



BRIBERY ACT POLICY

1. Explanation - Bribery Act

- 1.1 Bribery can be defined as an inducement or reward offered, promised or provided in order to gain commercial, contractual, regulatory or personal advantage.
- 1.2 The Bribery Act 2010 applies to both the private and public sectors. There are severe penalties for any employee convicted under the Act including 10 years' imprisonment and unlimited fines.

2. Purpose of the Policy

- 2.1 The policy below sets out the University's responsibilities and those of its employees and others associated with the University in upholding the University's position of zero tolerance towards bribery and corruption. It is also intended to provide guidance for employees and others on how to recognise and deal with bribery and corruption issues.

3. Offences and Penalties Under the Act

- 3.1 Offences may be committed by the University, its officers, employees and "associated persons" such as international agents. The Bribery Act is UK legislation that makes the University criminally liable for the acts of its associated persons including those overseas. Senior managers who are aware of an act of bribery from among the staff they manage may also be seen to commit an offence.
- 3.2 The Act states that there are four key offences:
 1. offering, promising or giving a bribe (in the UK or overseas);
 2. requesting, agreeing to receive or accepting a bribe (in the UK or overseas);
 3. bribing a foreign public official;
 4. and for organisations only, failing to prevent bribery (whether actual or attempted) by their "associates" (in the UK or overseas) (e.g. employees, agents, joint venture partners, subsidiaries) which results in a benefit (this is termed the "corporate offence").
- 3.3 Committing an act of bribery has serious consequences for both the individual and the corporate body.
- 3.4 The penalties for individuals are:
 - a criminal record with a sentence of imprisonment of up to 10 years and unlimited fines.
 - dismissal or other disciplinary sanctions for employees
 - removal from office for members of the Court of Governors
 - damage to reputation.

3.5 For the University this could mean:

- unlimited fines
- a potential ban from bidding for future research and other public contracts
- damage to reputation and loss of public trust and confidence.
- adverse impact on donors, recruitment of members of the University community and students and UK Borders Agency approved list
- regulatory and funding issues - OfS
- disruption to business activities.

3.6 The only available defence to the corporate offence is if the University can show it had “adequate procedures” in place to prevent the bribery. The corporate offence is a strict liability offence which means that knowledge of the bribery by the University is not required. The University will be guilty of the corporate offence if it fails to prevent bribery in the UK or overseas by its “associates” who are providing the University with services. “Associates” include the University’s employees, agents, intermediaries, subsidiaries and joint venture partners.

4. Risk Assessment

4.1 The University has assessed its main risk areas for the purpose of putting adequate procedures in place and they include:

- purchases of goods and services by the University, particularly the award of tenders and contracts.
- tenders and bids for research contracts which are made by the University.
- the giving/receiving of gifts and hospitality which are intended to be, or could be perceived as, bribes.
- the admission/recruitment of students (particularly from overseas).
- collaborations, joint ventures, partnerships, affiliations (academic and commercial) (particularly with organisations based overseas) where organisations working with or for the University may act inappropriately to further the University’s interests.
- fundraising by the University (where there is a risk that a donation of funds or sponsorship may be made conditional on the University taking/not taking some action).
- student assessments/examinations.
- subsidiaries and spin-out companies where the University could be held liable for bribes which they make.

5. Training

5.1 The University provides a briefing and training programme, carried out by the Finance department, for all relevant managers and other relevant members of staff in order to raise awareness and to ensure that any suspicious activity or wrongdoing is reported.

6. The Policy

6.1 Statement of the University’s Values

6.1.1 The University of the Arts London is a world leading university in the creative arts which prides itself on its reputation for acting fairly and ethically wherever it carries out its activities. The University’s reputation is built on its values as a provider of higher and further education and its research activities; the values of its employees; and the University’s commitment to acting with integrity. The University condemns corruption in all

its forms and will not tolerate it in its activities or in those it engages with. The University has zero tolerance of bribery and corruption.

