

ANTI-BRIBERY POLICY

1. INTRODUCTION

- 1.1 Keele University is committed to the highest standards of openness, transparency and accountability and to conducting its affairs in accordance with the requirements of the relevant funding and regulatory bodies.
- 1.2 The Bribery Act 2010 (the “Act”) introduces offences for acts of bribery by individuals or persons associated with the University. There is a defence if the University can show that it has in place adequate procedures for preventing bribery.
- 1.3 The Act applies to all Members of the University as defined by University Statute 2 and also applies to third parties undertaking business on behalf of the University.
- 1.4 The aims of this policy are:
 - To raise awareness of the Act and how this may impact on University activities.
 - To enable Members of the University to be able to recognise a potential breach of the Act.
 - To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate.

2. PURPOSE

- 2.1 The University will not tolerate activities that could be construed as bribery, corruption, fraud or dishonesty. Members of the University are required to conduct business honestly, fairly and professionally to support the University’s commitment to the prevention of these activities.
- 2.2 The Anti-Bribery Policy is in place to set out the University’s responsibilities with respect to observing and maintaining its commitment to anti-bribery. It is also to raise awareness of people working with and within the University to be able to recognise when bribery may be taking place and what action to take to prevent that in the first instance, or to deal with it should it arise.
- 2.3 The Anti-Bribery Policy has been developed to comply with the requirements of the Act. Organisations affected by the Act must demonstrate that they have effective procedures in place that mitigate the risk.

- 2.4 For the purposes of the Act, the University would be considered a “relevant commercial organisation” as defined in Section 7 and therefore the provisions contained in the Act will be applicable to Keele.

3. SCOPE

Underlying Principles

- 3.1 The Act makes reference to six underlying principles which inform the Anti-Bribery Policy;

Principle 1 – Proportionate Procedures	A relevant commercial organisation’s 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 commercial organisation’s activities. They are also clear, practical, accessible, effectively implemented and enforced.
Principle 2 – Top Level Commitment	The top-level management of a relevant commercial organisation (be it a board of directors, the owners or any other equivalent body or person) are committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery is never acceptable.
Principle 3 – Risk Assessment	The relevant commercial organisation 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.
Principle 4 – Due Diligence	The relevant commercial organisation 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 organisation, in order to mitigate identified bribery risks.
Principle 5 – Communication (including Training)	The relevant commercial organisation seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training, that is proportionate to the risks it faces.
Principle 6 – Monitoring & Review	The relevant commercial organisation monitors and reviews procedures designed to prevent bribery by persons associated with it and makes improvements where necessary.

Offences

- 3.2 The Bribery Act 2010 outlines four corporate offences;
- Paying or offering a bribe
 - Receiving or requesting a bribe
 - Bribing a foreign public official in order to obtain or retain business or a business advantage.
 - Failing to prevent bribery on behalf of an organisation.

- 3.3 Penalties for breaching the Act can be severe. The maximum sentence is 10 years for individuals, and organisations can be liable for an unlimited fine. It should also be noted that the University could suffer significant reputational damage by being associated with a breach of the Act.
- 3.4 The Act has extra-territorial reach and so these offences apply regardless of where in the world the bribe is offered or received.
- 3.5 Under the Act bribery or corrupt practices can be committed by:
- An employee, officer or director
 - Any person acting on behalf of the University (which could include agents, third party representatives which includes students)
 - Individuals or organisations which authorise someone else to carry out these acts.
- 3.6 The University can be held liable for failing to prevent bribery or corrupt practices carried out by individuals or third parties on its behalf.

