

CANTERBURY CHRIST CHURCH UNIVERSITY

ANTI-BRIBERY POLICY

1 ABOUT THIS POLICY

- 1.1 Canterbury Christ Church University ('the University') is committed to fair, ethical and honest standards of conduct, wherever and with whom it operates, with effective systems implemented and enforced to counter bribery and corruption.
- 1.2 This policy applies to all persons working for the University or on its behalf in any capacity, including Governors, employees, directors, officers, associates, agency workers, seconded workers, volunteers, agents, contractors, external consultants, third party representatives and business (including joint venture and consortium) partners, sponsors, or any other person associated with the University, wherever located. The Policy applies to all campuses and locations of the University, and all jurisdictions in which the University undertakes its activities.
- 1.3 It is a criminal offence to offer, promise, give, request, or accept a bribe. Individuals found guilty can be punished by up to 10 years' imprisonment and/or a fine. As an employer, if the University fails to prevent bribery, it can face an unlimited fine, exclusion from tendering for public contracts, and reputational damage. The University will co-operate fully with any investigation concerning allegations of criminal actions.
- 1.4 The University will ensure that the risks faced in relation to bribery are identified and controlled. Schools and Departments will regularly review and monitor the bribery risks faced by market, sector and location. Where the activity takes place abroad, each country will be assessed individually by the relevant School or Department in a matter that is proportionate to the activity being undertaken. Due diligence will be performed to assess the risks relating to bribery if a project or activity is deemed high risk. Provisions requiring third party contractors to comply with Anti-Bribery legislation will be incorporated into all agreements as appropriate.
- 1.5 The following area of particular risk in relation to bribery have been identified in terms of the University's business:
- Hospitality and gifts;
 - The use of intermediaries and agents/joint ventures;
 - Donations and sponsorship
 - Financial transactions and contracts;
 - Student recruitment/admissions;
 - International (in particular: facilitation payments);
 - Awards of academic credits/qualifications;
 - Staff appointments;

- Research grants; and
 - Awards of titles/honours.
- 1.6 The University's approach is to create an anti-bribery culture, preventing incidents, and monitoring where there are particular risks of bribery, and taking action to be taken in the event of an incidence of bribery. Independent of any criminal investigative action, breaches of this Policy and supporting procedures may constitute a staff disciplinary offence and be subject to investigation under the University's disciplinary procedures, which could result in dismissal for misconduct or gross misconduct. The University may terminate its relationship with other individuals and organisations working on its behalf if they breach this Policy.
- 1.7 The Policy will be reviewed every three years, or as a result of changes in legislation, significant organisational change, audit or an investigation into its operation. It is to be read in conjunction with the *Statement on the Prevention, Detection and Investigation of Fraud, Bribery, Irregularities and Corrupt Practices* (<https://www.canterbury.ac.uk/university-solicitors-office/docs/Fraud%20Policy%20.pdf>).
- 1.8 The following University procedures and guidance support the Policy's implementation:
- Financial Regulations & Financial Procedures <https://cccu.canterbury.ac.uk/finance/financial-regulations.aspx>
 - Staff code (In particular: Sections 25-27, Raising Matters of Concern; Bribery; Gifts & Hospitality) <https://cccu.canterbury.ac.uk/hr-and-od/policies-and-procedures/staff-code.aspx>
- 1.9 These are designed to be proportionate to the identified risks, taking account of the nature, scale and complexity of its activities. The objective is to make the procedures clear, practical and accessible to ensure that the Policy is effectively implemented and enforced.
- 1.10 Implementation of the Policy has taken place following discussion with the [names of trade unions]. It does not form part of any employee's contract of employment and it may be amended at any time.
- 1.11 The Audit Committee of the Governing Body has oversight of the Anti-Bribery Policy ensuring that appropriate measures are in place for its implementation, monitoring and review. The Policy will be monitored and reviewed to prevent bribery and for improvements to be made as appropriate. There will be an annual report made to the Audit Committee of the actions taken to mitigate the risk of bribery and the results of any investigations. The Audit Committee will make a statement in its annual report to the Governing Body regarding its oversight of the Policy. The University's management has responsibility for ensuring those reporting to them understand and comply with this policy and are given adequate and regular training on it.
- 1.12 The Policy is effective from 26 February 2019.

