



# THE UNIVERSITY *of* EDINBURGH

## Anti-Bribery and Corruption Policy

### 1. Policy Statement

In accordance with the highest standards of professional practice and good governance, the University does not tolerate bribery or corruption of any kind.

All members of staff must adhere strictly to the UK legislation in relation to bribery and corruption and follow the policy and procedures designed by the University to prevent bribery.

Staff must not offer, promise or give a bribe and they must not request, agree to receive or accept a bribe. The University will also expect the highest standards of compliance in this area from other parties that provide services for or on behalf of the University.

This policy applies irrespective of the country in which staff are in or dealing with. Where there are differences between the local law and this policy, staff must apply either this policy or the local law, whichever sets the highest standard of behaviour.

### 2. Scope and Purpose

This policy applies to all employees and any other member of staff of the University, including any temporary or agency staff or unpaid members of staff and voluntary workers. It also applies to staff in subsidiary companies. This policy applies to all activities of the University, whether related to its research, teaching, commercial or other activities, and exists for the protection of members of staff and the University.

The University will expect any person or organisation performing services for it or on its behalf, to adhere to this policy or otherwise have equivalent policies and procedures in place to prevent bribery and corruption. These third parties include agents and others who represent the University, suppliers, consultants and private sector partners who perform services for the University or on its behalf, wherever located in the world.

This policy sets out the University's approach to dealing with the relevant legislation, which can apply as follows:

Nature of Offence	Scope
Giving, offering or promising bribes	Members of staff, the University and its subsidiary companies
Requesting, agreeing to receive or accepting bribes	Members of staff, the University and its subsidiary companies
Bribery of a foreign public official	Members of staff, the University and its subsidiary companies
Failure of a commercial organisation to prevent bribery	The University and its subsidiary companies

This policy also covers issues related to the following other policies and Codes of the University, where reference should be made for guidance on procedures:

- Disciplinary Policy

- Policy on Conflict of Interest
- Code of Practice on Reporting Malpractice and Raising Concerns under the Public Interest Disclosure Legislation ('Whistleblowing')
- Code of Practice for Staff on the Receipt of Gifts, Hospitality and Other Benefits
- Procurement Policy (Scottish Procurement Policy Handbook)
- Criminal Finances Act 2017 Statement
- Anti-Money Laundering Policy

A summary of the UK Bribery Act Legislation and its application to the activities of the University, as well as relevant definitions of the terms in this policy can be found at **Appendix A**. Further guidance designed to assist staff on the application of this policy in practice can be found at **Appendix B**.

### 3. Principles of the Policy

The University and members of staff are required to comply with the following principles:

- Bribes must not be offered, promised, given, requested, agreed to or accepted.
- Other forms of giving or receiving must not be used as a substitute for, or as a means to disguise, a bribe, for example, political or charitable donations, gifts or hospitality.
- In line with its core values, the University does not make political donations (whether to individuals, political parties or other political organisations, either in the UK or overseas). Any donations made on behalf of the University by any member of staff will be deemed a violation of the University's core values and this policy.
- Facilitation payments must not be offered, promised, given, requested, agreed to or accepted (for a definition of these, refer to Appendix B, Paragraph 8).
- Disciplinary action will be taken by the University or its subsidiary companies against staff who breach this policy. This includes the sanction of summary dismissal in cases where staff give, offer, promise, request, agree to receive or accept bribes. Similar action will also be taken against other parties performing services for the University who fail to abide by this policy or equivalent anti-bribery and corruption standards, which includes termination of the University's relationship with them.
- The University encourages all staff to report any bribery or corruption concerns immediately and will support staff that do so. All reporting will be handled sensitively and the University is committed to ensuring that no member of staff who reports a bribery or corruption concern in good faith suffers any detrimental effect for doing so.
- A deliberate failure to report suspicions of bribery or corruption or to conceal bribes by others will also be subject to disciplinary action, and handled through the University's Disciplinary Policy.
- Third parties who have, or who are suspected of having, been involved in bribery or corruption should not be engaged to work for the University or act for or on its behalf.
- Any malicious, wilful or deliberate misreporting of a bribe or suspicion of a bribe may be treated as a disciplinary matter, and handled through the University's Disciplinary Policy.