4. POLICY

Key Risk Areas

- 4.1 **Third Party Representatives.** Third parties operating on behalf of the University are required to abide by the Anti-Bribery Policy at all times. The definition of Third Party Representatives in the Act is broad and includes any individual who is not a University employee who is undertaking activities on behalf of or in association with the University. Each third party relationship should be evaluated by the lead member of University staff to identify key risk areas and required mitigation. This Anti-Bribery Policy should be brought to the attention of the third party and all appropriate steps to ensure compliance should be taken.
- 4.2 **Gifts, Entertainment and Hospitality.** The University's Hospitality Policy details requirements for members of the University to follow in relation to gifts, entertainment and hospitality. The guidelines in the Hospitality Policy set out what is considered to be reasonable in this area and should be followed in order to comply with the requirements of this Anti-Bribery Policy. Inappropriate or excessive hospitality accepted by members of the University may be seen as a form of bribery and is therefore not permitted. The Hospitality Policy also makes reference to a Hospitality Register which should record details of any gifts or hospitality accepted by Members of the University.
- 4.3 **Facilitation Payments.** Facilitation payments are defined as payments made to speed up routine actions. Payments of this type are illegal under the Act. It is acknowledged that in some countries, payments of this kind may be considered to be normal practice, however, this does not provide mitigation under UK legislation. Members of the University should not enter in to any form of financial arrangement that they believe may constitute a facilitation payment. Potential areas of risk include –
- (a) Research Activity in a foreign country – where the bribing of public officials may be generally accepted custom and practice.

- (b) Recruitment of overseas students – agents working on behalf of the University must be thoroughly vetted and made fully aware of the Anti-Bribery Policy.
- (c) Donations to the University – where the donation may be made in consideration of something in return.

Some practical examples of risk areas are provided in Annex A for further reference.

Prevention

- 4.4 **Record Keeping.** Accurate records and financial reporting are essential to ensure that the University is conducting business transparently. Many serious cases of bribery and corruption in the UK have involved inaccurate record keeping, the responsibility to ensure accuracy and effective management of records rests with all members of the University and any third party acting on behalf of the University.
- 4.5 **Due Diligence.** All Members of the University are required to exercise due diligence in the course of exercising their duties and in particular, in their dealings with third parties and contractors. Specific responsibilities are set out in the University's Financial Regulations.
- 4.6 **Risk Assessment** is the most effective way for the University to prevent bribery and corruption from taking place or being perceived to have taken place. All staff must assess their activities to identify areas where the risk of bribery or corruption exists. Identified areas of risk should then be evaluated and relevant mitigation identified to safeguard the University against the risk.

Deans and Directors should review the functions for which their Faculty or Directorate is responsible and undertake a risk assessment of areas which may be at risk of bribery or other improper conduct and prepare appropriate action plans to mitigate or eliminate these risks.

Risk assessments and action plans should be reviewed at regular intervals, in particular if there is a significant change in the operation of an activity where bribery is a risk (for example, operating in a country for the first time) or if a new activity where bribery is a significant risk is introduced.

Documentation relating to risk assessments and action plans should be retained by the Faculty or Directorate and made available for internal audit. The documentation may also be required in the event of an investigation under Section 7 of the Act. A well-documented risk assessment and mitigation action plan, together with evidence of its effective implementation, would be essential for the University to demonstrate that it had adequate procedures to prevent bribery.

Training and Communication

- 4.7 Training on this policy forms part of the induction process for all new staff. Existing staff will receive a level of training to be determined (on a risk basis) by their line manager through the existing performance and development review process. Where appropriate this will include a requirement for staff to complete an e learning course on the Bribery Act 2010 as determined by the University.
- 4.8 Our zero tolerance approach to bribery and corruption will be communicated to all suppliers, contractors and business partners at the outset of any business relationship with them and as appropriate thereafter.

Monitoring and Control

- 4.9 **Effective Monitoring and Internal Control.** When risks have been identified, established methods of internal control and monitoring should be established to ensure that the University has mitigated for the identified risk. Specific responsibilities are set out in the University's Financial Regulations which can be found at <https://www.keele.ac.uk/finance/regulations/>

Raising Concerns

- 4.10 **Reporting.** Members of the University wishing to raise a concern under this policy should do so in accordance with the Fraud Response Plan or the Whistleblowing Policy which can be found on the University website.

Failure to Comply

- 4.11 **Breach of Policy.** Members of the University found to be in breach of the Anti-Bribery Policy will be subject to disciplinary or legal action. Employees may be subject to dismissal for gross misconduct. The University reserves the right to terminate contractual relationships with third parties if they fail to comply with the terms of this Anti-Bribery Policy.

