



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

Policy Officer	Senior Responsible Officer	Approved By	Date
Head of Compliance	University Secretary	Compliance Task Group	5 th October 2015

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 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;
- Conflict of Interest Policy;
- Procurement Strategy and ancillary policies;
- Financial Regulations;
- Public Interest Disclosures;
- Research Ethics Policy;
- Regulations for the Use of Information and Services (including but not limited to email and Internet usage);
- Data Protection Policy.

4. Offences

The Bribery Act 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 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 *Policy on the Acceptance or Offering of Corporate Hospitality* and in any event, shall be proportionate and not lavish.
- (b) Conflicts of Interests should be managed in accordance with the University's policy, with details inserted into the register of conflicts of interest, held in the Planning & Governance 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 shall 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 *Policy for the Acceptance or Offering of Corporate Hospitality (Annex 4)* 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 aware of their obligations under this Policy. The University will be making available material ranging from general awareness through to detailed advice and, whilst it will endeavour to ensure all staff are covered as needed, 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
- Internal Auditor
- 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 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 Security Manager, 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 5th October, 2015.

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 situated within the Planning & Governance Office.

If any person wishes to complain about any provision of this Policy and/or its implementation, they may do so in accordance with the University's Staff & General Complaints Procedures.

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.

http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results

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

<http://www.transparency.org>

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. Real estate and property development
3. Oil & gas
4. Heavy manufacturing
5. Mining
6. Pharmaceutical & Medical Care
7. Utilities
8. Civilian Aerospace
9. Power generation & transmission
10. Forestry
11. Telecommunications & equipment
12. Transportation & storage
13. Arms & Defence
14. Hotels, restaurants & Leisure
15. Agriculture
16. Light Manufacturing
17. Information Technology
18. Banking & finance
19. Fisheries

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 Registrar's 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 lead in the Post-Award Team, Research & Enterprise Office in the first instance.

POLICY FOR THE ACCEPTANCE OR OFFERING OF CORPORATE HOSPITALITY

The guiding principle in these procedures is that a member of staff should not be influenced in any decision-making, or in providing advice on decision-making, by the acceptance of any gifts, hospitality or favours from any organisation. These procedures should be read in conjunction with the University's Anti-bribery Policy.

Staff should adhere to the following:-

1. No personal gift, money, hospitality or favours, or participation in any social or leisure functions should be accepted by any member of staff (with the exception of points 2. and 3. below) from any organisation or individual from whom the University purchases services or items, or to whom contracts are let, or in respect of whom a beneficial decision is possible. The same would apply for any organisation or individual where the University has an intention to purchase from, let a contract to or make a beneficial decision about in the future. In general, gifts, hospitality etc. should therefore be politely refused, with an explanation that this is University policy.
2. A gift which has a low intrinsic value (e.g. calendar, diary etc.) may be accepted so long as the existence of the gift is notified to the Head of College/School or Central Service Department.
3. An exchange of modest gifts or reciprocal hospitality, (e.g. with a visitor from another university or organisation) which is a gesture of goodwill and where embarrassment might be caused to the University if the gift/ hospitality is refused, may be accepted and recorded in the Register of Gifts & Hospitality. However, staff members should always attempt to discuss the appropriateness of such an exchange with the relevant Head of College/School / Central Service Department prior to acceptance.
4. Participation in events or exhibitions etc. which have a commercial orientation and are run by organisations or individuals from whom the University purchases services or items, or to whom contracts are let, or in respect of whom a beneficial decision is possible must be authorised by the Head of School or Central Service Department. The same would apply for any organisation or individual where the University has an intention to purchase from, let a contract to or make a beneficial decision about in the future. Such participation should be declared and noted in the College/School/Department's Register of Gifts and Hospitality.
5. The definition of corporate hospitality is not intended to cover working lunches which are effectively meetings or extensions of meetings or the offer of non-alcoholic drinks or light refreshments; similarly, invitations to dinners organised by professional bodies may be accepted, although staff members should use their discretion as to when it would be appropriate for such invitations to be accepted, having due regard to the requirements of these procedures, the proportionality of the hospitality and the University's Anti-bribery Policy.

If anyone is in any doubt over any particular instance, he/she should consult their Head of College/ School / Central Service Department. The Head of College / School / Central Service Department, in turn, may bring the matter to the attention of the University Secretary or (or in their absence the Head of Compliance for advice or a final decision.

Any non-compliance with this policy may result in disciplinary action.

The College / School / Department's Register of Gifts & Hospitality shall be available for inspection by the Internal Auditor, Audit Committee or others as deemed necessary.

REGISTER OF GIFTS & HOSPITALITY

A. ATTENDANCE AT AN EVENT

The following member(s) of staff has been/ have been authorised to attend:

.....

(Name and description of event)

on

.....

(Date)

Any other comments:

.....

Signed:

(Head of School / Central Service Department)

Date:

B. ACCEPTANCE OF A GIFT WHICH HAS A LOW INTRINSIC VALUE

Name of member of staff involved:

Description of gift accepted/ exchanged:

.....

The gift was received from:.....

Signed:.....

Date:.....