#### 4. **Responsibilities**

All members of staff must read and adhere strictly to this policy.

The University Court has ultimate responsibility for approval of this policy; monitoring and receiving regular updates on the implementation of this policy.

The Principal, Vice Principals, Heads of College, Support Groups, Schools and Support Departments have responsibility for the following, in conjunction with the University's Risk Management Committee:

- The implementation of this policy in their relevant area of responsibility;
- Communication of this policy to staff and other stakeholders, and development of further anti-bribery and corruption compliance procedures for the University as appropriate;
- Conducting a regular risk assessment of bribery and corruption risks faced by the University; and
- Commissioning regular audits and monitoring of this policy and related policies and procedures to ensure they are effectively implemented and are responsive to the University's potential bribery and corruption risks.

Line managers are responsible for ensuring that:

- All employees whom they manage are aware of this Policy and attend training as necessary on how it affects their work;
- They promote all other anti-bribery and corruption compliance measures within the parts of the University in which they work and that they lead by example; and
- They inform their Head of School/Support Department immediately when they are notified of any bribery or corruption concerns.

All employees are expected to:

- Adhere to this anti-bribery and corruption policy and other similar policies and procedures, as far as they are applicable to their roles within the University;
- Raise bribery and/or corruption concerns immediately with their line managers or their Head of School/Support Department;
- Follow University guidance and best practice when involved in activities relating to the procurement of goods, services or works, or using overseas or other agents and third parties.

The University Secretary, Director of Corporate Services, Vice-Principals, Heads of College and each Head of School/Support Department has:

- Day-to-day responsibility for implementing this policy, checking its effectiveness and dealing with any queries in relation to it;
- Primary responsibility for monitoring compliance with this policy and for ensuring any instances of suspected bribery or corrupt activity are investigated appropriately.

#### 5. **Breaches of this Policy**

Where an allegation is made to the effect that a member of staff has breached this policy, the matter will be dealt with under the University's Disciplinary Policy. Where, after an investigation and subsequent disciplinary hearing, allegations are upheld, the employee may be subject to formal action which could ultimately include dismissal.

Where third parties performing services or supplying goods for, or on behalf of the University are in breach of this policy, action may be taken to bring to an end the relevant contractual relationship.

For clarity, breaches of this policy include:

- Giving, offering or promising a bribe
- Requesting, agreeing to receive or accepting a bribe
- Bribery of a foreign public official

Such breaches could lead to the University or its subsidiary companies committing the criminal offence of failing to prevent bribery.

## 6. **Reporting and Whistle Blowing**

The University encourages all staff to report any concerns about bribery or corruption that they encounter and make sure that suspicious behaviour does not go unchallenged.

It is important that if a member of staff suspects that someone else (e.g. a colleague, student, volunteer, supplier or consultant) may have or is about to engage in any corrupt conduct, or if a member of staff offers or is offered a bribe, they should report it immediately to their line manager or Head of School / Support Department, or in particularly serious cases, the University Secretary or Principal. A separate reporting form is available for staff to raise concerns around money laundering at <https://www.ed.ac.uk/finance/for-staff/financial-regulations-policies-and-procedures/new-anti-money-laundering-policy/suspected-money-laundering-reporting-form>

The University will support anyone who raises concerns in good faith, and will give assurances that any concerns will be handled sensitively. This includes ensuring that no member of staff will suffer any detriment for refusing to accept or pay bribes, or if they report concerns they have about others' conduct.

Failure to report concerns can result in prohibited activity damaging the University - and may suggest that there has been complicity in this behaviour.

## 7. **Record-keeping**

The University maintains financial records and has appropriate internal controls in place through other policies and procedures to ensure all payments to third parties (such as payments to anyone who provides services for or on its behalf) are properly documented and authorised.

## 8. **Training**

Training on anti-bribery and corruption is available via the University's online portal. Line managers will confirm with staff which training they are required to undertake as part of their role.

