

Anti-Bribery and Corruption Policy

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A PDF copy of the final approved version should be forwarded to governance@leedsbeckett.ac.uk for inclusion in the policy register and consideration to the Publication Scheme. The original master copy should be retained on file by the policy owner.

Anti-Bribery and Corruption Policy

INTRODUCTION

Policy Statement

1. The University is committed to upholding high standards of honesty and integrity in its operations. The University has a zero-tolerance stance in relation to bribery and corruption and takes its responsibilities under the Bribery Act 2010 seriously. Any attempts or acts of bribery or corruption will be treated as a serious disciplinary and/or criminal offence and investigated promptly and rigorously.
2. The University has rigorous, effective risk management and internal control arrangements in place to reduce the likelihood of bribery or corruption and will take reasonable, proportionate and practicable measures to reduce the risk of incidents occurring.
3. All instances of actual, attempted or suspected acts of bribery or corruption will be investigated promptly, in line with this policy and associated procedures and guidance, and appropriate action taken. The University will seek to recover funds and assets lost through bribery or corruption and take actions to prevent further losses and reoccurrence.

Purpose and Scope

4. The purpose of this policy is to:
 - (a) Define bribery and corruption and offences under bribery legislation and provide examples of risks in a Higher Education setting.
 - (b) Encourage the reporting of bribery and corruption, or related risks, in line with University procedures.
 - (c) Promote the detection and investigation of bribery and corruption.

Application

5. This policy applies to all colleagues of the University, this includes all individuals working within the University at all levels and grades, including officers, employees (whether permanent, fixed term or temporary), workers, trainees, seconded staff, agency staff, volunteers, interns or any other person working in any context within the University.
6. This policy also extends to individuals performing services for or on behalf of the University which may include governors, University subsidiaries, recipients of grants, partners, collaborative arrangements, joint ventures, agents and advisors.

DEFINITIONS

What is bribery?

7. The [Bribery Act 2010](#) broadly defines bribery as the giving or receiving of a financial or other advantage with the intention of inducing or rewarding improper performance in order to gain a personal, commercial, regulatory or contractual advantage on behalf of oneself or another.
8. Whilst bribery usually concerns the practice of offering money, bribery does not have to involve cash or an actual payment. It can take many forms including gifts, hospitality, vouchers, loans, discounts, preferential treatment, or a business advantage.

What is corruption?

9. Corruption is an abuse of a position of trust in order to gain an undue advantage and a form of dishonest or unethical conduct by a person entrusted with a position of authority, often to acquire personal benefit. Corruption may include many activities including bribery and embezzlement, although it may also involve practices that are legal in many countries.
10. Whilst the two are undoubtedly connected, it is important to note that corruption can occur without bribery taking place.

The Bribery Act 2010

11. The Bribery Act 2010 introduced a corporate offence which means that organisations, such as the University, are exposed to criminal liability, which can be punished by an unlimited fine, if they fail to prevent bribery. Organisations can be found liable for the acts of people carrying out services on its behalf, including contractors, subsidiary companies and agents.
12. The Bribery Act 2010 creates four offences:
 - (1) Offering, promising or giving of a bribe – **active bribery**.
 - (2) Requesting, agreeing to receive or accepting of a bribe – **passive bribery**.
 - (3) **Bribing a foreign public official**
 - (4) **Failure to prevent bribery**
13. The maximum sentence is 10 years' imprisonment for individuals found guilty of committing such an offence.

Why does bribery and corruption prevention matter?

14. Leeds Beckett University is a not-for-profit University with the charitable purpose of advancing education for the public benefit. As such, we must ensure that there are appropriate financial and management controls in place to safeguard public funds and funds from other sources, whilst also safeguarding the assets of the University by preventing and detecting fraud, bribery, corruption and other irregularities. These matters can have wide-ranging implications including reputational damage and diverting resources away from the University's core operations and achievement of its strategic objectives.
15. The Office for Students (OfS) is the sector regulator. Suspected or actual fraud or financial irregularity could also impact our registration status with the regulator.

What is not acceptable?

16. It is not acceptable for you (or someone on your behalf) to:
- (a) give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a commercial advantage will be received by you or the University, or to reward a commercial advantage already given to you or the University;
 - (b) 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 in the UK or overseas;
 - (c) accept payment from a third party that you know, or suspect is offered with the expectation that it will obtain a personal or commercial advantage for them;
 - (d) accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a contract or commercial advantage will be provided by the University in return;
 - (e) threaten or harass another worker or member of staff who has refused to commit a bribery offence or who has raised concerns under this Policy; or
 - (f) engage in any activity that might lead to a breach of this Policy.

