be accepted unless an inducement is intended or suspected. The University expects the following procedures to be followed:

- All gifts and hospitality of an estimated value of £50 or more are to be recorded on the **Gift and Hospitality Acceptance Form**
- If it is not possible to value the gift or hospitality received, or if it is unknown, then that information should be declared on the **Gift and Hospitality Acceptance Form**.
- Gift/hospitality declarations need to be referred to the Line Manager of the person in receipt of the gift or hospitality for countersigning [in the case of the Vice Chancellor this shall be the Secretary to Council].
- The Line Manager will send the Gift and Hospitality Acceptance Form to the Secretary to Council who will make a decision as to whether it can be accepted [the Secretary to Council may need to seek the advice of the Director of Finance as to whether the gift or hospitality may be accepted.
- Issues that cannot be resolved by the Director of Finance and the Secretary to Council will be referred to the Ethics Advisory Committee for consideration.
- If it is deemed as unacceptable for the gift/hospitality to be received, but it is not possible for it to be returned, the gift should be put to charitable use.

If a gift or hospitality is not in keeping with circumstances then every effort must be made to refuse the offer without offending the person or organisation making the offer. If the gift cannot be refused it should be declared on return to the University.

Any gift or hospitality received or given must not have any influence or intention to influence the party receiving the gift or hospitality. For guidance as to whether to accept a gift or hospitality, it is generally expected that the frequency and scale of hospitality accepted should not be significantly greater than the University would be likely to provide in return. Colleagues may also wish to note that information on gifts or hospitality may have to be publicly disclosed.

In no circumstances must any gift of money be made or received by an official of the University.

Review

This policy will be reviewed by the Audit Committee annually, or as and when any legislative changes occur, to ensure compliance with one of the principles of the act. Council will be advised of any action taken via the Annual Report from the Audit Committee.

Jim Benson
March 2018

Gift and Hospitality Acceptance Form

Name(s) of person(s) to whom gift/hospitality given <i>[ie employee of University/spouse/partner or member of close family of employee]</i>	
College/Department/Institute	
Date gift/hospitality Received	
Organisation/person providing gift/hospitality and their relationship with the University	
Name of event (if applicable)	
Details of gift/hospitality Received	
Purpose of gift/hospitality Received (if known)	
Estimated value (if known)	
Was this gift/hospitality given solely for the named person's use? Y/N	
If 'No' please give further details: <i>e.g. shared with the team etc</i>	
Signed	
Date declaration submitted	
Name of Line Manager	
The Line Manager is asked to countersign this form to confirm that, to the best of his/her knowledge, the information detailed here is accurate	
Countersigned by Line Manager	

- All gifts and hospitality of an estimated value of £50 or more are to be recorded on the proposed declaration form.
- **The Gift and Hospitality Declaration Form needs to be sent to the Secretary to Council for a decision.**
- If it is not possible to value the gift or hospitality received, or if it is unknown, then a declaration should be made.
- Issues that cannot be resolved by the Secretary to Council and the Director of Finance will be referred to the Ethics Advisory Committee for consideration.
- If it is deemed as unacceptable for the gift/hospitality to be received, but it is not possible for it to be returned, the gift should be put to charitable use.

Public Interest Disclosure (Whistleblowing) Procedure: Anti-Bribery Policy

This procedure is intended to provide a process within the University through which employees and students may raise concerns. If at the conclusion of this process the employee or student is not satisfied with any action taken or feels that the action taken is inappropriate, the following are suggested as possible referral points:

- The external or internal auditors;
- a trade union;
- the Union of Brunel Students;
- a relevant professional body or regulatory organisation;
- the police;
- organisations prescribed from time to time by the Secretary of State for the purpose of protected disclosure under the Public Interest Disclosure Act.

Referral of any matter outside the University must not compromise confidentiality. Employees and students should check this with the organisation being sent the referral.

The full Public Interest Disclosure (Whistleblowing) Procedure is available through the following link:

<http://www.brunel.ac.uk/about/administration/policies-and-other-important-documents>

Raising a Whistleblowing Concern-Anti-Bribery Policy

To be submitted to the Secretary to Council, one of the Deputy-Vice Chancellors, one of the Pro-Vice Chancellors or the Vice Chancellor. Alternatively, if you would rather disclose a matter to a lay member of Council (who is not an employee of the University) you may report your concerns to the Chair or Vice Chair of Council, or the Chair of the Audit Committee.

The lay members of Council, can be contacted by a letter marked 'personal and confidential' c/o the Secretary to Council, Uxbridge Campus, who will pass it to the addressee unopened.

For use by any employee or student wishing to raise a concern that has a public interest aspect to it. Please read the whistleblowing policy and procedure before completing this form. If you require assistance completing this form, please contact your manager, HR, Secretary to Council, trade union representative or work place colleague or friend.

