



**QUEEN'S
UNIVERSITY
BELFAST**

**The Bribery Act 2010
Anti-Bribery & Corruption Policy**

1. Introduction

1.1 The Bribery Act (the Act) received royal assent on 8 April 2010 and came into force on 1 July 2011. The Act provides a new, modern comprehensive scheme of bribery offences which enables the courts and prosecutors to respond, more effectively, to bribery both locally and abroad. The Act creates two general offences, as follows:

- (i) the offering, promising or giving of a bribe; and
- (ii) requesting, agreeing to receive, or acceptance of a bribe.

In addition, the Act creates the following two new offences:

- (iii) the discrete offence of bribing a foreign official; and
- (iv) the corporate offence of failure by a 'commercial organisation' to prevent a bribe being made, on its behalf, by an associated person.

Bribery and corruption are punishable for individuals by up to ten years' imprisonment. Moreover, if the University was found to have taken part in corruption it could face an unlimited fine, be excluded from tendering for public contracts and face damage to its reputation. The University therefore takes its legal responsibilities very seriously.

1.2 The purpose of this policy is to:

- provide a clear statement that the University does not permit any form of bribery;
- set out the responsibilities of the University, and of relevant persons associated with it, in observing and upholding the University's position on bribery and corruption; and
- provide information and guidance to on how to recognise and deal with bribery and corruption issues.

2. Scope and Range of the Policy

2.1 This policy applies to:

- all individuals working at all levels and grades, including senior managers, officers, directors, employees (whether permanent, fixed-term or temporary), consultants, trainees, seconded staff, Q workers and agency staff, sponsors, or any other person associated with the University, or any of the University's related companies or their employees, wherever located (collectively referred to as **workers** in this policy);
- students in the course of their activities as students of the University;
- members of Senate and lay members of University Committees in relation to their activities as members of such bodies;
- to all third parties who are retained by the University to perform services for or on behalf of the University including contractors, agents, associates, subsidiaries, joint venture and consortium partners. It also includes actual and potential clients, customers, suppliers, distributors, business contacts, advisers, government and public bodies, including their advisors, representatives and officials, politicians and political parties.

Unless otherwise stated this policy applies to all of the above and shall be referred to throughout this document as **relevant persons**.

The Policy applies to the full range of the University's activities, both in the UK and overseas, including (but not limited to) financial transactions and contracts, the recruitment and admission of students; the award of academic credit and qualifications; the appointment of staff; research; and the award of titles and honours.

3. Approval of the Policy

3.1 This Policy was approved by Senate on 26 June 2012.

4. Policy Statement

4.1 It is the University's policy to conduct all of its business in an open, honest, transparent and ethical manner. The University takes a zero-tolerance approach to bribery and corruption and is committed to acting professionally, fairly and with integrity in all of its business dealings and relationships wherever it operates and implementing and enforcing effective systems of control to counter bribery.

4.2 The University will uphold all laws relevant to countering bribery and corruption in all the jurisdictions in which it operates. However, The University remains bound by the laws of the UK, including the Bribery Act 2010, in respect of its conduct both at home and abroad.

5. What is Corruption and Bribery?

5.1 Definition

Corruption can be defined as dishonest or fraudulent conduct, typically involving bribery.

A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage through improper behaviour on the part of the recipient or anyone controlled or influenced by the recipient. Bribery can be committed through third parties. Examples of bribery have been provided below:

5.2 Offering a bribe

A relevant person, offers a third party, for example a sponsor, tickets to a major sporting / cultural event in return for which they will do business with the University which they may not have otherwise done. This would be an offence as the relevant person is making the offer to gain a commercial advantage for the University. The University may also be found to have committed an offence because the offer has been made to obtain business for it.

In this instance it is also likely to be an offence for the sponsor to accept the offer.

Please see Section 6, below, for further clarification regarding gifts and hospitality.

5.3 Receiving a bribe

A relevant person requests or accepts money or money's worth to place an order for goods or services.

It would also be an offence for that supplier to make such an offer. It would be an offence for the relevant person to accept the offer as he/she would be doing so to gain a personal advantage.

5.4 Bribing a foreign official

A relevant person may make an unnecessary or inappropriate extravagant gift to a representative of a foreign government or international public body intending that it should induce that person to favour the University over a competitor. The offence of bribing a foreign public official has been committed as soon as the offer is made. There is no need for the recipient to have actually done anything. This is because it is made with the intention to gain a business advantage for the University. The University may also be found to have committed an offence.

6. Gifts and Hospitality

6.1 Under the Guidance, regarding the Act, issued by the Ministry of Justice, the following is stated:

“Bona fide hospitality and promotional, or other business expenditure which seeks to improve the image of a commercial organisation, better to present products and services, or establish cordial relations, is recognised as an established and important part of doing business and it is not the intention of the Act to criminalise this behaviour.”

6.2 Consequently, it is not the intention of the Act to make gifts and hospitality, in the normal course of business, illegal. In order to progress with a case under the Act, based on the allegation that hospitality was intended as a bribe, the prosecution would need to show that the hospitality was intended to induce conduct that amounts to breach of an expectation that a person will act in good faith, impartially, or in accordance with a position of trust. This would be judged by what a reasonable person in the UK thought. For example, an invitation to a sporting / cultural event as part of a public relations exercise designed to enhance knowledge of the University is unlikely to be evidence of an intention to induce improper performance of a relevant function.

