



# Anti-Bribery and Corruption Policy (incorporating Gifts and Hospitality)

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## Policy Owner: University Secretary & Chief Compliance Officer

Version	Effective From	Amendments	Equality Analysis	Stakeholder Consultation (e.g. Disability & Dyslexia Team, Policy Review Group)	Approval Date	Author
V1.0	01/03/2023	Policy updated to incorporate gifts and hospitality	<a href="#">Click or tap to enter a date.</a>	University Executive Board	01/03/2023	Jim Benson

This Policy is reviewed by University Executive Board and approved by Audit & Risk Committee

# 1 Purpose and Scope of the Policy

## 1.1 Purpose

- 1.1.1 The University is committed to acting lawfully, ethically and with integrity in all its dealings, wherever it operates in the world. As part of this firm commitment, all forms of bribery and corruption are considered to be unacceptable. This is not just a cultural commitment on the part of the institution, it is a legal requirement to demonstrate appropriate compliance.
- 1.1.2 The University will constantly uphold all laws relating to anti-bribery and corruption in all the jurisdictions in which we operate. The University is bound by the laws of the UK, including the Bribery Act 2010, with regards to its conduct both at home and abroad.
- 1.1.3 This Anti-Bribery and Corruption Policy sets out how the University plans to prevent acts of bribery and corruption from taking place and is designed to comply with United Kingdom criminal legislation governing such activity. The legislation applies wherever in the world the incident takes place and thus has implications for all University activities, irrespective of location.
- 1.1.4 This policy also incorporates the University's Gifts and Hospitality Policy. Both policies are reviewed periodically by the University's Audit and Risk Committee.

## 1.2 Scope

- 1.2.1 The stipulated standards of integrity require a level of individual personal responsibility. This policy thus applies to:
- All geographic functions and locations within the University
  - All partners, branches, offices, and subsidiary companies
  - All University governors, students and staff, including temporary workers, irrespective of location or work.



1.2.2 It is the responsibility of each staff member, governor, student, contractor and others directly involved in acting on the University's behalf to comply with relevant legislation and the terms of this policy and its associated procedures, identify and report bribery situations where there is a suspicion or risk of bribery, and consider the duty to make appropriate disclosures as necessary.

### 1.3 Concerns

1.3.1 Concerns and comments may be reported, in confidence, to the University Secretary and Chief Compliance Officer who has oversight of the management of the policy within the University.

1.3.2 Staff can also raise concerns using the University's Public Interest Disclosure (Whistleblowing) procedures.

## 2 Anti-Bribery and Corruption

### 2.1 What is bribery?

2.1.1 Bribery is the offer, promise, giving, demanding or acceptance of an advantage as an inducement for an action which is illegal, unethical, a breach of trust, or the improper performance of a contract. Corruption is the misuse of public office or power for private gain, or misuse of private power in relation to business outside government. Acts of bribery or corruption are designed to influence the individual in the performance of their duty and incline them to act dishonestly.

2.1.2 Bribes can take many forms, including money, unreasonable gifts, entertainment or hospitality, 'kickbacks', excessive commissions, 'facilitation' payments, political/charitable contributions, unwarranted expenses, or anything else of value. It does not have to be the person to whom the bribe is offered, or who receives it, who is deemed to act improperly.

2.1.3 The University has a zero-tolerance policy towards bribery and corruption which means that all forms are prohibited. Any breach of the terms of this policy could result in disciplinary action being taken, with the possibility of dismissal. Certain offences under the Bribery Act carry criminal liabilities for the individuals concerned, with sanctions including significant fines and/or imprisonment.



- 2.1.4 Promising to make a bribe or agreeing to receive one is part of this prohibited conduct. It is not necessary for bribery to have actually taken place for there to be liability. Bribery is prohibited in dealing with anybody, irrespective of whether they are based in the public or private sector.
- 2.1.5 Staff must not engage in any form of bribery, whether it be directly, passively, or through a third party (such as an agent or distributor). If staff are uncertain about whether something is, a bribe or a gift or act of hospitality, they must seek further advice from the University Secretary and Chief Compliance Officer.

