

Anti-Bribery Policy

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1 Policy statement

- 1.1 Bribery is a criminal offence. It exposes Members of the University to the risk of prosecution, fines and imprisonment, as well as endangering the University's reputation. We do not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor do we, or will we, accept bribes or improper inducements.
- 1.2 To use a third party as a conduit to channel bribes to others is a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery.
- 1.3 We are committed to the prevention, deterrence and detection of bribery. We have zero-tolerance towards bribery. We aim to maintain anti-bribery compliance as 'business as usual', rather than as a one-off exercise.

2 Objective of this policy

- 2.1 This policy provides a coherent and consistent framework to enable the organisation's employees to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents, it will also enable employees to identify and effectively report a potential breach.
- 2.2 We require that all personnel, including those permanently employed, temporary agency staff and contractors:
 - act honestly and with integrity at all times and to safeguard the organisation's resources for which they are responsible
 - comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the organisation operates, in respect of the lawful and responsible conduct of activities.

3 Scope of this policy

- 3.1 This policy applies to all of the University's activities. For partners, joint ventures and suppliers, the University will seek to promote the adoption of policies consistent with the principles set out in this policy.
- 3.2 Within the University, the responsibility to control the risk of bribery occurring resides at all levels of the University. It does not rest solely within Finance and assurance functions, but in all faculties, professional services, business units and corporate functions.
- 3.3 This policy covers all personnel, including all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, members of the Governing Body (including Independent Members), volunteers and consultants.

4 The University's commitment to action

4.1 The University commits to:

- setting out a clear anti-bribery policy and keeping it up to date
- making all staff aware of their responsibilities to adhere strictly to this policy at all times
- training all staff so that they can recognise and avoid the use of bribery by themselves and others
- encouraging all staff to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately
- rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution
- taking firm and rigorous action against any individual(s) involved in bribery
- provide information to all staff to report breaches and suspected breaches of this policy
- include appropriate clauses in contracts to prevent bribery.

5 Bribery

5.1 Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

6 The Bribery Act 2010 (“the Act”)

6.1 There are four key offences under the Act:

1. bribery of another person (section 1)
2. accepting a bribe (section 2)
3. bribing a foreign official (section 6)
4. failing to prevent bribery (section 7).

6.2 The [Act](#) makes it an offence to offer, promise or give a bribe (section 1). It also makes it an offence to directly or indirectly request, agree to receive, or accept a bribe (section 2).

6.3 Section 6 of the Act creates a separate offence of bribing a foreign official with the intention of obtaining or retaining business or an advantage in the conduct of business.

6.4 There is also a corporate offence under section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organization will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons

associated with the organisation.

7 Is the University a “Commercial Organisation”?

- 7.1 The guidance states that a ‘commercial organisation’ is any body formed in the United Kingdom and ‘...it does not matter if it pursues primarily charitable or educational aims or purely public functions. It will be caught if it engages in commercial activities, irrespective of the purpose for which profits are made’.
- 7.2 For the purposes of the Act, the University is a “relevant commercial organisation” and therefore the provisions contained within it will be applicable to UWE Bristol.
- 7.3 This policy is intended to ensure that we have in place the necessary procedures to act as a defence to a section 7 offence.

8 The University’s Procedures

Proportionate Procedures

The University procedures to prevent bribery by persons associated with it are proportionate to the bribery risks it faces and to the nature, scale and complexity of the University’s activities.

Top-level Commitment

Financial The top-level University management and governance (the Board of Governors, the Vice-Chancellor, the Directorate, Pro Vice-Chancellor and Executive Deans, Directors of Professional Services or any other equivalent person) are committed to preventing bribery by persons associated with it. Bribery is never acceptable.

Risk Assessment

The University assesses the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment is periodic, informed and documented. It includes financial risks but also other risks such as reputational damage.

Due Diligence

The University applies due diligence procedures, taking a proportionate and risk based approach, in respect of persons who perform or will perform services for or on behalf of the University, in order to mitigate identified bribery risks.

Communication (including training)

The University seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the University through internal and external communication, including training that is proportionate to the risks it faces.

