

The Bribery Act 2010

Southampton Solent University

Anti Bribery Policy

**FINAL**

## Background

This policy sets out the general rules and principles to which we adhere. It will be communicated to all existing and future employees of Southampton Solent University, as well as relevant associated persons with whom the University does business. Those who work in areas within our business identified as being particularly high risk will receive additional training and support in identifying and preventing corrupt activities.

This policy explains the procedures through which the University can maintain high ethical standards, sets out the University's responsibilities in observing and upholding its anti-bribery and corruption procedures and provides guidance to those working for the University on how to recognize and deal with bribery and corruption issues. Its successful implementation requires adoption by employees and management at all levels.

The policy is supported by more detailed guidance notes which provide more information about what a bribe is, how to detect a bribe, what constitutes appropriate hospitality, what to do if you suspect you are being offered a bribe, and what steps need to be taken to communicate the University's anti-bribery policy to other individuals and organisations.

## 1. Introduction

The Bribery Act 2010 (“The Act”) represents a major change in the UK laws for preventing bribery and corruption.

It is the University's policy to conduct its operations in an honest way, and without the use of corrupt practices or acts of bribery to obtain an unfair advantage.

The University is committed to ensuring adherence to the highest legal and ethical standards. This must be reflected in every aspect of the way in which we operate. We must bring integrity to all our dealings. Bribery and corruption harms the society in which these acts are committed and prevents economic growth and development.

This policy has been adopted by the University Board of Governors and is to be communicated to everyone involved with our University to ensure their commitment to it. The Board and senior management attaches the utmost importance to this policy and takes a "zero tolerance" approach to acts of bribery and corruption by any of our employees or by associated persons as defined in s.8 of the Act working on our behalf. Any breach of this policy will be regarded as a serious matter by the University and in the case of University employees will be referred to the disciplinary procedure.

## 2. Scope

This policy applies to all individuals working for or with the University, including employees, consultants, contractors and volunteers. It applies to transactions which take place within the UK and outside the UK.

## 3. Guidance

It is not acceptable to:

- offer, give, solicit or accept any bribe or other inducement
- in order to gain an unethical commercial or personal advantage

## 4. What is Bribery and Corruption?

Bribery and corruption has a range of definitions in law, but the fundamental principles apply universally.

A bribe is an inducement or reward for the improper performance of a public or business function or activity. A function or activity will be improperly performed if it does not accord with what a reasonable person in the UK would expect.

Corruption is the misuse of public office or power for private gain; or misuse of private power in relation to business outside the realm of government.

Acts of bribery or corruption are designed to influence the individual in the performance of their duty and incline them to act dishonestly. For the purposes of this policy, whether the payee or recipient of the act of bribery or corruption works in the public or private sector is irrelevant.

The person most likely to be bribed is generally someone who will be able to obtain, retain or direct business. This may involve sales initiatives, such as tendering and contracting; or it may simply involve the handling of administrative tasks such as licences, customs, taxes or import/export matters. It makes no difference whether the act of bribery is committed before or after the tendering of a contract or the completion of administrative tasks.

## 5. Examples

Bribes can take many different shapes and forms, but typically they involve corrupt intent. There will usually be a '*quid pro quo*'- where both parties will benefit. A bribe could be the:

- Direct or indirect promise, offering, or authorisation, of anything of value;
- Offer or receipt of any kickback, loan, fee, reward or other advantage;
- Giving of aid, donations or voting designed to exert improper influence.

In return for:

1. Admitting students with inadequate qualifications
2. Enhancing marks work / ignoring academic misconduct
3. Changing marks and assessment boards
4. Favouring one supplier over another

It is acceptable to:

- offer or accept normal and appropriate hospitality or gifts
- provided they are not intended to unduly influence the recipient and
- provided you comply with the University's policy on gifts and hospitality

What gifts, hospitality or expenses are appropriate?

- The size and value of the gift/hospitality is relevant - a ticket to a football match is likely to be appropriate; a weekend in New York is not
- A gift/hospitality given as an act of appreciation is likely to be appropriate
- A gift which creates a feeling of unease or places an obligation on the recipient is not

You must record any gift or hospitality in the University's entertainment and hospitality register. You must also record details of any contracts for the supply of goods or services you enter into on behalf of the University in the contracts register. Please see the key guidance document for more information.

## 6. Facilitation Payments

In some countries it is customary business practice to make unofficial payments or gifts to government officials in order to speed up or facilitate a routine action or process.

Facilitation payments as defined here are against University policy. They are illegal under the Act. The Act makes no distinction between facilitation payments and bribes – regardless of size or local cultural expectations, even if that is "how business is done here". The University will seek to eliminate the practice in all territories where it does business and will ensure that all individuals working for us or with us do not make facilitation payments on our behalf. If you have doubts about a payment and suspect that it may be considered a facilitation payment, only make the payment if the official or third party can provide an official receipt or written confirmation of its legality. If practicable, contact the Compliance Officer for further guidance.

***In the event that a demand for a facilitation payment is made in circumstances where an employee is in a vulnerable position or there is an immediate threat to life, limb or liberty then put safety first, make the payment and report immediately to the Compliance Officer to record the payment appropriately within the University's books and records to reflect the substance of the underlying transaction.***

## 7. Your responsibilities

The detection and prevention of bribery and other forms of corruption are the responsibility of all those working for or with the University.

You must notify your line manager or the Compliance Officer as soon as possible if you have any suspicion of bribery or corruption. The University aims to encourage openness and will support anyone who raises a genuine concern, even if they turn out to be mistaken. No one will suffer any detrimental treatment as a result of refusing to take part in bribery or corruption or because of reporting suspicions of bribery.

Any employee who breaches this policy will face disciplinary action.

## 8. Training and Communication

This policy will be communicated to all existing employees and to all new employees as part of their induction process. All employees who are assessed as falling within a higher risk area of operations will receive relevant training on implementing this policy.

If you are instructing an agent or consultant or outside contractor to perform services on behalf of the University, you should consider what due diligence measures are needed to ensure they will not commit a Bribery Act offence.

For further guidance, please see the University's key guidance on countering bribery.

## 9. Conclusion and Certification

It is the ultimate responsibility of the University Board of Governors for ensuring that this policy complies with our legal and ethical obligations and that all those under the University's control comply with it.

The Compliance Officer has the day to day responsibility for implementing and monitoring the effectiveness of this policy and will report to the University Board of Governors on an annual basis or immediately in the event of discovering a serious breach of this policy.

For the purposes of this policy the Compliance Officer is the Director of Finance and Resources.

All University senior managers are responsible for annual certification as to the receipt and compliance of this policy.

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Southampton Solent University