

Anti-Bribery Policy

1. OVERVIEW AND PURPOSE

1.1 The University of Sussex ("the University") is committed to probity and good conduct in carrying out its business functions and to adhering strictly to the provisions of the Bribery Act 2010, in respect of its conduct both in the UK and internationally.

1.2 The University also has a duty to comply with legal requirements, the requirements of funding bodies – including, notably, the Higher Education Funding Council for England (HEFCE) – and the standards in public life set out in the reports of the Committee on Standards in Public Life (the Nolan Committee), including the "Seven Principles of Public Life," namely: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership

1.3 As such, the University expects staff and others delivering services to the University, either remunerated or not, to comply with this policy, to follow related guidance, and to strictly adhere to these core rules:

- Do not offer, promise or pay bribes; and
- Do not request, agree to or accept bribes.

1.4 The purpose of the policy is to:

1.4.1 Define bribery in its various forms and outline the related rules that must be adhered to; and

1.4.2 Make clear who is covered by this policy, as well as set out the details of associated responsibilities, including the obligation to report any instances of suspected wrongdoing.

1.5 This statement of policy is adopted by the University's Council.

2. SCOPE

2.1 This policy applies to all staff and others delivering services to the University, either remunerated or not, including:

- Senior managers, officers, and directors;
- Employees (whether permanent, fixed-term, temporary, or casual);
- Contract, seconded, and agency staff;
- Volunteers, apprentices, and interns; and
- Others associated with (i.e. performing services for or on behalf of) the University (including agents, sponsors, contractors, representatives, consultants, and other service providers), or who are otherwise deemed to be covered by this policy by the Chief Operating Officer.

2.2 This policy should also be made available to and discussed with parties with whom the University has commercial dealings, or is considering doing business with, to ensure they understand the University's standards.

2.3 Except where a student is also an employee of the University, this policy does not apply directly to students. However, students are nevertheless expected to behave in a way that is consistent with this policy, and this expectation is made clear in relevant regulations.¹

3. RESPONSIBILITIES

3.1 The University

3.1.1 The University is responsible for making its staff and others delivering services to the University, either remunerated or not, aware of this policy, and for providing support and guidance to facilitate adherence to it.

3.1.2 The University must put in place adequate procedures designed to prevent bribery, which are also intended to complement other measures that the University has adopted to ensure probity and good conduct of University business.

3.1.3 The University must also keep accurate financial and other records and have appropriate internal controls in place which will evidence the business reason for making payments to any third parties. The University's Master Records Retention Schedule provides more detail on storage and retention of documents.

3.2 The University Council

3.2.1 The University Council has overall responsibility for ensuring that this policy complies with the University's obligations under the Bribery Act 2010 and to ensure that the University's operations are adhering to this policy.

3.3 The Chief Operating Officer

3.3.1 The Chief Operating Office, as chief compliance officer, has operational responsibility (in consultation with the University Executive Group) for implementing this policy and monitoring its effectiveness. This includes responsibility for:

- Ensuring that those covered by this policy are made aware of it, and publishing related guidance in an accessible way;
- Monitoring indicators of institutional adherence to the policy, e.g. internal reporting of value and cumulative frequency of hospitality and gifts;
- Periodically conducting a risk assessment to review and mitigate any emergent risks of non-compliance; and
- Regular reporting via Council's Audit and Risk Committee in relation to the status of compliance with this policy.

¹ In addition to the general expectation that students shall maintain a good standard of conduct, Regulation 2 includes the following specific breach of discipline: "Behaviour that would compromise the integrity of the University's activities by offering, promising, giving, receiving or soliciting a financial, academic or other advantage or favour as a means to influencing the actions of others, or otherwise securing a particular end".

3.3.2 On a day-to-day basis, the Chief Operating Officer's responsibilities may be delegated to the Director of Planning, Governance and Compliance, or other appropriate staff within the Planning, Governance and Compliance division.

3.4 **Those with management responsibility**

3.4.1 As senior commitment is an essential feature of compliance of the Bribery Act 2010, those with management responsibility are expected to share the University's commitment to adhere to this policy and report related concerns.

3.5 **Each person covered by this policy**

3.5.1 Each person covered by this policy is expected to understand and comply with it. This includes following the University's Raising Concerns process to raise a concern at the earliest possible stage if a breach of this policy has occurred, is suspected to have occurred, or may occur in the future.

3.5.2 Each person covered by this policy is expected not only to adhere to its rules regarding bribes, but to also avoid and resist participation in any situation that might create, for an onlooker, the appearance or perception of inappropriate influence or conflict of interest.