2 WHAT IS BRIBERY?

- 2.1 Bribery means:
- offering, promising, giving or requesting, agreeing to receive or accepting any financial or other advantage that induces the recipient or any other person to act improperly in the performance of their functions,
 - or to reward them for acting improperly,
 - or where the recipient would act improperly by accepting the advantage;
 - or the offering, promising or giving of a bribe to a foreign public official to influence the recipient in the performance of the public official's functions, with the intention to obtain or retain business or a business advantage.

An advantage includes money, gifts, loans, fees, hospitality, services, discounts, the award of a contract or anything else of value.

A person acts improperly where they act illegally, unethically, or contrary to an expectation of good faith or impartiality, or where they abuse a position of trust. The improper acts may be in relation to any business or professional activities, public functions, acts in the course of employment, or other activities by or on behalf of any organisation of any kind.

Any local custom or practice outside the UK must be disregarded unless the specific action is allowed or mandated by the written law applicable to the country where the function or activity took place.

- 2.2 The following are examples of bribery. The list is not exhaustive and is provided solely for the purpose of example:

- offering excessive hospitality to secure a commercial research project or grant;
- receiving concert tickets on the understanding that an individual will, as a result, commission business or award or renew an existing contract;
- offering a partner of a member of staff a free long-haul flight to ensure a tender bid receives preferential treatment;
- using an overseas intermediary to pay a suggested 'fee' for expedited approval by a foreign official of a proposed programme to be run locally by the University; or
- receiving a substantial donation offered to the University for a research project by the relative of a rejected applicant if the decision is reversed.

- 2.3 The Annex sets out an illustrative list of possible situations in which increased vigilance in respect of bribery will be necessary.

3 REQUIREMENTS OF THE POLICY

- 3.1 You must:

- comply with this Policy and supporting procedures; and
- identify and report bribery instances where there is a suspicion or potential risk of bribery.

3.2 In addition, you must

- comply with the hospitality reporting requirements issued under the Policy and supporting procedures; and
- consider your related duties to make appropriate disclosures under the University's Fraud Policy.

4 UNACCEPTABLE CONDUCT

4.1 Without limitation, it is unacceptable for you, or anybody acting on your behalf in any role, including that of an intermediary, to:

- engage in bribery, whether giving or receiving bribes; or
- otherwise engage in any activity that might lead to a breach of this Policy and supporting procedures.

4.2 Failure to report any concerns that are required to be reported under this Policy and supporting procedures is also unacceptable.

4.3 Engagement in bribery or breach of this Policy, including failure to report concerns in relations to bribery will be investigated and action taken in accordance with the University's Disciplinary Procedure.

5 AREAS OF PARTICULAR RISK

5.1 Certain areas of the University's work and business relationships are subject to particular risks and require proportionate scrutiny. These include the following:

Hospitality and Gifts

5.2 'Hospitality' means gifts, entertainments or perks offered or received by reason of, or in connection with, employment with the University and includes members of staff, agents and intermediaries or for their families or friends. It could include the offer or receipt of a meal, tickets to an event, or an individual present. This applies equally where hospitality is given (or proposed to be given) and to where it is received (or offered).

5.3 Depending on the circumstances and the value, there is a risk that hospitality might constitute bribery. The motive behind the hospitality or gift is vital, as there is no point at which hospitality is considered too small to amount to bribery at law. It is unacceptable conduct if the receipt of the hospitality or a gift is aimed at securing an improper business or other advantage or which may affect the recipient's independence.

- 5.4 Transparency is essential in ensuring hospitality does not cross the line into bribery. Where hospitality or a gift offered or received (whether accepted or not) might reasonably exceed £50 in overall value, an entry needs to be made into the University's register of hospitality. The overall value is an aggregate of all hospitality and gifts offered or received by an individual involving the same instance within a period of 30 days.
- 5.5 The reporting requirements do not extend to formal events organised by the University or to legitimate business expenses incurred and personally claimed in writing by the individual related only to that individual (for instance overnight accommodation or meals) in relation to duties performed for, on behalf of or arising from a connection with the University.

