



Anti Bribery

And

Corruption Policy

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1 Introduction and Policy Statement

- 1.1 Queen Mary University of London (QMUL) is committed to observing the provisions of the Bribery Act 2010 in all of its affairs, whether academic or business related, and to ensuring that all of its conduct be undertaken in an ethical and honest way, without the use of bribery or corrupt practices in order to gain an unfair advantage, both at home and overseas.
- 1.2 The Bribery Act 2010 came into force on 1 July 2011. It replaced a number of older laws and created a single code in relation to all instances of Bribery and Corruption. There are substantive bribery offences, both in the UK (sections 1, 2, 7) and overseas (section 6). The provisions of this Act also hold all institutions and businesses liable if they fail to prevent bribery being carried out on their behalf, both at home and overseas.
- 1.3 The Act applies to all staff, students and persons associated with QMUL as a result of being an employee, agent, third-party intermediary, representative, agent, supplier, business partner or subsidiary acting on behalf of QMUL, wherever located.
- 1.4 QMUL has a zero tolerance policy towards bribery and corruption and is committed to the highest level of openness, integrity and accountability, both in letter and spirit. The penalties for these offences are severe and can mean up to 10 years imprisonment for the individuals responsible. In addition, if QMUL is found to have connived in or consented to acts of corruption undertaken in its name, the penalties include personal liability for senior managers and an unlimited fine, together with significant reputational damage for QMUL and could result in other Governmental-related consequences, such as debarment from public (government) tendering.
- 1.5 Top level commitment is an essential feature of compliance of the Bribery Act and colleagues and associates with management responsibility are expected to share Council's and Senior Executive Team's commitment to observe and implement the spirit and terms of this policy. QMUL will communicate this policy and provide training to all staff.
- 1.6 Any breach of this policy will be considered a serious matter and is likely to result in disciplinary action up to, and including, dismissal.
- 1.7 In addition to the Anti Bribery and Corruption Policy, the following policies are available on the QMUL intranet:
 - Financial Regulations
 - Scheme of Delegation of Financial Authority
 - Anti Money Laundering and Criminal Finance Act
 - Standards of Business Conduct
 - Public Interest Disclosure (Whistle-blowing)
 - Fraud and Corruption Policy and Response Plan

2 What is Bribery and Corruption, and what is a bribe?

2.1 A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage which is illegal, unethical, a breach of trust or the improper performance of a contract. Corruption is the misuse of entrusted power for personal gain.

2.2 Acts of bribery or corruption are designed to influence the individual in the performance of their duty and induce them to act contrary to those duties. Inducements can take the form of gifts, fees, rewards, jobs, internships, examination grades, favours or other advantages.

2.3 It is an offence under the Bribery Act 2010 to:

- Promise or offer a bribe, or to give an advantage (“active” bribery)
- Request, agree to receive or accept a bribe, or accept an advantage (“passive” bribery)
- Bribe a foreign public official (the overseas offence)

In addition it is a corporate offence to consent to or connive in the commission of a bribery offence by anyone associated with QMUL in respect of business carried out on behalf of QMUL (the corporate offence)

Examples:

Offering a bribe

2.4 You offer a potential business partner tickets to a major entertainment event, on condition that they agree to do business with you and/or QMUL.

2.5 This would be an offence as you are making the offer to gain a commercial and contractual advantage. In addition QMUL may also be found to have committed an offence because the offer has been made to obtain business for QMUL.

Receiving a bribe

2.6 A supplier gives a member of your family a job (or a donation is given in return for a place on a particular course), but makes it obvious that in return they expect you to use your position to influence the chances of obtaining QMUL business.

2.7 This would involve two offences, one by the supplier for making such an offer, and one by you for accepting the bribe in order to gain a personal advantage. Suppliers who are found to have committed a bribery offence are automatically debarred from any future public (government) tendering.

Bribing a foreign official

- 2.8 You pay or make arrangements to pay an additional payment to a foreign official to speed up an administrative process (such as clearing goods through customs). For example, an academic colleague on a field trip pays a sum to customs officials to avoid excessive delay in the import of field equipment.
- 2.9 An agency responsible for recruiting students pays a small bribe to an education department official to be allowed access to students in a highly rated school.
- 2.10 The offence of bribing a foreign public official has been committed as soon as the offer is made. This is because it is made to gain a business advantage for you or for QMUL.