Monitoring and Review

The University monitors and reviews procedures designed to prevent bribery by persons associated with it and makes improvements where necessary.

This organisation is committed to proportional implementation of these principles.

9 Penalties

9.1 An individual guilty of an offence under sections 1, 2 or 6 is liable:

- on conviction in a Magistrates Court, to imprisonment for a maximum term of 12 months (six months in Northern Ireland), or to a fine not exceeding £5,000, or to both
- on conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both.

9.2 The University is liable for these fines and if guilty of an offence under section 7 is liable to an unlimited fine.

10 Bribery is not tolerated

It is unacceptable to:

- give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given
- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to 'facilitate' or expedite a routine procedure
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy
- engage in activity in breach of this policy.

11 Facilitation Payments

Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

12 Gifts and Hospitality

12.1 This policy is not meant to change the requirements of the University's Gifts and Hospitality Policy. This makes it clear that:

- nominal gifts and hospitality up to a financial value of £100 are acceptable
- nominal gifts and hospitality with a financial value in excess of £100 should be recorded in the Gifts and Hospitality Register
- reasonable, proportionate gifts and hospitality made in good faith and that are not lavish are acceptable.

- 12.2 For best practice, staff should inform the respective line manager of gifts and/or hospitality received.

13 Staff Responsibilities

- 13.1 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the University or under its control. All staff are required to avoid activity that breaches this policy.
- 13.2 You **must**:
- ensure that you read, understand and comply with this policy
 - raise concerns as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.
- 13.3 As well as the possibility of civil and criminal prosecution, staff that breach this policy will face disciplinary action, which could result in dismissal for gross misconduct.

14 Third Parties

- 14.1 The University reserves the right to terminate contractual relationships with third parties if they fail to comply with the terms of this policy.

15 Raising a Concern

- 15.1 The University is committed to ensuring that all staff have a safe, reliable, and confidential way of reporting any suspicious activity. Each and every member of staff needs to know how they can raise concerns.
- 15.2 All staff have a responsibility to help detect, prevent and report instances of bribery. If you have a concern regarding a suspected instance of bribery or corruption, please speak up – your information and assistance will help. The sooner you act, the sooner it can be resolved.
- 15.3 There are multiple channels to help you raise concerns. Please refer to the Whistleblowing and Public Interest Disclosure Policy and determine your favoured course of action. Preferably the disclosure will be made and resolved internally (e.g. to your head of department). Secondly, where internal disclosure proves inappropriate, concerns can be raised with the Chief Financial Officer or the Vice-Chancellor. Raising concerns in these ways may be more likely to be considered reasonable than making disclosures publicly (e.g. to the media).
- 15.4 Concerns can be anonymous. In the event that an incident of bribery, corruption or wrongdoing is reported, the University will act as soon as possible to evaluate the situation. The University has clearly defined procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind. This is easier and quicker if concerns raised are not anonymous.
- 15.5 Staff who refuse to accept or offer a bribe, or those who raise concerns or report wrongdoing, understandably can be worried about the repercussions. The University aims to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.

- 15.6 The University is committed to ensuring that no one suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.

16 Review and Monitoring

- 16.1 This policy will be formally reviewed every 3 years, unless there are internal or legislative changes that necessitate earlier review.
- 16.2 Incidents reported under the policy will be monitored by an annual report to the Audit Committee.

Further Information

If you have any questions about these procedures, please contact the Chief Financial Officer.

Last updated and approved by the Audit, Risk and Assurance Committee on behalf of the Board of Governors, March 2023.

Other Relevant Policies and Procedures

University guidance relevant to Disclosure include those listed below. This list is indicative and is not exclusive of other University policy, procedures or codes of practice.

1. Anti-Money Laundering Policy (page 25 of the University Financial Regulations)
2. [Conduct Procedure](#)
3. Anti-Fraud and Corruption Policy (Appendix K of the University Financial Regulations, pages 64-74)
4. Gifts and Hospitality Policy (part of Travel and Entertaining Expenses Policy)
5. [Whistleblowing and Public Disclosure Policy](#)