## 2.2 What does the policy cover?

- 2.2.1 This Anti-Bribery and Corruption Policy exists to set out the responsibilities of the University and those who work for the University in regard to observing and upholding our zero-tolerance position on bribery and corruption. The policy acts as a source of information and guidance for those working for the University and helps them recognise and deal with bribery and corruption issues, as well as understanding their responsibilities.
- 2.2.2 The Policy also seeks to make clear what Gifts and Hospitality may be accepted.

## 2.3 Key steps to prevent bribery and corruption

- 2.3.1 **Risk assessment** is essential to the successful implementation of this policy as it identifies the specific areas where the University is exposed to the risk of bribery, allows the risks to be evaluated and appropriate risk mitigation to be put in place. All activities, especially those conducted overseas, should be assessed for vulnerability on an ongoing basis. This monitoring, review and repeated risk assessment will protect the institution better and facilitate more effective responses to changes in external circumstances and new activities.



2.3.2 The ***keeping of accurate records*** is a key strand of managing the risks. Many serious bribery and corruption offences have been found to involve a level of inaccurate record keeping. Financial reporting and good record keeping should be maintained for all activities and for all third-party representatives acting on behalf of the University. Misleading or inaccurate records could damage the institution's reputation and result in a perceived failure to take the necessary steps to prevent corrupt practices.

2.3.3 ***Effective monitoring and control*** are required to ensure that, once the risks have been identified, any procedures which may need to be amended to mitigate those risks are refined on an ongoing basis.

2.3.4 Typical bribery and corruption risks arise in the following areas:

- Gifts
- Hospitality
- Facilitation Payments
- Agents, suppliers and joint venture partners
- Procurement



### 3 Gifts and hospitality

#### 3.1 Gifts and hospitality

- 3.1.1 Giving or receiving gifts and hospitality can be an important aspect of developing and maintaining business relationships. Nonetheless, all such gifts and hospitality should be for a genuine reason, reasonable and given in the ordinary course of business. They must comply with the University's Gifts and Hospitality Policy.
- 3.1.2 Unduly lavish or unreasonable gifts, whether given or received, are generally unacceptable as they can create the impression of trying to engineer favourable business treatment by bestowing personal benefits. The gifts and hospitality themselves can be a bribe. It is not acceptable to request, accept or offer gifts or entertainment intended to influence, support or reward any existing or future business involving the University.
- 3.1.3 All members of staff who have a beneficial financial or other interest in any contract between the University and a third party must disclose that interest to their Head of Department, the Chief Finance Officer and the University Secretary and Chief Compliance Officer.
- 3.1.4 As a result of the Bribery Act 2010, it is illegal for any employee to accept or offer a personal inducement or bribe. It is also a corporate offence to fail to prevent bribery.



- 3.1.5 Members of staff should not accept any gifts, rewards or hospitality from any organisation or individual with whom they have contact in the course of their work that would cause them to reach a position whereby they might be, or might be deemed by others to have been, influenced in making a business decision as a consequence of accepting such hospitality. The frequency and scale of hospitality accepted should not be significantly greater than the University would be likely to provide in return.
- 3.1.6 Staff may accept business courtesies, but such courtesies must be modest enough not to interfere with the ethical judgement of the member of staff and must not create an appearance of impropriety. Corporate hospitality and gifts (whether received or provided) must be transparent, auditable and proportionate. Subject to sections 1 to 8 below, modest gifts and hospitality may be accepted. The University requires the following procedures to be followed.
- 3.1.7 The University accepts normal and appropriate gestures of hospitality and goodwill (whether given to/received from third parties) so long as the giving or receiving of such gifts meets the following requirements:
- 3.1.7.1 It is not made with the intention of influencing the party to whom it is being given, to obtain or reward the retention of a business or a business advantage, or as an explicit or implicit exchange for favours or benefits.
  - 3.1.7.2 It is not made with the suggestion that a return favour is expected.
  - 3.1.7.3 It is in compliance with UK and, where relevant, international law.
  - 3.1.7.4 It is given in the name of the University, not in an individual's name.
  - 3.1.7.5 It does not include cash or a cash equivalent (e.g. a voucher or gift certificate).
  - 3.1.7.6 It is appropriate in the circumstances (e.g. giving small gifts around Christmas or as a small thank you to the University for helping with a large project upon completion).
  - 3.1.7.7 It is appropriate in terms of type and value and given at an appropriate time, taking into account the reason for the gift.