## 9. **Monitoring and Review**

The University's Risk Management Committee will monitor the effectiveness of this policy on an annual basis. Any potential improvements identified by the Committee will be actioned by production of an updated policy as appropriate and subsequent training where necessary. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption.

## 10. **Support**

Please contact [Finance.helpline@ed.ac.uk](mailto:Finance.helpline@ed.ac.uk) or 0131 651 5151 (option 1) for further information.

Please contact [Finance.helpline@ed.ac.uk](mailto:Finance.helpline@ed.ac.uk) if you require this policy in an alternative format.

11. **Equality and diversity**

The Equality Impact Assessment has been completed and addresses any equality and diversity impacts of this policy.

12. **Useful Links**

**Financial Regulations**

<https://www.edweb.ed.ac.uk/finance/for-staff/financial-regulations-policies-and-procedures/financial-regulations-overview-page>

**Finance Policies and procedures**

[Finance Policies and procedures](#) include the following:

- Anti-Money Laundering Policy
- Conflict of Interest Policy
- Criminal Finances Act
- Fraud Policy
- Gifts and Hospitality Policy
- Whistleblowing Policy

**Procurement Policies**

<https://www.edweb.ed.ac.uk/procurement/policies-procedures>

**HR Policies**

- Disclosure of Intimate Relationships

<https://www.ed.ac.uk/human-resources/policies-guidance/a-to-z-of-policies-and-guidance>

13. **Approval and review**

Date policy approved	25 June 2019
Final approval by	University Executive (& CJCNC ratified)
Consultations held	HR Executive; HR Policy Development Group; Project Bearing Steering Group
Date of commencement of policy	1 August 2019
Date for review of policy	1 August 2021
Policy owner	Director of Finance
Policy review by	Senior Financial Controls Accountant

**Version control**

Version	Amendment made	Approval date	Approved by
1.0	First version	October 2011	
1.1	Minor updates in terminology	June 2017	
2.0	Review & update	June 2019	
2.1	Links revised	March 2021	

## Summary of UK Bribery Act Legislation

### 1. What Is Bribery and Corruption?

The Bribery Act is amongst the strictest anti-bribery legislation in the world and contains widely defined offences. Most offences apply equally to private and public sector activities. This Appendix sets out further details of the offences and how they may apply to the University and its staff.

To avoid committing offences under the Bribery Act members of staff should follow these three principles:

- Do not make payments to someone (or provide them with any benefit or favour them in any other way) if you know or suspect that this will involve someone misusing their position or if you know or suspect that they are not permitted to receive any such payment / benefit.
- Do not misuse your position in connection with payments (or other favours) for yourself or others.
- Do not deliberately use advantages to try to influence foreign public officials for business reasons. If you need to promote the University's business with a foreign public official, always check in advance with your Head of School/Support Department.

A bribe does not need to be a monetary sum. It can be any form of advantage: e.g. lavish hospitality or gifts; an offer of employment; or the provision of services free of charge or with a substantial discount, loans, reimbursement or travel and other expenses, favours, secret rebates, charitable or political donations, scholarships and unfair advantages for family or friends in respect of training or employment opportunities (secondments, work experience, trainee positions, internships or permanent positions);

A person who is offered, agrees to accept or accepts a bribe does not need to benefit personally.

The actual giving or receipt of a bribe does not need to occur for there to be a criminal offence. An offer or request would be sufficient.

Sometimes offering or making a payment (or giving some other favour such as lavish hospitality) is an act of bribery in itself. Bribery can also take place when a benefit is offered to an individual where it is known or believed that the mere acceptance of that advantage is itself improper (for example, after notification by the employer of an individual recipient that they should not be given benefits).

### 2. How Does Bribery Affect The University?

Risks of bribery can arise in a wide range of the University's activities and its interaction with third parties. Some examples of these are as follows:

- International operations
- Recruitment of students and awards of degrees
- Gifts and donations to or from the University or its staff
- University Fundraising Activities
- Sponsorship and partnerships with private sector organisations in the UK or overseas and other commercial activities
- Procurement processes across the University and relationships involving estate and property management

- Appointment of agents or representatives in the UK or overseas who perform services for or on behalf of the University
- Relationships with other academic institutions, regulatory or funding bodies
- Field trips and overseas research in jurisdictions where there are particular corruption risks;

The University will undertake periodic risk assessments of its activities, including risks relating to: the sector in which it operates; its international business activities and presence in overseas countries; its existing processes for gifts and hospitality and donations; its relationships with a wide range of third parties in the UK and overseas who provide services to it or on its behalf; its procedures for procurement and other internal policies; and its other business structures, such as private sector joint ventures or joint international research collaborations.

