



ANTI-BRIBERY POLICY

Rev	Date	Purpose of Issue/Description of Change	Equality Impact Assessment Completed
1.	29 th March, 2012	Initial Issue	
2.	5 th October 2015	Review and approval by Compliance Task Group	1 st December 2015
3.	3 rd June 2019	Review and re-approval by Compliance Task Group	

Policy Officer	Senior Responsible Officer	Approved By	Date
Head of Governance and Compliance	University Secretary	Compliance Task Group	3 rd June, 2019

This Policy will be reviewed in 3 years

1. Purpose

Bangor University is subject to the requirements of the Bribery Act 2010 (the Act). This Policy sets out the steps the University will take in order to ensure compliance with the provisions of the Act, so as to avoid any criminal or civil liability attaching to the University and/or individual members of staff, and to maintain the professional image and reputation of the University.

2. Application of this Policy

The Principles in this Policy shall apply to both internal and external audiences, including anyone wishing to undertake business or engage with the University.

In particular, this Policy shall apply to all staff (including temporary, casual and fixed-term), directors of University companies, consultants, honorary staff, Council Members, agents, external examiners and service providers (“Individuals”).

The Compliance Task Group shall oversee the application of this Policy through the Head of Governance and Compliance, who for the purposes of this Policy shall assume the title of “Anti-corruption Officer”. The Anti-corruption Officer can be contacted in complete confidence to discuss concerns and report suspected cases.

3. Other Policies

This Policy is not exhaustive and should be read in parallel with other existing strategies, policies, procedures and guidance of the University (as amended from time to time) including but not limited to:-

- Fraud Policy & Response Plan;
- Declaration of Interest Policy;
- Procurement Strategy and ancillary policies;
- Financial Regulations;
- Public Interest Disclosure (Whistleblowing) Policy and Procedures;
- Research Ethics Policy;
- Acceptable Use Policy (including but not limited to email and Internet usage);
- Information Security Policy
- Data Protection Policy.

4. Offences

The Bribery Act 2010 makes it an offence to:-

- (a) offer, promise or give a bribe with the intention of inducing or rewarding the improper performance of a relevant function or activity (active bribery);
- (b) request, agree to receive or accept a bribe (passive bribery);
- (c) bribe a foreign public official in order to obtain or retain business or an advantage in the conduct of business.

- (d) There is an additional corporate offence of failing to prevent bribery.

The penalties under the Bribery Act 2010 attract primarily criminal liability, both to the University and to individuals personally, but may also include a civil action for the recovery of proceeds of a crime. Further details are in **Annex 1**.

5. Obligations

The prevention, detection and reporting of any acts or suspected acts of bribery is the responsibility of each Individual. This responsibility cannot be delegated or ignored.

Practical steps:-

- (a) The offering and acceptance of gifts, donations, sponsorship and corporate hospitality should be strictly in accordance with the University's *Gifts and Hospitality Policy* and in any event, shall be proportionate and not lavish.
- (b) Conflicts of Interests should be managed in accordance with the University's *Declaration of Interest Policy* with details inserted into the register of declarations of interest, held by Colleges, Schools and Professional Services, and for Members of Council, members of the Executive and senior officers in the Governance and Compliance Office.
- (c) Appropriate due-diligence shall be undertaken which is proportionate and properly addresses the risks of transactions with third parties. Particular care should be taken where research or any proposed contract or arrangement involves countries or types of industry where corruption is perceived to be high (see **Annex 2**).
- (d) Reporting suspected cases is vital and this should be done as soon as possible. All relevant correspondence and / or contemporaneous notes that give rise to concerns should be retained. Please contact the Anti-corruption Officer, or the Designated Officer under the *Public Interest Disclosure (Whistleblowing) Policy and Procedures*.
- (e) Following University Procurement guidelines and Financial Regulations to seek to minimise the risks of breaking the law.
- (f) The inclusion of appropriate clauses and obligations in contracts and agreements, especially where dealing with high risk countries or in high risk sectors. The University's standard anti-bribery clause is included as **Annex 3** of this Policy.
- (g) The requirements of the *Gifts and Hospitality Policy* should be strictly adhered to.