3 Who can engage in Bribery and Corruption?

- 3.1 Bribery and corrupt behaviour can be committed by:
- An employee, officer or director
 - A person acting on behalf of the HEI (including agents, third parties and representatives, which can include students)
 - Individuals and organisations that authorise someone else to carry out these acts
- 3.2 Bribery and corruption will often involve public or government officials and this is a specific offence under the Act. It is important, again, to recognise that 'government official' is widely interpreted and could include:
- A public official, whether foreign or domestic
 - A political candidate or party official
 - A representative of a government-owned or majority controlled organisation
 - An employee of a public international organisation (e.g. World Bank)

4 Bribery and Corruption geography and penalties

- 4.1 Bribery is a criminal offence in most countries and penalties can be very severe, potentially resulting in prison sentences of up to 10 years, unlimited fines or both. There are also other consequential penalties, such as debarment from public (government) tendering.
- 4.2 The Bribery Act not only makes bribery illegal, but also holds organisations, including QMUL, liable for failing to prevent such acts by those working for it, or on its behalf, irrespective of where the act takes place. Similar legislation is in place in many other countries, including the Foreign and Corrupt Practices Act (FCPA) in the USA.
- 4.3 It is in the interest of both QMUL and the individual that everyone associated with QMUL acts with propriety at all times. Corrupt acts committed abroad may well

result in prosecution at home. Accordingly training will be provided for all staff and completion will be monitored by School/Institute Managers and Professional Services Directors.

- 4.4 Failure to comply with, or breach of, any parts of this Anti Bribery and Corruption Code of Conduct could be regarded as a disciplinary offence, up to and including Gross Misconduct. Penalties could include dismissal without notice or pay in lieu of notice in accordance with QMUL's disciplinary policy.

5 Controls and Record-Keeping

- 5.1 The management and controls around Gifts and Hospitality, donations and similar activities are central to QMUL having, and being seen to have, an effective Anti Bribery and Corruption programme. QMUL has a duty to monitor the facts that the terms of the Bribery Act are being observed by employees, workers and those associated with QMUL. QMUL is required to keep financial records and to have appropriate internal controls in place which will evidence the business reason for making payments to third parties.
- 5.2 You must declare and keep a written record of all hospitality or gifts accepted or offered in accordance with the policy in Appendix D of the Standards of Business Conduct policy, available on the QMUL intranet. The electronic Gifts and Hospitality register is available for submissions on the QMUL policy zone.
- 5.3 You must ensure all expense claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the Standards of Business Conduct and specifically record the reason for the expenditure.

6 Gifts and Hospitality

- 6.1 This Bribery Act does not prohibit all hospitality to or from third parties.
- 6.2 However, gifts, hospitality and political or charitable donations if intended to influence business decisions whether received or given may be treated as bribes.
- 6.3 Guidance on QMUL's accepted practice with regards to gifts and hospitality is set out in QMUL's financial regulations and in Appendix D of the Standards of Business Conduct document. However, when giving or receiving gifts and hospitality, you should consider whether the following requirements are met:
- The advantage is not given with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits.
 - It complies with any local law.
 - The advantage does not include cash or a cash advantage (such as

gifts certificates or vouchers).

- It is given openly, not secretly.
- Gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of QMUL's Chief Financial Officer.

6.4 It is not acceptable for you (or someone on your 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.
- Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them.
- 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 business advantage will be provided by us in return.
- Threaten or retaliate against a colleague or third party who has refused to commit a bribery offence or who has raised concerns under this policy.
- Engage in any activity that might lead to a breach of this policy.

7 Facilitation payments

7.1 In many countries, it is customary business practice to make payments or gifts of small value to junior government officials, customs officers, parking wardens and people in similar official roles in order to speed up or facilitate a routine action or process. However, this is not permitted under the Bribery Act and QMUL therefore prohibits the making or accepting of facilitation payments by staff, and anyone carrying out business on QMUL's behalf, as such payments are illegal.

7.2 In the event that a facilitation payment is being extorted, or if you are forced to pay under duress, or where lives are at risk you must record the payment and report it without delay to your line manager.

8 Conflicts of Interest

8.1 QMUL keeps a Record of Conflicts of Interests, which is maintained by the Chief Governance Officer and University Secretary's office, to monitor instances where conflicts of interest could occur. This must be kept up to date to ensure that potential conflicts of interest involving family members or day to day business decisions must be declared. Questions should be directed to your line manager in the first instance, and if necessary referred to the Chief Financial Officer.

Guidance is given in the Standards of Business Conduct document found on QMUL's Intranet.

9 Consequences of the Bribery Act 2010

- 9.1 This includes the need for QMUL to establish relevant procedures and for all persons associated with QMUL to be aware of the Act, and what it means for them.
- 9.2 Failure to do so brings with it the consequence of prison sentences of up to ten years and unlimited fines, together with significant reputational damage, debarment from public (government) tendering and other penalties.