- 3.1.7.8 It is given/received openly, not secretly.
- 3.1.7.9 It is not selectively given to a key, influential person, clearly with the intention of directly influencing them.
- 3.1.7.10 It is not above a certain excessive value, as pre-determined by **University Executive Board** (which figure is currently in excess of £50 for a gift or £100 hospitality per person).
- 3.1.7.11 It is not offered to, or accepted from, a government official or representative or politician or political party, without the prior approval of the **Vice Chancellor and President**.
- 3.1.8 In no circumstances must any gift of money be made or received by a member of staff of the University.
- 3.1.9 Where it is inappropriate to decline the offer of a gift (i.e. when meeting with an individual of a certain religion/culture who may take offence), the gift may be accepted so long as it is declared to the individual's Line Manager and the declaration process is followed.
- 3.1.10 The University recognises that the practice of giving and receiving business gifts varies between countries, regions, cultures, and religions, so definitions of what is acceptable and not acceptable will inevitably differ for each.
- 3.1.11 The intention behind a gift being given/received should always be considered. If there is any uncertainty, the advice of the University Secretary and Chief Compliance Officer should be sought.
- 3.1.12 As good practice, gifts given and received over the financial threshold (currently in excess of £50) should always be disclosed to the University Secretary and Chief Compliance Officer. Gifts from suppliers or potential suppliers should always be disclosed.
- 3.1.13 The University's Gifts and Hospitality Policy requires that all gifts and hospitality of an estimated value of £50 or more, are to be recorded on the Gift and Hospitality Declaration Form (in the form Appended to this policy) and for the following procedures to be followed:



- 3.1.13.1 If it is not possible to value the gift or hospitality received, or if it is unknown, then that information should be declared on the Gift and Hospitality Declaration Form.
- 3.1.13.2 Gift/hospitality declarations need to be referred to the Line Manager of the person in receipt of the gift or hospitality for countersigning [in the case of the Vice Chancellor and President this shall be the Chair of the Board of Governors].
- 3.1.13.3 The Line Manager will send the Gift and Hospitality Declaration Form to the University Secretary and Chief Compliance Officer who will make a decision as to whether it can be accepted. The University Secretary Chief Compliance Officer may need to seek the advice of the Chief Finance Officer as to whether the gift or hospitality may be accepted.
- 3.1.13.4 Issues that cannot be resolved by the Chief Finance Officer and the University Secretary and Chief Compliance Officer will be referred to the University Executive Board for a final decision (who may at their discretion seek the advice of the Ethics Advisory Committee).
- 3.1.13.5 If it is deemed as unacceptable for the gift/hospitality to be received it should be returned to the person/organization making the offer. If it is not possible for it to be returned, the gift should be put to charitable use.
- 3.1.13.6 This policy does not, in any way, override the University's Financial Regulations, especially those relating to procurement, nor the Conflict and Declaration of Interest Policy. This policy will be reviewed by the Audit and Risk Committee at least every three years or as and when any legislative changes occur, to ensure compliance with one of the principles of the legislation. The Board of Governors will be advised of any action taken via the Annual Report from the Audit and Risk Committee.
- 3.1.14 The University itself must not provide levels of hospitality or entertainment for students, external visitors, alumni, external stakeholders or actual/potential business partners that could be deemed to be an attempt to influence decision making.





3.1.15 When it is not easy to decide between what is and what is not acceptable in terms of gifts or hospitality, the offer should be declined or advice should be sought from the relevant head of department or the Chief Finance Officer.

## 3.2 Facilitation payments

3.2.1 In some countries, it is customary business practice to make payments or gifts of small value to junior government officials in order to speed up or facilitate a routine action or process. All such facilitation payments are prohibited under this policy, or anything which might be interpreted as such unless expressly permitted under local legislation. The University will not tolerate such payments being made by any employee or person acting on its behalf.