Please note that facilitation payments¹ are illegal in the UK. Care needs to be taken when conducting business arrangements with US organisations as facilitation payments are not illegal in the US.

¹ Facilitation Payments are payments paid to a public official to facilitate routine government action (such as processing papers, granting permits) and is often distinguished from bribery as it is accepted practice under various jurisdictions.

6. Training

It is vital that all individuals are made aware of their obligations under this Policy. The University will ensure all staff have the information they need, including offering training as part of the usual procurement training undertaken by the Finance Office, however this should not prevent individuals seeking further guidance where they feel the need to do so. If you are unsure as to how it affects you or if you require additional training on any aspect, please contact the Anti-Corruption Officer for further clarification and information.

7. Compliance

In view of the potential sanctions against the University (and reputational damage), breaches of this Policy will be treated as a serious matter and may result in action in accordance with the University's Disciplinary Procedures.

For example, under certain circumstances, breaches of this Policy may result in the suspension of email accounts or such other actions the University deems appropriate. Where the University is of the opinion that the conduct of an individual may constitute a criminal offence, the University will be required to refer the matter to the relevant authority, such as Police and/or Serious Fraud Office.

8. Monitoring & Reporting

The University shall regularly audit compliance with this Policy and shall investigate all allegations of offences. Such investigation may require the monitoring or review of personal email accounts, however, where this is deemed necessary by the University Secretary, this will be done under the procedures as set out in the University's *Policy on Institutional Access to Staff and Student IT Accounts and IT Equipment*.

9. Procedure for Suspected Corruption

(a) Investigation

(i) The Anti-corruption Officer shall conduct a preliminary investigation and, if necessary, shall convene the Corruption Investigation Panel (the "Panel") to decide on further action.

(ii) The Panel shall consist of the following:-

- University Secretary (Chair)
- Director of Finance
- Director of Human Resources
- Deputy Director (Procurement and Payments)
- Anti-corruption Officer

Where any of these is unavailable an alternative senior officer of the University may be invited to join the Panel.

- (iii) The Vice-Chancellor and the chair of the Audit & Risk Committee shall be informed.
- (iv) The University's insurers shall be notified.
- (v) Where necessary the Police shall be informed.
- (vi) The Panel shall seek legal advice where this is considered necessary.

(b) Preventing Further Loss

- (i) Where the initial investigation provides reasonable grounds for suspecting that a member or members of staff have committed acts of corruption or bribery, the Panel will decide how to prevent further loss or liability. This may require the suspension, with or without pay, of those under suspicion.
- (ii) It may be necessary to plan the timing of suspension to prevent the suspects from destroying or removing evidence that may be needed to support disciplinary or criminal action.
- (iii) In these circumstances, the suspect(s) should be approached unannounced. They should be supervised at all times before leaving the University premises.
- (iv) They should be allowed to collect personal property under supervision, but should not be able to remove any property belonging to the University. Any security passes and keys to premises, offices and furniture should be returned, along with any property in their possession which may be off-site.
- (v) The Campus Services Manager (Security), if necessary, should be asked to advise on the best means of denying access to the University, while suspects remain suspended (for example by changing locks and informing security staff not to admit the individuals to any part of the premises).
- (vi) The Director of IT Services (or an appropriate representative) should be instructed to withdraw, without delay, access permissions to the University's computer systems.
- (vii) The Panel shall consider whether it is necessary to investigate systems other than that which has given rise to suspicion, through which the suspect may have had opportunities to misappropriate the University's assets.

(c) Actions following preliminary investigation

- (i) Following receipt of a preliminary report by the Anti-corruption Officer, the Panel shall decide on one or more of the following:-
 - That no further action is necessary.
 - That steps short of disciplinary action should be taken.
 - That action should be taken against an individual(s) (including dismissal) in accordance with the appropriate University disciplinary procedure.

- That all matters should be placed in the hands of the Police, and that where necessary a criminal prosecution is pursued.

10. Implementation

The Bribery Act 2010 came into force on 1st July, 2011. This amended Policy came into force on 3rd June, 2019.