RESPONSIBILITIES

17. **All Colleagues** are responsible for:

- (a) Acting honestly and with integrity in the exercise of their duties and are required to declare any conflict of interest they may have in line with the University's [Conflict of Interest Policy](#) and associated procedure.
- (b) Ensuring that they have read, understood and comply with this policy and any associated procedures and guidance and follow the University's [Financial Regulations](#) and procurement procedures.
- (c) Reporting any incidents of actual, attempted or suspected bribery or corruption.
- (d) Assisting with investigations in relation to bribery or corruption.
- (e) Reporting any gaps in control arrangements in their area that could increase the likelihood of bribery or corruption taking place.
- (f) Completing mandatory training as required relating to anti-bribery, counter-fraud, information governance and cyber security.

18. **Colleagues with responsibility for the award of contracts and the appointment of agents** are also responsible for declaring conflicts of interest and conducting due diligence to ensure that they have adequate safeguards against the giving or receiving of bribes, and other corrupt practices.

19. **Managers** are responsible for:

- (a) Ensuring that the colleagues that they manage are aware of this policy.
- (b) Ensuring that the colleagues that they manage complete mandatory training, where required to do so, relating to anti-bribery, counter-fraud, information governance and cyber security.
- (c) Considering bribery risks or gaps in control arrangements in their area and how these can be mitigated.

Further information is set out in the [Guidance for Individuals and Managers on concerns of Fraud and/or Bribery](#).

20. The **Vice Chancellor**, as the University's Accountable Officer, is responsible for ensuring that material adverse events are reported to the OfS including any material suspected or actual fraud or financial irregularity in line with the [Reportable Events Procedure](#).

21. The **Finance Director** is responsible for overseeing the development, implementation and maintenance of robust financial risk management and internal control systems that assist in the prevention and detection of fraud, bribery, corruption and other irregularities.

22. **The Registrar & Secretary's** is responsible for:

- (a) ensuring that the policy is implemented, maintained and reviewed at appropriate intervals;
- (b) overseeing the implementation of the [Fraud and Bribery Response Plan](#) on receipt of reports of actual or suspected incidents of fraud, bribery, corruption and other irregularities and referral to any external bodies; and
- (c) maintaining a register of related incidents documenting the nature of the incident, the outcome of any investigation and any actions taken to prevent and detect similar incidents and reporting these matters to the Audit Committee.

23. **The Audit Committee** is responsible for approving any proposed changes to the policy. Any alleged incidents of bribery or corruption that are investigated will be reported to the Committee.

BRIBERY AND CORRUPTION MANAGEMENT

High risk areas

24. Areas where there is a higher risk of bribery occurring in Higher Education institutions include (but are not limited to):

- (a) Procurement and tender exercises
- (b) Negotiating contracts and commissions
- (c) Failing to exercise adequate oversight of the operation of joint ventures and subsidiaries
- (d) Dealing with agents, associates, consultants, intermediaries and partners
- (e) Interacting with public officials
- (f) Making and receiving donations or sponsorships
- (g) Recruiting staff, interns, volunteers and work experience candidates
- (h) Admitting students
- (i) Selecting recipients for scholarships, bursaries and awards
- (j) Marking and assessment
- (k) Obtaining visas, permits and licenses
- (l) Travelling overseas, especially to countries with perceived higher levels of public sector corruption
- (m) Giving and receiving gifts and hospitality
- (n) Providing references and peer reviews
- (o) Handling confidential personal and research data

Indicators of Bribery and Corruption

25. The University will take steps to identify bribery or corruption through rigorous checks and putting actions in place to mitigate potential gaps in control arrangements. There are a number of warning signs that could potentially indicate bribery or corruption, including (but are not limited to):

- (a) Behavioural e.g., working longer hours with no apparent reason; reluctant to take time off; secretive in relation to work and ownership of contracts; delaying providing information/providing limited information.
- (b) Financial e.g., unexplained financial records; inappropriate or unusual purchases; questionable invoices; incomplete expenses; remuneration disproportionately linked to activities; undeclared conflicts of interest; excessive level of/not declaring hospitality or gifts.
- (c) Procedural e.g., insufficient oversight/audit applied; customers or suppliers insisting on dealing with one individual; lack of transparency / not following formal procedures; tender to one supplier only; unqualified third parties; no / very limited due diligence checks; lack of documentation; lack of reasonable contract terms.

26. Some examples of bribery and corruption that can occur in Higher Education are set out in appendix 1.

Reporting concerns

27. Concerns relating to a breach or potential breach of this policy should be reported immediately to your line manager or where appropriate with the University [Registrar & Secretary](#). It is our policy that no detrimental action of any kind will be taken against a person who reports a concern in good faith. Any person making false or malicious allegations, or with a view to personal gain, may be subject to disciplinary action.
28. Concerns can also be raised under the University's [Whistleblowing Policy](#) in the knowledge that they will be treated in confidence and in accordance with the Public Interest and Disclosure Act 1998. Further information is set out in the University's Whistleblowing Policy and Procedure.