Full Name

Job Title [if applicable].....

Extension

Team.....

Please provide descriptions of your concerns including precise information such as dates of events, names of those involved, meetings or correspondence that have taken place, reference to relevant documents or policies [please continue on a separate page if necessary]:

Signature:

Date of Submission:.....

Date of Receipt.....

Document author:	Secretary to Council
Document approver:	Audit Committee
Version number	6.0
Last updated:	March 2018
Next review due:	March 2019

Conflict and Declaration of Interest Policy

The University seeks to avoid actual and potential conflicts of interest where possible. We aim to act honestly, ethically and transparently. We seek declarations of both actual and perceived conflicts of interest and take appropriate action to manage the conflict.

All staff and students should recognise activities that might give rise to conflicts of interest or the perception of conflicts and to ensure that such conflicts are seen to be properly managed or avoided.

Declarations of interests are invited from all sections of the University community although, for practical purposes, the scope of the policy is to be restricted to members of Council, salaried staff and students conducting research. Staff under a duty to make an annual declaration will be contacted directly. However, all staff and students, regardless of position or seniority, are asked to consider whether they have a conflicts of interest, actual or possible, that may need to be disclosed.

Full details of the Conflict and Declaration of Interest Policy is available through the following link:

<http://www.brunel.ac.uk/about/administration/policies-and-other-important-documents>

As well as using the advice contained in this document staff may also refer to the University's policy on Gifts and Hospitality set out in the University's Anti-bribery Policy [also available through the above link].

Guidance

Declaration forms for both conflicts of interest and Gifts and Hospitality are available through the above link]. All declarations are kept on a register maintained in the Governance Information and Legal Office [GILO]. The information is strictly confidential with access granted only at the discretion of the Secretary to Council to persons with reasonable grounds to inspect declarations of conflict of interest, such as the internal and external auditors.

Relevant interests are any pecuniary, family [see notes in the policy accessed through the link above] or other personal interest which might be pertinent to the conduct of the University's affairs including the work of Council. This may include:

Paid employment

This includes self-employment and offices held.

Trustee benefits

Trustee benefit is any instance where money or other property goods or services which have monetary value are received by the trustee [Council Member] from the charity [the University]. The law says that trustees cannot receive a benefit from their charity unless they have an adequate legal authority to do so. This does not include:

- i. Reasonable expenses that Council Members are entitled to claim;
- ii. remuneration and salary-related benefits that are provided for in the employment contracts of members of staff who are also Council Members.

Directorships

All paid directorships and unpaid directorships should be declared.

Clients

Other than those identified above, clients to which services are provided (or through his or her employer or company) that arise out of Council membership or University employment should be declared.

Gifts, Hospitality or Services

This includes financial or other material support, benefits or hospitality. Named postholders and anyone required by the Secretary to Council or Council's Ethics Advisory Committee to make a declaration are asked to register any such gift received personally or by those close to him or her from a source which in any way arises out of membership of Council or University employment. If 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 Secretary of Council. 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. Those in receipt of such gifts or hospitality are obliged to notify promptly the Secretary of Council and the Director of Finance.

Full details of the Gifts and Hospitality is available through the following link:

<http://www.brunel.ac.uk/about/administration/policies-and-other-important-documents>

Land

Other than a home used solely for personal accommodation, named postholders and anyone required by the Secretary to Council or Council's Ethical Advisory Committee to make a declaration are asked to register all land and property within a 10-mile radius of University premises.

Shareholdings

Named postholders and anyone required by the Secretary to Council or Council's Ethical Advisory Committee to make a declaration are asked to register the name of all public and private companies or other bodies in which they or those close to them have a beneficial interest. Shareholdings amounting to less than 5% of the issued share capital, or where the nominal value of the holding is less than £25,000, do not need to be registered.

Other

This is a general section where interests are registered that do not fall into the above categories but which fall into the general purpose of the register. For example, unremunerated interests, positions of authority held or other significant involvement in other organisations, e.g. charitable or political or other educational bodies. It is particularly important for members of the governing body and senior management

involved in procurement to disclose interests they have in, or with, any organisation from whom the University procures goods or services.

Where the interest is of relevance to the business of Council or one of its committees, the declaration shall be made as soon as practicable either at the meeting or in advance to the Chair or Secretary of Council.

If you have any doubts as to whether to declare a certain interest or not or have any questions relating to the completion of this questionnaire, please contact the Secretary to Council.

Colleagues should bear in mind that the obligation to declare an interest is a continuing one. Should colleagues realise retrospectively that they have an interest which is connected with a matter that has been considered they should notify the Secretary to Council of that interest at the earliest opportunity.