3.5.3 Each person covered by this policy must declare, seek approval and keep a written record of all hospitality, gifts, travel costs and other expenses in accordance with this policy.

3.5.4 Any person covered by this policy may face disciplinary action, which could result in dismissal for gross misconduct, if the policy is breached. Failure to report corrupt activity by other persons can also result in disciplinary action, especially where there is evidence of an attempt to cover up or disguise another's wrongdoing.

4. **POLICY DETAILS**

4.1 **The Bribery Act 2010**

4.1.1 The Bribery Act 2010 outlines that a bribe can be any form of financial or other advantage which is intended to act as an inducement or reward in order for someone else to misuse their position or improperly perform their function. Typically a bribe is designed to achieve a commercial, contractual, regulatory, or personal advantage for the bribe payer – but it can be for someone else's benefit too. It is also possible for a bribe to be intended to gain some reputational or academic benefit for the bribe payer or another person.

4.1.2 Bribery does not only arise where someone improperly performs their function in a business context. Bribery can also exist in relation to the below, and it is also improper to offer or accept a bribe within these contexts:

- A function of a public nature;
- Any activity performed in the course of employment; or
- Any activity performed by or on behalf of an organisation of any kind.

4.1.3 The Bribery Act 2010 creates a number of bribery offences that an organisation such as the University, as well as individuals, can be liable for. These offences are:

- a. Paying bribes;
 - b. Receiving bribes;
 - c. Bribery of a foreign public official; or
 - d. Failing to prevent bribery, when a bribe is paid on an organisation's behalf in order to win or retain business or a business advantage. In relation to this offence, it is important to note that:
 - This offence applies to bribes paid in both the UK and overseas; and
 - The organisation does not need to have known about the bribe to be criminally responsible.
- 4.1.4 In addition, if an individual with management responsibility turns a blind eye, consents, or connives in bribery, they can be separately prosecuted.
- 4.1.5 The sanctions for bribery offences are severe. They include up to ten years' imprisonment for individuals and unlimited fines for organisations, as well as significant reputational damage.
- 4.1.6 Adherence to the rules below should avoid any offence being committed under the Bribery Act 2010. The related guidance for this policy also provides some detail on the practical application of these rules:
- a. Do not make payments to someone (or favour them in any other way) if you know that this will involve someone in the misuse of their position.
 - b. Do not misuse your position in connection with payments (or other favours) for yourself or others.
 - c. 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, agree in advance how to approach this with your line manager.

4.2 **Gifts and Hospitality**

- 4.2.1 This policy does not prohibit reasonable and proportionate gifts and hospitality being given to or received from third parties.
- 4.2.2 Gifts and hospitality (whether given or received), however, must comply with the following rules:
- a. They should be appropriate to the circumstances, and limited in the ways set out in d. and e. below. There must be no risk or perception that the giving or receiving of gifts or hospitality might improperly influence the recipient.
 - b. They must not infringe upon any rules applicable to the individual to whom the hospitality or gift is offered (i.e. any policy that another organisation has in place) or contravene any laws applying to that other person (whether in the UK or elsewhere).

- c. Gifts and hospitality expenditure should not be related to obtaining or retaining business with the recipient, particularly in a competitive context.
 - d. In the case of hospitality provided or received, it should be intended to foster cordial relations or have legitimate marketing purposes and:
 - The level of hospitality should be proportionate with regard to the recipient and their organisation; and
 - There should be no 'add-ons' such as inappropriate overnight accommodation or lavish expenses.
 - e. In the case of gifts, these should be no more than a modest token of appreciation, such as the exchange of gifts in a meeting with visitors representing international institutions or agencies, or at another exceptional time, such as the completion of a project with the recipient, and:
 - The level of gift should be proportionate with regard to the recipient and their organisation
 - It should never be cash or a cash equivalent
 - It should carry no risk of being misconstrued by either the recipient or an observer as a reward or an inducement
 - f. They should not be offered to, or accepted from, government or public officials or representatives, or politicians or political parties, without the prior approval of the Chief Operating Officer.
- 4.2.3 All offers of hospitality and gifts (given or received) with a value of over £100 must be recorded in the Hospitality Register within Schools / Divisions, and maintained centrally by Planning, Governance and Compliance.
- 4.2.4 Additionally, for any hospitality or gifts (given or received) with a value of over £100, written permission must be obtained in advance from a Head of School or Director of Professional Services Division. In the case of Heads of Schools and Directors of Professional Services Divisions, written permission must be obtained from the Chief Operating Officer. For members of the University's Executive Group, written permission is required from the Vice-Chancellor, except in the case of the Chief Operating Officer (who should seek written permission from the Director of HR) and the Vice-Chancellor (who should seek written permission from the Chair of Council).
- 4.2.5 In any given relationship with a third party (even where the unit value remains within the limits set out above) caution should be exercised to avoid gifts and hospitality being offered or received with excessive frequency, as this may, cumulatively, constitute lavish expense or create a sense of conflict of interest.