### 3. **What is the Law?**

The offences under the Bribery Act are wide in scope, broadly defined and allow for acts of bribery committed anywhere in the world to be prosecuted in UK courts. The University's standards therefore apply to conduct that occurs both in the UK and in any activity it undertakes abroad.

The UK law has serious consequences for anyone found guilty of an offence. For individuals, a maximum prison sentence of ten years and/or an unlimited fine can be imposed; for commercial organisations, an unlimited fine can be imposed. Other measures can include the ability to confiscate assets, where these are found to be the proceeds of criminal activity including corruption. In addition, there can be serious negative reputational issues for organisations accused of, or involved in, bribery and corruption.

The Bribery Act includes an offence of failure of commercial organisations to prevent bribery. In light of its various commercial activities, the University will be treated as a commercial organisation for this purpose even though it has primarily educational aims.

### 4. **Offences under the Bribery Act**

The Bribery Act contains four main offences:

1. Paying bribes - Can apply to members of staff, the University and its subsidiary companies.
2. Receiving bribes - Can apply to members of staff, the University and its subsidiary companies.
3. Bribery of a foreign public official - Can apply to members of staff, the University and its subsidiary companies.
4. Failure of a commercial organisation to prevent bribery - Can apply to the University and its subsidiary companies.

In addition, if a senior officer of a commercial organisation consents to or connives in an act of bribery by an organisation, they can be separately prosecuted.

As a reference guide, set out below are brief explanations of what each of the four main offences mean.

#### 4.1 **Active bribery**

It is an offence if a person offers, promises or gives a financial or other advantage to another with the intention of inducing a person to perform a function or activity improperly or to reward a person for doing so. It matters not whether the person to whom the advantage is offered is the same person as the person who is to perform, or has performed the function of activity concerned.

It is not necessary to prove that this person intended this consequence in all cases. It is also an offence if the person knows or believes that acceptance of the advantage by another is in itself an improper performance of their function or activity (for example, after notification by the employer of an individual recipient that they should not be given benefits).

In both cases it matters not whether the advantage is offered, promised or given directly or through a third party.

#### 4.2 **Passive bribery**

It is an offence if a person requests, or agrees to accept, or receives a financial or other advantage intending that a function or activity should be performed improperly as a result.

It is also an offence:

- Where the request, agreement to accept or receipt of the advantage is in itself an improper performance of a function or activity;
- Where the request, agreement to accept or receipt is a reward for the person's or someone else's improper performance in the past;
- Where their improper performance takes place in anticipation or as a consequence of a request, agreement to accept or receipt of an advantage.

In these other scenarios, it does not matter whether the person knows or believes that the performance of a function or activity is improper.

In all cases it matters not whether the advantage is requested, agreed to or received directly or through a third party.

Both active and passive bribery offences can be committed where the acts that constitute the offence take place outside of the UK, where the person or organisation giving, receiving the bribe has a close connection to the UK. This includes all UK citizens, other persons ordinarily resident in the UK, and bodies incorporated under the laws of the UK.

#### 4.3 **What activities do these offences apply to?**

The offences could apply to any function or activity involving the University and any activities of its staff, connected with a business, performed in the course of employment, or on behalf of the University or a subsidiary company.

- In the context of the University this is wide enough to capture dealings with: private sector businesses, or third parties including subcontractors or agents
- other publicly funded organisations, grant giving bodies, and relevant public bodies
- service providers or agents
- individuals, including students and prospective students, donors and other sponsors.

#### 4.4 **What does improper performance mean?**

Whether an activity or function is performed improperly will be measured on an objective basis, not necessarily on a person's own perception of the circumstances of the activity. The test will be whether a function has been performed in breach of how a reasonable person in the UK would expect it should be performed. This means customary or historic practices will not necessarily be acceptable.



