

Anti-Bribery Policy

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Policy Owner	Department
Registrar & Secretary/Clerk	VC's Office
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Date Equality Impact Assessed	Has Prevent been considered (see Policies Guidance if unsure)
	Yes
Reviewed and Approved by (see Policies Guidance for approval process)	Date
UCLG Audit, Risk & Compliance Committee of Governors	September 2022
Access (tick as appropriate)	
Public access (website) <input checked="" type="checkbox"/> And/Or Internal access (MyWi) <input checked="" type="checkbox"/>	Staff and Student access <input type="checkbox"/> Or Staff access only <input checked="" type="checkbox"/>

1. Introduction

The Bribery Act 2010 came into force during 2011, replacing a number of older laws and creating a single comprehensive code in relation to Bribery and Corruption. The Act creates new offences and places responsibility on organisations as well as the individual. Under the Act, “It is illegal to offer, promise, give, request, agree, receive or accept bribes.....”. 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 10 years for individuals.

The Act creates two new offences:

- Bribing a foreign official

A person is guilty of the offence if their intention is to influence the official in the official’s capacity as a foreign public official. Foreign public officials include government officials and those working for international organisations. The offence does not cover accepting bribes, only offering, promising or giving bribes. It does not matter whether the offer, promise, or gift is made directly to the official or through a third party.

- Failing to prevent bribery

The Bribery Act introduces a new offence for commercial organisations of failing to prevent bribery by persons associated with them. This is committed where a person associated with the organisation commits an act of corruption with the intention of obtaining or retaining business or of obtaining or retaining an advantage in the conduct of business. A person is deemed to be “associated” if he or she performs services for or on behalf of the company or partnership, without regard to whether the person is an employee, agent or subsidiary company. There is a statutory defence if the organisation can show that it had in place “adequate procedures” designed to prevent bribery.

2. Offences under the Act

The Act creates four offences. The first three are offences that are committed by individuals:

1. Promising or offering a bribe;
2. Requesting, agreeing to receive or accepting a bribe;
3. Bribing a foreign public official; and
4. A corporate offence of “failure to prevent bribery” by “persons associated” with an organisation.

3. Definitions

A traditional definition of bribery is the receiving or offering of undue reward by or to any person whatsoever in a public office, private employee, colleague or representative of another organisation in order to influence their behaviour in office and to incline them to act contrary to known rules of honesty and integrity.

4. Policy Statement

The Writtle University College (“WUC”) Anti-Bribery Policy applies to all staff and officials including governors, and Directors of any subsidiary or associated companies. The policy also includes third parties such as agency workers, consultants, sub-contractors and others working on behalf of WUC irrespective of their location, function or grade.

WUC does not wish to stifle the development of good working relationships with suppliers, agents, contractors or officials; however, the actions must be transparent, proportionate and auditable. Writtle University College expects our business partners, agents, suppliers and contractors to act with integrity and without any actions that may be considered as an offence within the meaning of the Bribery Act 2010.

WUC employees or any other person working on behalf of WUC must not:

- Offer or make a bribe, unauthorised payment or inducement of any kind to anyone;
- Solicit business by offering a bribe, unauthorised payment or inducement to a third party;
- Accept any kind of bribe, unauthorised payment or inducement that would not be authorised by WUC in the normal course of events.

WUC employees or any other person working on behalf of WUC must:

- Refuse any bribe, inducement or unauthorised payment that is offered in a clear manner that could not lead to any misunderstanding;
- Report all such offers received under the WUC Whistleblowing policy;
- Report all perceived or potential breaches of this policy to the Director of Human Resources & Student Services under the Whistleblowing policy which can be found on MyWi.

5. Hospitality and Gifts

The occasional exchange of business gifts, meals or low level entertainment is a common practice and is meant to create goodwill and enhance relationships. However, if the receipt of business courtesies becomes excessive, it can create a sense of personal obligation on the part of the recipient. Such sense of obligation can interfere with the individual’s ability to be impartial in the transaction.

Staff may accept business courtesies, but such courtesies must be modest enough not to interfere with the ethical judgement of the member of staff and must not create an appearance of impropriety. Corporate hospitality and gifts (whether received or provided) must be transparent, auditable and proportionate. Modest gifts and hospitality may be accepted unless an inducement is intended or suspected.

If a gift or hospitality is not in keeping with circumstances then every effort must be made to refuse the offer without offending the person or organisation making the offer. If the gift cannot be refused it should be declared on return to WUC to a central register and held by the CFO of WUC.

Any gift or hospitality received or given must not have any influence or intention to influence the party receiving the gift or hospitality.

In no circumstances must any gift of money be made or received by an official of WUC.

6. How could bribery arise in a WUC context?

Here are some examples (not an exhaustive list) of actions that would amount to a criminal offence under the Bribery Act:

- A parent offers WUC a donation to induce an offer for a place for their son/daughter to study with lower grades or tariff points than would usually be required.
- A prospective supplier offers the son or daughter of a member of staff a summer job at the outset of a tendering process in the hope that the supplier will be viewed favourably during the procurement process.
- A company offers a member of staff some fee-paid private consultancy in return for supporting their involvement in a research proposal that gives them access to free intellectual property.
- A foreign agent working on our behalf abroad pays a cash sum to a foreign public official to ensure that WUC receives the permissions it needs to commence an operation or a project there. Although the act would be by the Agent, WUC would be liable.

7. Reporting

WUC takes compliance with the act very seriously and any known or perceived breach of the policy or act should be reported immediately to the Registrar & Secretary or Director of Human Resources and Student Services under the procedures outlined in the Whistleblowing policy. Any breach of the procedure, policy or law will be treated as a disciplinary offence and may result in dismissal following investigation.

8. Review

This policy will be reviewed by the Audit, Risk & Compliance Committee annually or as and when any legislative changes occur to ensure compliance with one of the principles of the Act.

9. Related Policies

Whistleblowing Policy & Procedure
Fraud Detection & Prevention Policy

10. Important Links

The Bribery Act 2010
Fighting Fraud in HE (HEFCE)
Managing the Risk of Fraud & Corruption (CIPFA)

This policy supersedes any other policy and procedural guidelines, which may be in other existing University College documents. Writtle University College may amend this policy from time to time and any such amendments will be notified via the website or by email.

If this information is difficult to access, read or understand, it can be provided in another format, for example in large print or by someone talking it through with you.

Version Control

Version Number	Purpose/Amendment	Date
1.0	Existing policy moved to new WUC template	26 September 2016
2.0	Version approved by SLT and Audit Committee	9 June 2017
3.0	Minor amendments	May 2018
4.0	Minor amendments (job titles & current governance structure references)	September 2022