4.3 **Facilitation Payments**

- 4.3.1 Facilitation payments – i.e. typically small unofficial payments paid to speed up an administrative process or secure a routine government action by an official, most frequently encountered in overseas jurisdictions with perceived high corruption risks – are also bribes and thus prohibited by this policy.

- 4.3.2 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 a choice of fast track services to obtain a passport).
- 4.3.3 This policy strictly prohibits any kind of facilitation payments made by staff and others delivering services to the University, either remunerated or not. If in doubt about the validity of an official's request for payment, please refer to the related practical guidance for this policy.
- 4.3.4 Any demand for facilitation payments should be reported immediately via the Raising Concerns process.

4.4 Donations

- 4.4.1 Donations by the University must at all times adhere to the rules set out in this policy.
- 4.4.2 The University does not make contributions to political parties.
- 4.4.3 The University supports charitable giving and initiatives by colleagues. However, it is only open to the University to make charitable donations at an institutional level in limited prescribed circumstances, and any such requests should first be referred to the Director of Finance.
- 4.4.4 Donations received by the University are covered in more detail by the University's Donations Policy.

4.5 Consultancy and External Activity

- 4.5.1 Any consultancy activity undertaken related to a person's employment must at all times adhere to the rules set out in this policy – e.g. must be registered and appropriately authorised, and must be costed using an appropriate day rate and taking into consideration market value. Consultancy and any other external activity is covered in more detail in the University's Policy on External Professional Activities.

5. LEGISLATION AND GOOD PRACTICE

- 5.1 The Bribery Act 2010: <http://www.legislation.gov.uk/ukpga/2010/23/contents>
- 5.2 The UK government has also published several pieces of guidance for organisations in relation to the Bribery Act 2010 here: <https://www.gov.uk/government/publications/bribery-act-2010-guidance>
- 5.3 The Committee on Standards in Public Life (<https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>) is an advisory non-departmental public body that advises the Prime Minister on ethical standards across public life in England, monitoring and reporting on issues relating to the standards of conduct of all public office holders.
 - 5.3.1 Seven Principles of Public Life (<https://www.gov.uk/government/publications/the-7-principles-of-public-life>) is an overview of the Nolan Principles, applicable to public officer-holders and those working in education and delivering public services.
- 5.4 The HEFCE Memorandum of Assurance and Accountability (<http://www.hefce.ac.uk/reg/MAA/>) sets out the terms and conditions for payment of

HEFCE grants to higher education (HE) institutions and defines the formal relationship between HEFCE, governing bodies, and accountable heads of institutions to provide assurance and clarity.

Review / Contacts / References	
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Next review date:	The University will regularly monitor the policy and its effectiveness. Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular monitoring to provide assurance that they are effective in countering bribery and corruption.
Related internal policies, procedures, guidance:	<p>Additional Related Practical Guidance http://www.sussex.ac.uk/ogs/policies/goodconduct/fraudbriberyandcorruption</p> <p>Raising Concerns Process Link TBC</p> <p>Public Interest Disclosure (Whistleblowing) Policy http://www.sussex.ac.uk/ogs/documents/public-interest-disclosure-policy.pdf</p> <p>Donations Policy http://www.sussex.ac.uk/ogs/documents/donationspolicy.doc</p> <p>Policy on External Professional Activities https://www.sussex.ac.uk/webteam/gateway/file.php?name=external-professional-activities.pdf&site=377</p> <p>Financial Regulations https://www.sussex.ac.uk/webteam/gateway/file.php?name=uos-financial-regulations-2015.pdf&site=262</p> <p>Fraud Response Plan https://www.sussex.ac.uk/webteam/gateway/file.php?name=fraud-response-plan-2016-update.pdf&site=76</p> <p>Master Records Retention Schedule https://www.sussex.ac.uk/webteam/gateway/file.php?name=master-records-retention-schedule-version-1-apr-2010.pdf&site=76</p>
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