#### 4.5 **Bribery of a foreign public official**

It is an offence if a person offers, promises or gives a financial or other advantage to a foreign public official with the intention of influencing the foreign public official and to obtain or retain business or a business advantage (financial or other advantages offered, promised or given to another at the request of the foreign public official or with their assent or acquiescence are also caught if there is an intention to influence). This is a low threshold as there is no requirement that the financial or other advantage is intended to influence the foreign public official to perform a function or activity improperly or to reward a person for doing so.

Foreign public officials include persons performing functions at state owned or controlled enterprises and agencies - and therefore could potentially include those working for public universities outside of the UK.

The University has identified that it has relevant international activities where it may have dealings with foreign public officials, including in territories where:

- the University has overseas offices
- it engages overseas agents for student recruitment
- companies or commercial enterprises owned or controlled by the University, or similar partnerships the University has with third parties in the private sector, operate
- engages patent attorneys to protect its intellectual property rights
- members of the University undertake research or other academic activities from time to time

The Bribery Act contains no exemption for “facilitation payments” (see also the section of this Guidance Notes to the University Policy relating to Facilitation Payments).

If a member of staff of the University in the UK or overseas needs to promote the University's activities with a foreign public official, the member of staff must contact their Head of School/Support Department in advance to confirm what steps are appropriate in any dealings they intend to have with the foreign public official.

#### 4.6 **Failure of commercial organisations to prevent bribery**

It is an offence for the University in relation to its commercial activities if a person associated with the University bribes another person intending to:

- obtain or retain business for the University; or
- obtain or retain an advantage in the conduct of business for the University.

The University has a defence to this offence if it can demonstrate that it adequate procedures in place to prevent bribery.

A person is associated with the University if they perform services for or on behalf of the University. This covers a wide category of people where the University has a potential liability for their acts. It does not matter in what capacity they are acting. Associated persons include all employees of the University as well as other persons outside of the University such as agents, joint ventures to which the University is party, subsidiary companies and those with whom the University contracts to perform services.

## Guidance Notes on the University of Edinburgh Anti-Bribery and Corruption Policy

These Guidance Notes supplement the University's Anti-Bribery and Corruption Policy. They are designed to assist staff on the practical application of the Policy. In addition, they include important obligations on specific areas, which staff must adhere to.

### 1. Frequently Asked Questions about the Bribery Act

#### 1.1 ***It is customary to provide gifts in some countries outside of the UK when visiting or meeting with public officials. Can University staff offer gifts to their counterparts at an overseas university?***

The fact that something is a local custom is not a defence under the Bribery Act so a cautious approach is required to ensure any gift or other advantage that is offered overseas is not construed as a bribe based on UK standards of conduct. Secondly, in this scenario it is possible that a member of an overseas university will be classed as a "foreign public official" under the Bribery Act. If so, it is very easy to fall foul of the law. Any financial or other advantage offered to them will be seen as a bribe if the offeror intends to influence the official and intends to obtain or retain any business advantage.

This guidance does not however preclude the University or its staff from giving small, low value gifts seen as a 'mark of respect' to other public officials.

If a member of staff of the University in the UK or overseas needs to promote the University's activities with a foreign public official, the member of staff must contact their Head of School/Support Department in advance to confirm what steps are appropriate in any dealings they intend to have with the foreign public official.

#### 1.2 ***Can gifts and hospitality be accepted from private sector companies with whom the University has a business relationship or may do in future? What about sponsorship?***

Care has to be exercised that no gift or hospitality could be considered excessive or lavish. Normal business meals and modest entertainment is normally acceptable where there is a legitimate purpose for the hospitality - such as to foster cordial relations or for reasonable public relations. No hospitality should be accepted if it could be construed as intended to induce a member of staff to perform their functions improperly. More information is set out in the University's Code of Practice for Staff on the Receipt of Gifts, Hospitality and Other Benefits.