Facilitation payments

- 5.6 Facilitation payments are typically small, unofficial payments made to government officials to secure or expedite a routine service to which there is already entitlement. For example, an official may request a payment to expedite the issue of a visa. Similarly, individuals within an official overseas regulatory authority may require a payment to them to issue regulatory approval for any joint educational arrangements the University maintains with overseas organisations.
- 5.7 It is unlawful for the University to offer or make, and demand or accept, facilitation payments of any kind anywhere in the world. All those acting for and on behalf of the University are prohibited from offering, making, demanding or accepting any facilitation payment.
- 5.8 Those working for the University are under an obligation to recognise a facilitation payment. You should consider what the payment is in fact being asked for and whether the amount requested appears relevant and proportionate to the matter in hand. You should distinguish between properly payable fees and disguised requests for facilitation payments. If in doubt, you should request clarification, preferably in writing, from Governance and Legal Services.
- 5.9 In the event of any suspicions or concerns in respect of a payment, the payment should not be made or accepted, and the attempt reported.
- 5.10 The University accepts that there may be circumstances where you face a request for such payments in circumstances of threat or coercion, including actual or implied threat to your personal safety. Common sense must be used in deciding whether to make a payment in such circumstances. The University will not penalise payments made in good faith in such circumstances provided you report as soon as possible report the circumstance. However, disciplinary action or reference to authorities will be taken if you make a false declaration of duress to seek to evade responsibility for making or accepting an unlawful facilitation payment.

Intermediaries and agents

- 5.11 Before any intermediary or agent in a high risk location or business sector is engaged appropriate due diligence, including both financial and wider background checks, is required.

The jurisdiction of the base and operation of the intermediary or agent will be relevant. Certain jurisdictions present a heightened bribery risk. If the proposed and properly approved intermediary operates in a jurisdiction where bribery is prevalent or endemic, it is recommended to include enhanced contractual requirements for the intermediary or agent to establish and operate anti-bribery measures equivalent to those applying to the University.

- 5.12 Enhanced due diligence, risk and financial controls should be proportionate to the scale of the arrangements.

Joint Ventures

- 5.13 With joint ventures and contracts, the University might be potentially liable for any bribery or corruption committed by a joint venture party or a contractor which contributes to the University's commercial or financial benefit.
- 5.14 Due diligence in relation to anti-bribery arrangements must be carried out on any prospective joint venture party or contractor before committing the University to any such arrangement.
- 5.15 Where appropriate, it may be necessary, through exercising due diligence, for the University to require the joint venture party or contractor to agree to equivalent anti-bribery measures and/or indemnify the University for any bribery or corruption risk and/or institute appropriate monitoring arrangements.
- 5.16 Existing joint venture partners and contractors may, on review, need to be made subject to greater operational scrutiny.

Donations and Sponsorship

- 5.17 As a charity, the University may receive donations and sponsorship or offers of donations sponsorship. Donations are subject to the University's Acceptance of Donations Policy (<https://www.canterbury.ac.uk/university-solicitors-office/policies-and-procedures/policies-and-procedures.aspx>).
- 5.18 To avoid any risk of bribery it is vital that those dealing with donors and sponsors or potential donors and sponsors remain vigilant and ensure they are abiding by the terms of the Policy and supporting procedures. This includes donations and sponsorship from existing and potential suppliers and contractors.
- 5.19 In all cases it is important to undertake due diligence in relation to such offers. The outcomes of the due diligence are to be reported to the relevant Senior Management Team member.
- 5.20 There are circumstances where it is not in the best interests of the University for donors and sponsors to extend their influence through various forms of hospitality and sponsorship and/or by marketing of their products or services either directly or indirectly. In particular, donations must be refused where:

- Due diligence indicates that the donation arises from money laundering or illegal activities and acceptance may give respectability to those whose reputation is dubious;
- There is a lack of alignment with the values of the University and it would damage its reputation for the University to accept donations in a way which is inconsistent with its values;
- The receipt of donations and sponsorship is likely to damage the University's reputation such that it is likely to result in damage to its brand, a reduction of contracts for University business or donations from other sources.

5.21 Where any doubt arises from the undertaking of due diligence, a referral should be made to Governance and Legal Services (gls@canterbury.ac.uk).