Assessing risk and due diligence

29. The University addresses the risk of bribery and corruption through its risk management processes. The University maintains a corporate risk register and risks registers are also kept at School and Service level.
30. In assessing risk, due regard must be given to business transactions where there may be particular risks, for example where third parties are acting on behalf of the University or where there are dealings with organisations or individuals [located in areas of the world where corruption is prevalent](#).
31. The risk of bribery and corruption must be considered as part of due diligence undertaken prior to entering into a business or academic partnership or contract, acknowledging that such due diligence should be proportionate. Due diligence checks for new suppliers are conducted by Procurement who issue potential suppliers with a questionnaire which, among other things, requires potential suppliers to self-certify that they have adequate counter fraud and anti-bribery measures in place. Due diligence is also carried out by colleagues responsible for the award of contracts, partnership agreements and the appointment of agents which check that adequate anti-bribery measures are in place.

Gifts and hospitality

32. It is an offence under the Bribery Act 2010 for members of the University to accept corruptly any gift, hospitality or consideration (or have them given to members of their families) as an inducement or reward for doing, or refraining from doing, anything in an official capacity or showing favour or disfavour to any person in an official capacity. The University's approach to 'Gifts and Hospitality' is set out in its [Financial Regulations](#).
33. All hospitality must be approved and recorded by the Resource Centre Manager. Hospitality over a certain value must also be declared to the Head of Procurement who will report such declarations annually to the University Executive Team. Further details are set out in the [Financial Regulations](#).

34. Gifts over a certain value must be rejected. The receipt of all gifts (under the value threshold as set out in the Financial Regulations) must be approved and recorded by the Resource Centre Manager. Further details are set out in the [Financial Regulations](#).
35. The Registrar & Secretary shall maintain a register of gifts and hospitality received by members of the Board of Governors where the value is in excess of the amounts set out in the [Financial Regulations](#).

Facilitation payments

36. Facilitation payments are payments (which can be small) that are made to expedite routine government actions, but which are not a legal requirement. Making facilitation payments is quite a common way of conducting business in some areas of the world but it is illegal under UK law if made by a UK based organisation.
37. The University does **not** permit facilitation payments to be made by it or on its behalf.
38. If you are asked to make a payment on behalf of the University, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always request an invoice or statement which details the reason for the payment and act within the boundaries of your managerial authority and the University's [Financial Regulations](#) and procurement rules. If you have any suspicions, concerns or queries regarding a payment, you should raise these with your Line Manager, or your Dean or Director who will involve the Director of Finance or the Registrar & Secretary as necessary. Payments should be made in line with the University's [Financial Regulations](#) and cash payments should be avoided.

Investigating Bribery & Corruption

39. The University has a [Fraud and Bribery Response Plan](#) which sets out how and who will be responsible for investigating reported matters and actions to be taken.

POLICY MANAGEMENT

Dissemination

40. This Policy shall be made available to all members of the Board of Governors, colleagues and individuals that carry out work for and on behalf of the University. It will be published on the University's [website](#).

Monitoring and review

41. The University will monitor and review its procedures designed to prevent bribery and corruption on an ongoing basis and make improvements where necessary. Appropriate action will be taken in response to any reported incidents of fraud, irregularity, bribery or corruption.

42. This policy will be reviewed every two years by the Registrar & Secretary's Office, or at the conclusion of an investigation, if sooner. Any proposed amendments or changes will be put to the Audit Committee for approval.

43. Our internal auditors regularly monitor the University's systems of internal and risk management controls and governance arrangements which includes the adequacy of the anti-bribery and corruption measures implemented by the University.

44. Compliance with mandatory training will be monitored and reported to the Audit Committee.

Examples Types of Bribery & Corruption in HE

In the context of the definition of fraud (“bribery is the giving or receiving of a financial or other advantage with the intention of inducing or rewarding improper performance in order to gain a personal, commercial, regulatory or contractual advantage on behalf of oneself or another”), here are some examples of bribery that could occur in a University setting include:

- A. bribery in order to secure or keep a contract
- B. bribery to gain any advantage over a competitor
- C. bribery to obtain a place or qualification at University
- D. bribery for recruitment purposes
- E. bribery to obtain planning consents
- F. bribing a foreign public official
- G. payments to facilitate the arrangement of visas, licenses, speeding up of an application for overseas travel to carry out research, attend a conference or event etc.
- H. the failure by the University to prevent a person associated with it from bribing another