The test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

Reference should be made to the University's Gifts and Hospitality Policy available at the following link:

<https://www.qub.ac.uk/about/Leadership-and-structure/Registrars-Office/Policies/AcceptanceofGiftsGratuitiesandHospitality/>

6.3 It is not acceptable for a relevant person (or someone on his/her behalf) 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 (please see Section 7 for further detail);
- accept payment from a third party that is known or suspected to have been offered with the expectation that it will obtain a business advantage for the third party making the offer;
- accept a gift or hospitality from a third party if it is known or suspected that it has been offered or provided with an expectation that a business advantage will be provided by the University in return;
- threaten or retaliate against another relevant person who has refused to commit a bribery offence or who has raised concerns under this policy; and / or
- engage in any activity that might lead to a breach of this policy.

7. Facilitation Payments and Kickbacks

- 7.1 The University does not make, and will not accept, facilitation payments of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action by a government official.

If a relevant person is asked to make a payment on the University's behalf, he/she should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. A relevant person should always ask for a receipt which details the reason for the payment and if there are any suspicions, concerns or queries regarding a payment, then the matter should be raised with appropriate management within the University as soon as possible.

- 7.2 Kickbacks are typically payments made in return for a business favour or advantage. All relevant persons must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by the University.

8. Responsibilities

- 8.1 All appropriate relevant persons must ensure that they read, understand and comply with this policy. The prevention, detection and reporting of bribery and other forms of corruption is the responsibility of all those associated with the University or under the control of the University. All relevant persons are required to avoid any activity that might lead to, or suggest, a breach of this policy.

- 8.2 If it is believed or suspected that a conflict with this policy has occurred, or may occur in the future then all appropriate relevant persons must report the matter to the University as soon as possible. All reports should generally be made to the Director of Finance in the first instance. For example, if a relevant person is offered something by a potential supplier, to gain a business advantage with the University, then appropriate management must be notified as soon as possible. Please see Section 10 for further details.

- 8.3 Wherever possible, if a worker is found to be in breach of this Policy then they will face disciplinary action and / or dismissal for gross misconduct. The University

reserves the right to terminate the contractual relationship with any relevant person; for example, a supplier, contractor, lay member or student, if it is found that he/she has acted in breach of this policy.

9. Record Keeping

9.1 The University must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

9.2 All workers and lay members are expected to declare and keep a written record of all hospitality or gifts accepted or offered, which will be subject to review. The Gifts and Hospitality Policy must be complied with in all instances. All expense claims relating to hospitality, gifts or expenses incurred must be submitted in accordance with the University's expenses policy and specifically record the reason for the expenditure.

9.3 All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as suppliers and business contacts, must be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off-book" to facilitate or conceal improper payments.

10. Reporting

10.1 All relevant persons are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If there is uncertainty regarding whether a particular act constitutes bribery or corruption then this should generally be raised with the Director of Finance.

10.2 Where appropriate, any suspicion of bribery should be reported, to the Head of School / Director, as soon as it has been identified. The Head of School / Director must subsequently report the matter to the Director of Finance.

10.3 The University recognises that there could be occasions when a relevant person might feel that their position may be endangered in some way by drawing attention to a matter of concern. In such instances relevant persons should refer to the University's Code of Practice on Whistleblowing, available at the following link:

<https://www.qub.ac.uk/about/Leadership-and-structure/Registrars-Office/FileStore/Filetoupload,697383,en.pdf>

10.4 The Director of Finance will inform the following parties, when appropriate, once a suspected / actual instance of bribery and corruption has been reported:

- Vice-Chancellor;
- The Chief Finance Officer
- Chair of the Audit Committee;
- The Chief People Officer
- Faculty Pro Vice Chancellor / Head of School / Director (if not previously aware);
- DfE; and
- Internal Audit.

Additionally, the University's established protocol for reporting matters to the Police Service of Northern Ireland (PSNI) or Action Fraud will be adhered to.

11. Investigation

- 11.1 Any case of suspected bribery will be investigated under the University's procedures in relation to fraud (which include police involvement) and, where appropriate, may lead to action against the individual(s) concerned under the relevant internal procedures. Any case of bribery by an employee of the University will be considered under the appropriate staff disciplinary procedures as a case of gross misconduct and may result in the termination of employment. Any case of bribery by a student will be considered under the General Regulations applicable to students (available at

<http://www.qub.ac.uk/directorates/AcademicStudentAffairs/AcademicAffairs/GeneralRegulations/>)

and may result in termination of registration as a student or the withholding of an award of a degree, diploma or certificate.

12. Protection

- 12.1 Relevant persons who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. The University aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken. The University is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith a suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, loss of contract, threats or other unfavourable treatment connected with raising a concern.

If a relevant person believes that they have suffered any such treatment, the Chief People Officer should be informed as soon as possible. If the matter is not remedied, then matter should be raised, formally, using either the University's Grievance Procedure or Whistleblowing Policy, which can be found at the following links:

<https://www.qub.ac.uk/about/Leadership-and-structure/Registrars-Office/FileStore/Filetoupload,697383,en.pdf>

<https://www.qub.ac.uk/directorates/HumanResources/managers/workplace-conduct/>