6 ACTION TO BE TAKEN ON SUSPICION OF BRIBERY

6.1 The University is committed to investigating allegations of bribery raised by employees or others. However, staff may be unsure of the matter and wish to seek advice before making any formal allegation or deciding upon a particular course of action. Governance and Legal Services will give confidential advice to any individual member of staff who requires advice or clarification under this Policy. Concerns about any issue or suspicion of bribery should be raised at the earliest possible stage.

6.2 The University wishes to give the strongest encouragement for the immediate reporting of concerns. This is a core part of the University's commitment to ethical and legal compliance and the University is committed to ensuring that individuals making reports in good faith do not suffer detriment as a result.

6.3 If you are offered a bribe, or are asked to make one, or if you believe or suspect that any bribery or other breach of this Policy has occurred or may occur, you must promptly report the concern to Governance and Legal Services. Should any member of Governance and Legal Services be the subject of the concern, the report must be made to the Director of Finance.

6.4 On receiving notice of the concern, the University Solicitor or Director of Finance will follow the procedures set out in the University's Fraud and Bribery Response Plan and notify the Vice-Chancellor. The University will support anyone who raises genuine concerns in good faith under this Policy, even if they turn out to be mistaken. It is committed to ensuring that no one suffers any detrimental treatment as a result of refusing to participate in bribery, or because of reporting in good faith their suspicion that an actual or potential bribery offence has occurred, or may happen 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 such treatment, you should inform the University Solicitor

immediately. If the matter is not remedied, and you are an employee, you should raise it using the University's Grievance Procedure.

7 FREEDOM OF INFORMATION AND DATA PROTECTION

- 7.1 Information recorded in the University's gifts and hospitality registers are subject to disclosure in response to requests under the Freedom of Information Act 2000. The University will consider whether any relevant exemptions to disclosure apply before responding to requests.
- 7.2 Personal data provided in compliance with this Policy and procedures will be processed in accordance with the Data Protection Act 2018 to ensure the aims of this Policy and procedures are met and that legal obligations are complied with.

8 TRAINING AND COMMUNICATION

- 8.1 The foundation for the Policy is the effective communication of the University's core values and its supporting policies. To this end, training and briefing is an essential part of the implementation of the Policy, especially through the relevant induction process. Training on this Policy forms part of the induction process for all staff, and follow up training will be provided as necessary. The University's zero-tolerance approach to bribery must be communicated to all suppliers, contractors and business partners at the outset of our business relationship with them and as appropriate thereafter.
- 8.2 The Anti-Bribery Policy and procedures should be integrated and visible throughout the University so they are embedded and understood by employees, sessionally-employed staff, intermediaries and agents.
- 8.3 Training should be targeted on those affected by the Policy to enable them to understand how bribery and corruption can arise and to identify situations when they and the University may be at risk.

Annex

High Risk Scenarios – ‘Red Flags’

The following is a list of possible situations, in which increased vigilance in respect of bribery should be exercised. The encountering of these or analogous situations represents a ‘red flag’ for the University, and indicates that action should be taken. The list is illustrative and not exhaustive.

If you encounter any of the following working for the University in relation to a party with whom the University is involved, or it is proposed the University be involved, you must report this promptly in accordance with the procedures set out in the Policy.

Examples of ‘red flag’ situations include the following:

1. you are offered an unusually generous gift or offered lavish hospitality by a third party
2. you become aware that a third party engages in, or has been accused of engaging in improper business practices
3. 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
4. a third party insists on receiving a commission or fee payment before committing to signing up to a contract with the University or carrying out a government function or process for the University
5. a third party requests or requires payment in cash
6. a third party refuses to sign a formal commission or fee arrangement, or to issue an invoice or to provide a receipt for a payment made
7. a third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business
8. a third party requests an unexplained additional fee or commission to facilitate a service
9. a third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services
10. a third party requests that a payment is made to “overlook” potential legal violations

11. you receive an invoice from a third party that appears to be non-standard or customised
12. a third party insists on the use of side letters or refuses to put terms agreed into writing
13. you notice an invoice for a commission or fee payment that appears large in comparison with the service provided
14. a third party requests that you provide employment or some other advantage to a friend or relative
15. 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.