3.2.2 In the event that a facilitation payment is extorted or payment is required under duress or where there are personal safety issues, staff must contact the Office of Compliance Governance and Legal Services as soon as possible for advice. Any payments made in this way must be appropriately recorded to reflect the nature of the transaction.

## 3.3 Agents, suppliers and joint venture partners

3.3.1 Under the terms of the legislation, the University could be liable for the actions of people acting on its behalf. This refers to all types of third parties and includes agents, suppliers and joint venture partners. The University is committed to promoting compliance with all anti-bribery and corruption policies by all third parties acting on its behalf. Staff are responsible for evaluating the risks of each third-party relationship; where specific risks are identified, enhanced controls will be required to monitor and control the risk.

3.3.2 Arrangements with third parties should include a standard anti-bribery clause in any contract or memorandum of understanding. The University will not engage with any third party where engagement in bribery or corruption is known or suspected. Due diligence should be conducted before any third party is engaged, with further investigation potentially required for transactions identified as being at higher risk, together with closer monitoring and control.



### 3.4 Procurement

- 3.4.1 All contracts should include a standard anti-bribery clause and the procurement of services from a third party must follow the required procedures. If the anti-bribery provisions are breached by any third party, the contracts may be terminated. Contractors and suppliers should be made aware of the University's Anti-Bribery Policy and associated policies.

### 3.5 Fundraising and sponsorship

- 3.5.1 Where an outside organisation or individual wishes to sponsor or is sought to sponsor an activity of the University, whether by invitation, tender, negotiation or voluntarily, the principles concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 3.5.2 Where gifts or hospitality are received by potential donors to the University it should be made clear that the recipient of the gift or hospitality will not be involved in decision making relating to business relations between the University and the donor.
- 3.5.3 Any gift or hospitality offered by the University to a potential donor must be made within the principles of the Gifts and Hospitality Policy.

### 3.6 Training

- 3.6.1 Training is provided to staff throughout the University to support them in complying with their responsibilities with reference to this policy. Staff working in certain areas of the University may be required to confirm that they have understood and comply with the policy on an annual basis and attend refresher training if there are any changes.

### 3.7 Whistleblowing

- 3.7.1 The University is committed to ensuring that staff can speak with confidence if they have any concerns in relation to this policy or need to ask for assistance. If staff suspect or observe anything which might contravene this policy, they have an obligation to report it.



- 3.7.2 Staff are encouraged to report any such concerns to their line manager in the first instance. If this should not be possible, staff should contact the Office of Compliance Governance and Legal Services or make use of the Public Interest Disclosure (Whistleblowing) Policy.
- 3.7.3 No retaliation of any type will be tolerated against those who raise concerns or report what they genuinely believe to be in appropriate behaviour. All such reports will be treated in the strictest confidence.

## **4 Links to other Institutional Policies and Procedures**

### **4.1 Internal Policies**

4.1.1 This policy forms part of a suite of anti-bribery and corruption measures and should be read in conjunction with the following:

- [Financial Regulations](#)
- Procurement Regulations
- Register of Interests
- [Public Interest Disclosure \(Whistleblowing\) Policy](#)
- [Student Disciplinary Policies](#)
- [Staff Disciplinary Procedures](#)



**GIFTS AND HOSPITALITY DECLARATION FORM**

Please refer to the Gifts and Hospitality Policy before completing this form.

Acceptance (or rejection) of all offers of gifts and hospitality must be formally registered using this form within 28 days of the date of receipt.

<b>Personal Details</b>	
Title:	<b>Name:</b>
Position at UEL:	
School/Department:	
<b>Gifts and Hospitality</b>	
Date of Offer/ Receipt of Gift/Hospitality:	
Accepted/ Declined:	
Person or Organisation offering the Gift/Hospitality:	
Reason for the Gift/Hospitality:	
<b>Brief details of the Gift/Hospitality:</b>	
<b>Gifts and Hospitality Declaration</b>	
I confirm that I have read and understood UEL’s policy on Gifts and Hospitality and that I have completed the Declaration form in accordance with that guidance and underlying principles.	
<b>Name:</b>	
<b>Date:</b>	

*(If this form is completed and returned electronically, please type your name and the date in the spaces above, which will be taken as an “electronic signature” on receipt by UEL)*

Please return to:

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