In relation to sponsorship, similar principles apply. Care should be exercised that the sponsorship does not improperly induce members of the University to perform their functions improperly. This could include where it compromises academic integrity or influences the outcome of a research project.

#### 1.3 ***Can we engage agents to recruit international students to the University?***

Yes but a number of compliance steps must be taken. The use of overseas agents involves high risks to an organisation, whether for recruitment or other purposes. The University will be liable for any corrupt acts by anyone performing services on its behalf. The risks of engaging an agent in a particular case must be assessed and enhanced due diligence undertaken about the suitability of the agent and the nature of the services they are providing to the University. Further guidance on these steps is set out below.

- 1.4 ***A University Department undertakes an annual research project in a jurisdiction outside of the UK with a poor reputation for corruption. The Department needs to transport equipment to the overseas location for the project, which will be checked by local customs officials. What steps should the Department consider?***

The Department should consider in advance the risk that members of staff or others acting on behalf of the University will be vulnerable to demands for corrupt payments, such as facilitation payments. Staff will need guidance in advance on strategies to resist any such demands. The Department should also consider any preventative measures that can be taken in advance, such as allowing adequate time for delays in the delivery of equipment whilst any demand for a facilitation payment is resisted.

- 1.5 ***The family of a student who is applying to the University offers to provide the University with a substantial donation to its development fund in return for a place at the University being offered to the student. Is this caught by the Bribery Act?***

Yes. This situation clearly involves a financial advantage being offered to the University, which is intended by the family to induce the admissions department to perform their functions improperly. It does not matter what decision is in fact reached over offering the student a place or not. The donation should be refused because of the basis on which it was offered. Donations can be bribes in other less obvious circumstances. The University's due diligence procedures should always be followed to ensure a donation does not involve someone misusing their position or being induced to do so.

## 2. **Further Guidance on Gifts Entertainment and Hospitality**

All members of staff should refer to the Code of Practice for Staff on the Receipt of Gifts, Hospitality and Other Benefits.

This Guidance Note is intended to supplement the provisions of the above Code of Practice. It applies to all gifts, hospitality and entertainment that members of staff give or receive in the context of their activities for the University. In cases where a member of staff pays for a gift, entertainment or hospitality, but it is not reimbursed by the University, this Guidance Note remains applicable in this context.

The following overarching principles in relation to Gifts Entertainment and Hospitality (whether given or received) are particularly important for staff to consider in the context of potential corruption risks:

- Expenditure should always be reasonable and proportionate (having regard in particular to the recipient).
- Expenditure should be in accordance with the Code of Practice for Staff on the Receipt of Gifts, Hospitality and Other Benefits; and any necessary approvals sought in accordance with that Code; and records kept in accordance with the Code.
- The recipient must always be entitled to receive the gift, entertainment or hospitality for example under the law of the recipient's country.

## 3. **Charitable and Political Donations by the University**

All charitable donations should be recorded accurately in the University's financial records and accounts.

Requests for charitable donations can sometimes mask corrupt activity by others. No charitable donations should be made if these could be construed as improperly influencing another party with whom the University has a business relationship. Should a member of staff have any ethical concerns about a proposed charitable donation, this should be reported immediately to their Head of School / Support Department.

The University does not under any circumstances make donations to political parties.

#### 4. **Philanthropic Giving**

All donations made to the University by benefactors or others wishing to support the University's activities must be considered in the light of the Bribery Act.

Donations of this kind can sometimes mask corrupt activity. No donations should be accepted without due diligence procedures being followed in respect of the purpose of the donation and the background of the donor, amongst other steps. The level of due diligence required will be proportionate to any potential corruption risk identified.

No donation should be accepted if it could be construed as improperly influencing the University or another person. Should a member of staff have any ethical concerns about a proposed donation, this should be reported immediately to their Head of School/ Support Department who should refer the matter to the Ethical Fundraising Advisory Group for further advice.

#### 5. **Honorary Degrees**

Honorary Degrees are awarded by the University for one of the following reasons:

- Outstanding personal contributions to the work and development of the University - in the case of (normally former) members of staff, extending beyond their immediate area of responsibility;
- Outstanding social, economic or cultural contribution to the City of Edinburgh or Scotland;
- Outstanding work, public service or contribution to society more generally in areas of particular relevance to the University's values and mission;
- Outstanding achievement by an alumnus/a, especially combined with one of the above.