6.2 Zero Tolerance

- 6.2.1 In accordance with the Bribery Act 2010, the University prohibits the offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement, regardless of size:
- *to or from* any person, company, or other organisation wherever they are situated and whether they are a public official or body or private person or company;
 - *by* any individual employee, agent or other person or body acting on the University's behalf;
 - *in order to* gain any commercial, contractual or regulatory advantage for the University in a way which is illegal/unethical;
 - *or in order to* gain any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.
- 6.2.2 This prohibition includes facilitation payments. The University does not make, and will not accept, facilitation payments or 'kickbacks' of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action, process or procedure by a government official or another person.
- 6.2.3 This prohibition also covers threatening behaviours or retaliation against another employee or worker who has refused to commit a bribery offence or who has raised concerns under this policy.

6.3 Interpreting the Policy

- 6.3.1 It is not the intention of the policy to prevent the following activities, particularly in relation to the University's international role:
- Normal and appropriate provision and receipt of corporate hospitality.
 - The giving and receiving of ceremonial gifts of nominal value.
- 6.3.2 Such hospitality or gifts must comply with the University's Policy on Gifts and Hospitality (available on the [staff intranet](#)), be in moderation and not place any actual or perceived expectation on the recipient to reciprocate either in like or by performing, or failing to perform, any other task in return.
- 6.3.3 If there is any doubt as to whether an action might constitute bribery the matter should be referred to the University Secretary and Registrar for a decision prior to any further action being taken.

6.4 Preventing and Reporting Bribery – Staff Responsibilities

- 6.4.1 All University members of staff have a responsibility to prevent, detect and report bribery. They also have a responsibility to read and comply with this policy and any updates to other policies and procedures flowing from the Act.
- 6.4.2 Any suspicion of bribery or attempted bribery committed by or against an employee, agent or other party acting on behalf of the University must be reported immediately to the University Secretary and Registrar (or the Governance Office) or to the Director of Human

Resources or the Chief Financial Officer.

- 6.4.3 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. The University reserves its right to terminate its contractual relationship with others with which it is associated if they breach this policy.
- 6.4.4 The University Whistle-Blowing Policy is in place to protect anyone reporting reasonable suspicion or who has concerns about possible wrongdoing.
- 6.4.5 Staff must adhere to the University's Gifts and Hospitality Policy and ensure they record all gifts and hospitality in accordance with the policy. Declined items should also be recorded in accordance with the policy.
- 6.4.6 All staff have a responsibility to notify their line manager or another senior person if they identify a risk which they think may not have been addressed by anti-bribery measures.
- 6.4.7 Other key policies and procedures for the prevention of bribery include the Financial Regulations and Standing Orders, the Agent Management Policy (and Manual for recruitment of overseas students), the Staff Disciplinary Policy, the Anti-Fraud Policy, the Serious Incident Reporting Policy, the Staff Charter, the Code of Conduct for Governors, the Donations Policy and the Ethics Policy.
- 6.4.8 Examples of "red flags" that might indicate bribery or corruption are set out below.

6.5 *Examples of Potential Risk Scenarios – Red Flags*

If you encounter any of the following while working for the University, you must report them to the University Secretary and Registrar or Director of Human Resources or Chief Financial Officer

- a) You are offered an unusually lavish gift or hospitality (e.g. estimated value above £50).
- b) You become aware that a colleague, agent of the University or supplier engages in, or has been accused of engaging in, improper business practices.
- c) A third party requests that payment is made to a country different from where the third party resides or conducts business.
- d) A third party requests an unexpected additional fee or commission to "facilitate" a service.
- e) A third party demands lavish entertainment or gifts, suggests or demands that you procure goods or services from one of its subsidiaries before commencing or continuing contractual negotiations for provision of services.
- f) A third party suggests or demands that you provide employment or some other advantage to a friend or relative.
- g) A colleague regularly receives gifts and hospitality from a supplier but you are not aware that they have declared it.

6.6 Monitoring and Review

- 6.6.1 Both the Executive Board and the University's Court of Governors¹ (its governing body) have overall responsibilities for ensuring that this policy complies with legal obligations and that it is adhered to. Regarding day-to-day responsibilities, the University Secretary and Registrar, the Director of Human Resources and the Chief Financial Officer have responsibility for monitoring the policy's effectiveness.

¹ As delegated to the Audit Committee

Document control

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