11. Further Information

If any person requires clarification as to any provision of this Policy, they should in the first instance contact the Anti-Corruption Officer (Head of Governance and Compliance) situated within the Governance and Compliance Office.

If any person wishes to complain about any provision of this Policy and/or its implementation, they may do so by contacting the Head of Governance and Compliance.

SANCTIONS

(A) Criminal Liability

1. Individuals

The maximum penalty for people convicted under the Bribery Act is 10 years imprisonment and/or personal fines.

Individuals may also be disqualified from being directors under the Company Directors Disqualification Act 1986.

2. University

Unlimited fines may be imposed on organisations for failing to prevent bribery. The Serious Fraud Office has indicated that these are likely to be significant amounts. Organisations may also be debarred from bidding from public contracts.

Senior Officers and the University can both be liable if it can be shown that the University committed an act of bribery with the consent or connivance of a senior officer of or by a person purporting to act in such capacity.

(B) Civil Liability

In addition, or as an alternative to the criminal penalties, an action may be brought for the recovery of proceeds of crime under the Proceeds of Crime Act 2002, Part 5.

A. Countries Perceived to be high risk for Corruption

Transparency International annually publishes a Corruptions Perceptions Index (“CPI”) which is a useful indicator on the risks of corruption in any said country.

<https://www.transparency.org/cpi2018>

B. Sectors Perceived to be high risk for Corruption

The Bribe Payers Index (“BPI”) lists industry sectors in accordance with statistics ranging from bribing officials to frequency of bribes. The up to date survey is available at

<https://www.transparency.org/research/bpi/overview>

A summary of the list is as follows, with the cleanest sectors at the bottom and worst offenders at the top:-

1. Public work contracts & construction
2. Utilities
3. Real estate, property, legal and business services
4. Oil and gas
5. Mining
6. Power generation and transmission
7. Pharmaceutical and healthcare
8. Heavy manufacturing
9. Fisheries
10. Arms, defence and military
11. Transportation and Storage
12. Telecommunications
13. Consumer Services
14. Forestry
15. Banking and finance
16. Information Technology
17. Civilian aerospace
18. Light manufacturing
19. Agriculture

Anti Bribery Clause

The University has decided to adopt a policy of best practice in ensuring that as far as possible, the University's standard anti-bribery clause (as set out below) is inserted into relevant contracts (such as contracts for services) relating to the University and its wholly-owned subsidiaries.

The clause is:-

1.1 The [Contractor] shall:

- a. comply with all applicable laws, statutes, directives and/or regulations relating to anti-bribery and anti-corruption including but not limited to the Bribery Act 2010;**
- b. not engage in any activity, practice or conduct which would constitute an offence under the Bribery Act 2010;**
- c. comply with Bangor's Anti-Bribery Policy or equivalent (as amended from time to time), a copy of which is available from the Governance and Compliance Office, including but not limited to implementing 'adequate procedures' in line with the guidance issued by the Secretary of State under section 9 of the Bribery Act 2010;**
- d. promptly report to Bangor any request or demand which if complied with would amount to a breach of either this Agreement or Bangor's Anti-Bribery Policy;**
- e. ensure that any person associated with it who is performing services and/or providing goods in connection with this Agreement does so only on the basis of a written contract which imposes on and secures from such person terms equivalent to those imposed on the [Contractor] in this clause.**

1.2 Any breach of this clause shall be deemed a material breach of this Agreement entitling the University to terminate it immediately.

The Secretary of State's Guidance document is available at:

<http://www.justice.gov.uk/downloads/legislation/bribery-act-2010-guidance.pdf>

The Guidance Document includes some useful case studies to show how the Bribery Act is to work in practice.

A short guide is available at:-

<https://www.justice.gov.uk/downloads/legislation/bribery-act-2010-quick-start-guide.pdf>

The University is not able to provide partners with specific advice on what they need to do in order to comply with the legislation. Partners are advised to seek their own legal advice.

If you have any questions or comments about the clause and its application to your contract please contact the Contracts Officer in the Research, Innovation & Impact Office in the first instance.