10 Bribery concerns

Raising a concern

- 10.1 If you are concerned that a particular act might involve either bribery or corruption you should report this as soon as possible. This should be reported to your line manager in the first instance. If you or your line manager requires further guidance or advice, you should contact the Chief Financial Officer. Alternatively you may wish to follow the procedures set out in QMUL's Public Interest Disclosure (Whistle-blowing) policy, which can be found on the intranet.

What if you are a victim of bribery or corruption?

- 10.2 It is very important that you inform your line manager as soon as you believe that you are a victim of bribery or corruption. This can take the form of a bribe by a third party, being asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity. Any instances of bribery, attempted bribery or corruption should also be reported immediately to QMUL's Chief Financial Officer. Alternatively you may wish to follow the procedures set out in QMUL's Public Interest Disclosure (Whistle-blowing) policy, which can be found on the QMUL intranet.

Protection

- 10.3 Colleagues who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. QMUL will afford appropriate protection to anyone who raises genuine concerns in good faith under this policy.
- 10.4 QMUL 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 their 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, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform you line manager. QMUL's HR Department may be

contacted for advice and support. If the matter is not remedied, and you are an employee, you should raise it formally using QMUL's Grievance Procedures.

Investigation process

- 10.5 Any bribery or corruption-related investigations will be undertaken in accordance with QMUL's documented investigation procedures. The decision to involve the police will be taken by Council following advice from the Chief Financial Officer and/or the Internal/External Auditors.
- 10.6 If QMUL is the subject of an ongoing police investigation the above will not apply.

11 Responsibilities

- 11.1 You must ensure that you read, understand and comply with this policy and complete QMUL Anti Bribery training.
- 11.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for or associated with QMUL. You are required to avoid any activity that might lead to, or suggest a breach of this policy.
- 11.3 Effective risk assessment in order to evaluate and mitigate risk is an essential element of this policy. Colleagues must assess the vulnerability of their activities, particularly overseas, on an ongoing basis. This is embedded in the annual QMUL Risk Assessment Process.
- 11.4 You must notify your manager and QMUL's Chief Financial Officer as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.
- 11.5 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct.

12 Appendix A - 'Red Flag' risk scenarios relevant to Higher Education Institutes

Courtesy of British Universities Finance Directors Group (BUFDG)

For the most part, 'Red Flag' risk scenarios relevant to Higher Education Institutes are largely identical to those affecting most organisations. However, there are some – typically related to overseas campuses, donations and places – that are largely reserved to the education sector.

Some scenarios – such as a donation – when considered in isolation may seem perfectly acceptable. However, when that donation coincides with the donor tendering for a contract or the donor's child applying for a place at the Higher Education Institute then, clearly, this presents a completely different scenario and risk.

Clearly, for this reason it is imperative that such issues are considered across the Higher Education Institute on a fully 'joined-up' basis.

Whilst it is accepted that the following risk scenarios are central to the activities of the Higher Education Institute, nonetheless the associated bribery and corruption risks should not be underestimated:

- Any procurement-related activity
- Supply relationships where relatively significant hospitality has become the norm, or is expected from potential/new suppliers
- Payment for travel, hospitality, gifts and entertainment – particularly overseas Invoicing issues, including agent fees, cash payments, disproportionate costs and 'dubious' expenses
- Overseas field trips involving potential 'facilitation' payments to customs officials and others, typically, in order to speed things up or to gain access
- Facilitation payments to expedite overseas building, building permissions and access to utilities
- Overseas agents and brokers, particularly where student enrolment is involved
- Overseas campuses
- Donations
- Student places
- Examination results and associated processes
- Concerns – which would clearly need to be substantiated – over lavish hospitality, unnecessary foreign travel and entertainment linked to (apparently) legitimate business travel

The above list is taken from the Anti-Bribery and Corruption HEI Code of Conduct – Template issued by the British Universities Finance Directors Group (BUFDG) in October 2011.

13 Appendix B – Useful Links

- For further details of the Bribery Act 2010:
www.legislation.gov.uk/ukpga/2010/23/contents
- For the 45 page guidance from the Ministry of Justice on Section 9 of the Bribery Act 2010: Guidance about commercial organisations preventing bribery:
www.justice.gov.uk/guidance/docs/bribery-act-2010-guidance.pdf
- For the 9 page Quick Start Guide from the Ministry of Justice:
www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf
- Corruption Perception Index:
www.transparency.org/cpi
- Seven Principles identified by the Committee on Standards in Public Life (formerly known as the Nolan Committee)
<https://www.gov.uk/government/publications/the-7-principles-of-public-life>