LIVERPOOL HOPE UNIVERSITY

Anti-Bribery Policy

Approved by:	University Council
Date approved :	4th July 2013

This Anti-Bribery Policy replaces the Anti-Bribery Commitment adopted in 2011.

1. **Introduction**

1.1 The Bribery Act 2010 came into force from 1 July 2011, replacing a number of older laws and creating a single comprehensive code in relation to Bribery and Corruption. The Act created new offences and places responsibility on organisations as well as the individual. The Act has a wide geographical reach and covers any country in the world and also includes any bribes paid by third parties on behalf of the organisation. The Act also covers the acts of agents or associates acting on behalf of the organisation. The penalties are severe with potentially unlimited fines and the possibility of imprisonment up to a maximum of ten years for individuals.

1.2 The Act creates four offences. The first three are offences that are committed by individuals and the fourth is a corporate offence:

- Promising or offering a bribe;
- Requesting, agreeing to receive or accepting a bribe;
- Bribing a foreign public official; and
- A corporate offence of 'failure to prevent bribery' by 'persons associated' with an organisation

1.3 This Policy covers:

• the main areas of liability under the Bribery Act 2010;
• the responsibilities of employees and associated persons acting for, or on behalf of, the University and its subsidiary companies;
• the consequences of any breaches of this Policy; and
• information and guidance on how to recognise and deal with bribery and corruption issues.

2. What is bribery?

A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.

A criminal offence will be committed under the Bribery Act 2010 if:

• an employee or associated person acting for, or on behalf of, the University offers, promises, gives, requests, receives or agrees to receive bribes; or
• an employee or associated person acting for, or on behalf of, the University offers, promises or gives a bribe to a foreign public official with the intention of influencing that official in the performance of his/her duties; and
• the University does not have the defence that it has adequate procedures in place to prevent bribery by its employees or associated persons.

It is not the intention of the Policy to prevent the following activities:

• normal and appropriate hospitality;
• the giving and receiving of modest gifts.

Whilst a definition of “modest” which covers all scenarios would be difficult to agree, such hospitality or gifts must be proportionate, reasonable and made in good faith and not place any expectation on the recipient to reciprocate either in like or by performing, or failing to perform, any other task in return. This Anti-Bribery Policy must be read in conjunction with the Declaration of Interests Policy which provides guidance and rules on gifts and hospitality.

3. What is prohibited?

The University prohibits employees or associated persons from offering, promising, giving, soliciting or accepting any bribe. The bribe could be made to ensure that a person or organisation improperly performs duties or functions to gain any commercial, contractual or regulatory advantage for the University in either obtaining or maintaining University business, or to gain any personal advantage, financial or otherwise, for the individual or anyone connected with the individual.

4. Individual responsibilities

4.1 These include:

• To read, understand and comply with this Policy.
• The prevention, detection and reporting of bribery and other forms of corruption.
• To notify the University Secretary as soon as possible if you believe or suspect that a conflict with this Policy has occurred, or may occur in the future.

4.2 Any member of staff who breaches this Policy will face disciplinary action.

5. Preventing and reporting bribery

5.1 All University employees have a responsibility to prevent, detect and report bribery. Individuals are encouraged to raise concerns about any instance or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery, or if you have any other queries, these should be raised with the University Secretary.

5.2 The University is committed to ensuring no one experiences any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future. The Code of Practice on Whistleblowing is in place to protect anyone reporting such suspicions and can be found at http://www.hope.ac.uk/aboutus/governance/policiesandstrategies/

6. Consequences

6.1 Any breach of this Policy is likely to constitute a serious disciplinary, contractual and criminal matter for the individual concerned and may cause serious damage to the reputation and standing of the University. A breach of the organisation's Anti-Bribery Policy by an employee will be treated as grounds for disciplinary action and may result in a finding of gross misconduct and immediate dismissal. The University may terminate the contracts of any associated persons, including consultants, agents or other workers who act for, or on behalf of, the University who are found to have breached this Policy.

6.2 Employees and other individuals acting for the organisation should note that bribery is a criminal offence that may result in up to ten years' imprisonment and/or an unlimited fine for the individual and an unlimited fine for the organisation.

6.3 The University may also report any matter to the relevant authorities, including the Director of Public Prosecutions, Serious Fraud Office, Revenue and Customs Prosecutions Office and the police. The University will provide all necessary assistance to the relevant authorities in any subsequent prosecution.

Appendix 1

Examples of scenarios in which offences *may* be committed

Active bribery

• An intermediary in China says that for a £50K fee he can guarantee securing a cohort of 200 engineering and science students who are currently reviewing their options with a number of UK institutions. The University normally pays the intermediary a flat rate of commission for each student recruited. Would your answer be different if the intermediary asked for a one-off increase to that flat rate?

• The University is seeking planning permission for a new site and the local planning officer suggests that a charitable donation to a local school (where he is governor) will help the University's cause. But this will be 'off the record'.

• Offering excessive hospitality ***to*** a contact to secure a commercial research project or grant.

Passive bribery

• Receiving concert tickets ***from*** a contact on the understanding that you will, as a result, put business 'their way' or award or renew an existing contract.

• A contact offers your partner a free long-haul flight if you ensure that their tender response receives preferential treatment.

• The University is reviewing its IT hardware suppliers. One bidder offers a free iPad for every department head if its bid is successful. Would your answer be different if the offer was included in or excluded from the tender?

• The University is bidding for a large research contract being funded by a pharmaceutical company. The procurement officer of the pharmaceutical company suggests that if you can get tickets for him and his son to go to the Cricket World Cup final that will help the University's bid.

• A student has been unable to secure an undergraduate position due to poor grades, but his father offers to make a £10,000 donation to the University if the decision is reversed.

Bribing a foreign official

• The University is opening a new representative office overseas. You learn that because of a backlog registration with the authorities it is taking up to six months to obtain registration. However, you are told that a payment of £5,000 will expedite the process.

• Using an overseas intermediary to pay a suggested £1,500 'fee' for expedited approval by a foreign official of a local course proposed to be run by the University.

Appendix 2

Examples of potential risk scenarios

If you encounter any of the following while working for the University, you must report them promptly to the University Secretary (this list is not exhaustive):

• You are offered an unusually lavish gift or hospitality.
• You become aware that a third party engages in, or has been accused of engaging in, improper business practices.
• A third party requests an unexpected additional fee or commission to 'facilitate' a service.
• A third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provisions of services.
• A third party demands that you provide employment or some other advantage to a friend or relative.
• A third party insists on receiving a commission or fee payment before committing to signing up to a contract, or carrying out a government function or process.
• You receive an invoice from a third party that appears to be non-standard or customised.
• You learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a 'special relationship' with foreign government officials.
• A third party requests payment in cash and/or refuses to sign a formal commission or fee arrangement, or to provide an invoice, or receipt for a payment made.
• A third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business (note: such a scenario may be a mixture of bribery and/or money laundering).
• A third party requests that a payment is made to 'overlook' potential legal violations.
• A third party insists on the use of side letters or refuses to put terms agreed into writing.
• A third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used or known to the University.