5. ROLES AND RESPONSIBILITIES

- 5.1 All Members of the University are responsible for preventing, identifying and reporting bribery wherever it may occur. This includes taking all reasonable steps to ensure that working practices and personal conduct do not give rise to the perception or appearance of misconduct or maladministration. Specific responsibilities are set out in the University's Financial Regulations.
- 5.2 The Chief Financial Officer has specific responsibility for the Anti-Bribery Policy, which will be reviewed and monitored by an annual report to the Audit and Risk Committee.
- 5.3 The Financial Services Manager will be the primary contact for any information regarding the Anti-Bribery Policy. Contact details are as below:

Lee Bestwick
Financial Services Manager
Telephone: 01782 734387
Email: l.a.bestwick@keele.ac.uk

Stephen Avery
Chief Financial Officer
Telephone: 01782 734584
Email: s.avery@keele.ac.uk

- 5.4 Suspicions in relation to the Financial Services Manager and/or the Chief Financial Officer must be reported to the Director of Legal, Governance and Compliance / Secretary to Council.

6. RELATED POLICIES AND PROCEDURES

This policy should be read in conjunction with the following:

- University Financial Regulations
- Fraud and Financial Irregularity Policy
- Hospitality and Gifts Policy
- Policy for the Management of Conflicts of Interest
- Discipline Policy
- Whistleblowing Policy

7. REVIEW, APPROVAL AND PUBLICATION

- The Anti-Bribery Policy is subject to review every 3 years by the Chief Financial Officer, or following a change to relevant UK legislation.
- Updates to the Anti-Bribery Policy will be reviewed by the Audit and Risk Committee and final approval will be given by University Council
- The Anti-Bribery Policy is located on the University webpages in the Policy Zone or by contacting the Financial Services Manager.

8. DOCUMENT CONTROL INFORMATION

Document Name	Anti-Bribery Policy
Owner	Lee Bestwick, Financial Services Manager
Version Number	V1.1
Equality Analysis Decision and Date	N/A
Approval Date	03/05/2018
Approved By	Council
Date of Commencement	03/05/2018
Date of Last Review	07/04/2022
Date for Next Review	06/04/2025
Related University Policy Documents	
Update for v1.1	Updates to; personnel names and titles; Fraud Response Plan to Fraud Response Procedure
For Office Use – Keywords	

Annex A – Anti Bribery and Corruption Guidance

The following are examples of activities that could potentially lead to breaches of the Bribery Act. This could be Members of the University or third parties acting on its behalf. This list is not exhaustive and is designed to encourage careful consideration when acting on behalf of the University. Examples of breaches, such as the ones detailed below, should be reported in accordance with the Fraud Response Procedure or the Whistleblowing Policy.

Donations

A wealthy alumnus arranges to make a substantial donation to the University. He then contacts the University at a later date with an expectation that his child will be awarded a place to study on a particular course.

Overseas Student Recruitment

An agent working on behalf of the University is found to have paid a small bribe to an education department official in a particular country, to gain access to students in a highly regarded school.

Overseas Development

The University is seeking to expand operations into a new country and a representative of the University exchanges valuable gifts with their international counterparts. This may be custom and practice in the foreign country.

Research Activity

A research academic is conducting specialist research and is asked to give a particularly positive review someone else's research findings in exchange for a similar review of their own work.

Procurement

A potential supplier is extremely keen to win a new contract to supply the University, and offers some form of benefit to a staff member in the expectation that it will influence the decision to award the contract.

Field Trip

A professor takes a group of students on field trip overseas and agrees to pay customs officials in order to speed up the process of importing some field equipment through customs.

Cash Payments

A third party expects full or significant payment for a service in cash. This is generally not acceptable and should be refused unless there are exceptional circumstances.

Hospitality

A third party visiting the University, who may have influence in establishing new business for the University, requires that the University pays for a five star hotel and generous expense allowance during their stay. The five star hotel may be deemed to be appropriate in the context of the individual's professional reputation, whereas the giving of a daily allowance would not be acceptable.