Under no circumstances may an honorary degree be awarded as an improper inducement to the individual recipient to provide additional services to the University. In addition, the University's 'Honorary Degree Committee' will oversee the award of Honorary Degrees and will ensure the guidance in this policy is taken into account when considering nominations for such degrees.

#### 6. **Agents, Other Third Parties, and Joint Ventures**

In some parts of the University's commercial activities, it needs to engage agents and other intermediaries.

All appointments of agents and other parties who provide the University with services must follow risk-based due diligence procedures. This includes where the University enters in to any form of partnership with another organisation or a joint venture arrangement.

For the appointment of any overseas agents, a high level of due diligence is required. A non-exhaustive list of steps that must be considered is set out in Section 7 below.

Equivalent due diligence steps to those taken for overseas agents should be taken in relation to all joint venture partners outside of the UK.

Advice should be sought from Heads of Schools/ Support Departments on due diligence steps required for any joint venture, whether in the UK or overseas. All appointments of agents and joint venture partners must be monitored and reviewed on a periodic basis and ongoing due diligence procedures adopted, proportionate to any corruption risks that have been identified.

Any agents or other parties who are performing services for, or on behalf of the University, will be expected to agree to a contractual clause which confirms that they will comply with the University's Anti-Bribery and Corruption Policy or adhere to an equivalent policy, standard or other procedures they may have in place to prevent

bribery. This clause will confirm that any breach of these anti-corruption obligations can lead to termination of the contractual relationship.

## 7. **Due Diligence**

Appropriate risk-based due diligence must be conducted in relation to any party outside of the University who is performing services for it or on its behalf.

## 8. **Facilitation Payments**

Facilitation payments are typically small payments which are not officially required to speed up an administrative process or secure a routine government action by an official. They are more common in certain overseas jurisdictions in which the University conducts its activities, but it is possible that they could arise in the UK.

Facilitation payments are bribes, constitute an offence under the Bribery Act and are prohibited by this Policy.

Examples of when such payments may be requested include to:

- obtain or expedite a permit, licence or other official document or approval;
- facilitate provision of utilities, such as connecting water, electricity, gas or telephone services;
- allow safe or prompt entry or exit from a jurisdiction at border controls or crossings;
- avoid unwarranted delays when goods are held by a customs official; and
- ensure personal security or preservation of property from law enforcement officials.

Facilitation payments should be contrasted with official, lawful payments (typically to an organisation rather than an individual) to expedite certain functions (e.g. where there is an official system to choose a premium fast track service to obtain a passport). Sometimes demands for facilitation payments are forms of extortion (e.g. unless the demand is met, a person's safety or liberty is placed in jeopardy). However, identifying when a payment is a lawful, official payment and when it is a facilitation payment and a bribe is not always easy. In these cases, it is important for staff to seek confirmation wherever possible of the lawfulness of the payment from an independent source, and seek additional guidance from their Head of School/Support Department or the University Secretary immediately.

If it is not possible to undertake the above steps and if a member of staff is unsure as to the validity of an official's request for a payment, the steps below should be followed as far as they are applicable and as far as it is possible to do so:

The member of staff should:

- Contact their line manager;
- Ask the official for proof of the validity of the fee;
- Request that a receipt be provided confirming the validity of the payment;
- If no proof of validity will be provided, politely decline to make the payment and explain they cannot make the payment because of the University's policy and anti-bribery laws;
- If possible ask to see the official's supervisor;
- Make a full note of the request, the circumstances and the parties involved; and
- At all times remain calm, respectful and polite.

The University policy is that it strictly prohibits any kind of facilitation payments made by members of staff or third parties acting on its behalf. However, if a member of staff is in fear for their safety or at risk of loss of liberty, they should not refuse the demand for a payment. In all circumstances members of staff must report any demand for facilitation payments immediately to their Head of School/ Support Department, who should in turn refer to matter to the University Secretary for expert advice and guidance where appropriate.