The following forms are set out below:

-Declaration of Interest Policy Declaration Form

-Gifts and Hospitality Acceptance Form

For 2018 colleagues will be asked to submit the Declaration of Interest Policy Declaration Form by the end of April 2018. If you have any queries about this please contact:

Jim Benson

Jim.benson@brunel.ac.uk

Jim Benson
Secretary to Council and University Secretary
Revised 2018

Declaration of Interests Form

Brunel University London

Declaration of Interests March 2018

Name
Brunel University London Committee Membership
Interests Declared
Paid Employment:
Directorships:
Clients:
Gifts, Hospitality or Services:
Land:
Shareholding:

Others: Including Charitable, Political, Educational, or other affiliations or interests:

Signed:

Date of Completion:

Gifts and Hospitality Policy

The occasional exchange of business gifts, meals or low level entertainment is a common practice and is meant to create goodwill and enhance relationships. However, if the receipt of business courtesies becomes excessive, it can create a sense of personal obligation on the part of the recipient. Such sense of obligation can interfere with the individual's ability to be impartial in the transaction. Staff may accept business courtesies, but such courtesies must be modest enough not to interfere with the ethical judgement of the member of staff and must not create an appearance of impropriety. Corporate hospitality and gifts (whether received or provided) must be transparent, auditable and proportionate. Modest gifts and hospitality may be accepted unless an inducement is intended or suspected. The University expects the following procedures to be followed:

- All gifts and hospitality of an estimated value of £50 or more are to be recorded on the **Gift and Hospitality Acceptance Form**.
- If it is not possible to value the gift or hospitality received, or if it is unknown, then that information should be declared on the **Gift and Hospitality Acceptance Form**.
- Gift/hospitality declarations need to be referred to the Line Manager of the person in receipt of the gift or hospitality for countersigning [in the case of the Vice Chancellor this shall be the Secretary to Council].
- The Line Manager will send the Gift and Hospitality Acceptance Form to the Secretary to Council who will make a decision as to whether it can be accepted [the Secretary to Council may need to seek the advice of the Director of Finance as to whether the gift or hospitality may be accepted.
- Issues that cannot be resolved by the Director of Finance and the Secretary to Council will be referred to the Ethics Advisory Committee for consideration.
- If it is deemed as unacceptable for the gift/hospitality to be received, but it is not possible for it to be returned, the gift should be put to charitable use.

If a gift or hospitality is not in keeping with circumstances then every effort must be made to refuse the offer without offending the person or organisation making the offer. If the gift cannot be refused it should be declared on return to the University. Any gift or hospitality received or given must not have any influence or intention to influence the party receiving the gift or hospitality. For guidance as to whether to accept a gift or hospitality, it is generally expected that the frequency and scale of hospitality accepted should not be significantly greater than the University would be

likely to provide in return. Colleagues may also wish to note that information on gifts or hospitality may have to be publicly disclosed.

In In no circumstances must any gift of money be made or received by an official of the University.

Review

This policy will be reviewed by the Audit Committee annually, or as and when any legislative changes occur, to ensure compliance with one of the principles of the act. Council will be advised of any action taken via the Annual Report from the Audit Committee.

Jim Benson

Jim.benson@brunel.ac.uk

Jim Benson
Secretary to Council and University Secretary
Revised 2018

Gift and Hospitality Acceptance Form

Name(s) of person(s) to whom gift/hospitality given <i>[ie employee of University/spouse/partner or member of close family of employee]</i>	
College/Department/Institute	
Date gift/hospitality Received	
Organisation/person providing gift/hospitality and their relationship with the University	
Name of event (if applicable)	
Details of gift/hospitality Received	
Purpose of gift/hospitality Received (if known)	
Estimated value (if known)	
Was this gift/hospitality given solely for the named person's use? Y/N	
If 'No' please give further details: <i>e.g. shared with the team etc</i>	
Signed	
Date declaration submitted	
Name of Line Manager	
The Line Manager is asked to countersign this form to confirm that, to the best of his/her knowledge, the information detailed here is accurate	
Countersigned by Line Manager	

- All gifts and hospitality of an estimated value of £50 or more are to be recorded on the proposed declaration form.
- **The Gift and Hospitality Declaration Form needs to be sent to the Secretary to Council for a decision.**
- If it is not possible to value the gift or hospitality received, or if it is unknown, then a declaration should be made.
- Issues that cannot be resolved by the Secretary to Council and the Director of Finance will be referred to the Ethics Advisory Committee for consideration.
- If it is deemed as unacceptable for the gift/hospitality to be received, but it is not possible for it to be returned, the gift should be put to charitable use.

Document author:	Secretary to Council
Document approver:	Audit Committee
Version number	7.0
Last updated:	March 2018
Next review due:	March 2019