

Anti-Bribery Policy

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Other related documents	GCU Equality Outcomes Framework

Glasgow Caledonian University Anti-Bribery Policy

1. Introduction

It is Glasgow Caledonian University's policy to conduct its business in an honest way and to reject the use of corrupt practices or acts of bribery to obtain an unfair advantage.

The University is committed to the highest level of ethical standards and sound governance arrangements and sets high standards of impartiality, integrity and objectivity in relation to the stewardship of public and private funds for which it is responsible funds and the management of its activities. This must be reflected in every aspect of the way in which it operates. This is not just a cultural commitment on the part of the organisation: it is a legal requirement.

The UK Bribery Act 2010 applies to all activities no matter where they are carried out in the world. This policy therefore applies to **ALL** the University's activities worldwide, whatever the local law, practice or custom may be.

It is the responsibility of each staff member, governor, contractor and others directly involved in delivering University business activities or acting on the University's behalf to:

- Comply with all relevant legislation countering bribery and corruption, in particular the Bribery Act 2010
- take all action and comply with all prohibitions required by this policy and its associated procedures;
- identify and report bribery situations where there is a suspicion or risk of bribery ;
- consider their related duties to make appropriate disclosures

2. Anti- Bribery Policy Statement

Bribery can be defined as the offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal or a breach of trust.

The University prohibits the offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement:

- to or from any person or company, whether a public official or public body, or a private person or company, wherever situated; or
- by any individual employee, agent or other person or company acting on the University's behalf; or
- in order to gain any commercial, contractual or regulatory advantage for the University in a way which is unethical; or
- in order to gain any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.

3. Penalties for committing an offence

While the University's disciplinary procedures will be invoked as necessary, there are substantial legal penalties.

- The offences of bribing another person, being bribed and bribing a foreign public official are punishable on indictment either by an **unlimited fine, imprisonment of up to ten years or both**.
- The new corporate offence of failure to prevent bribery is punishable on indictment by an **unlimited fine**.
- Businesses that have been convicted of corruption could find themselves **permanently debarred** from tendering for public-sector contracts.
- A business may also be damaged by **adverse publicity** if it is prosecuted for an offence.

Ignorance of the legislation or "turning a blind eye" is not an excuse.

4. Purpose

The purpose of this Policy is to set out the measures the University puts in place to mitigate its exposure to bribery by:

- Setting out a clear anti-bribery policy;
- Training all staff so that they can recognise and avoid the use of bribery by themselves and others;
- Encouraging staff to be vigilant and to report any suspicion of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately;
- Investigating instances of alleged bribery ;
- Taking firm action against any individual(s) involved in bribery;
- Monitoring the implementation of the policy
- Reviewing the policy annually or in the event changes in the University business or legislative changes

This policy is mandatory and has been endorsed for University-wide adoption by the Executive Board and University Court. Any breach of this policy will be regarded as a serious matter by the University and could result in disciplinary action.

This policy forms part of a suite of anti- bribery measures and should be read in conjunction with the following:

- Financial Procedures: Sections 19, 24 and 25.1
http://www.gcu.ac.uk/media/gcalwebv2/theuniversity/supportservices/financeoffice/GCU_Financial_Procedures_240415.pdf
- Financial Regulations: Section 31.4
http://www.gcu.ac.uk/media/gcalwebv2/theuniversity/supportservices/financeoffice/financial_regulations.pdf
- Gifts and Hospitality Policy
<http://www.gcu.ac.uk/gaq/regulationsandpolicies/>

- Register of Interests Policy
http://www.gcu.ac.uk/media/gcalwebv2/theuniversity/supportservices/peopleservices/Register_of_Interest_Policy_and_Procedure.pdf
- Public Interest Disclosure (Whistleblowing) Policy
http://www.gcu.ac.uk/media/gcalwebv2/theuniversity/supportservices/peopleservices/Public_Interest_Disclosure_Policy.pdf
- Agency Agreements

5. Scope

This policy applies to all Glasgow Caledonian University staff whether permanent or temporary, students, governors, contractors and others directly involved in delivering University business activities or acting on the University's behalf.

6. Role of Managers

Managers should ensure all their staff are aware of this policy and of their responsibilities to act in accordance with its procedures.

7. Anti Bribery Measures

a. Corporate Risk Register

Effective risk assessment lies at the core of the success or failure of this policy as it identifies the specific areas where the University is exposed to the risk of bribery, allows those risks to be evaluated and appropriate risk mitigation to be put in place. The University Corporate Risk Register is reviewed annually at which time Schools and support departments are also required to review the adequacy and appropriateness of their local risk registers as part of the annual planning round. However risk assessment must be a continuous process. Schools and support departments will need to ensure that they continue to review, monitor and repeat risk assessments (including the risk of bribery) as the business evolves and external circumstances change.

b. Gifts, Entertainment and Hospitality Policy

The procedures governing the acceptance of gifts and hospitality are detailed in section 31.4 of the University Financial Regulations and section 19 of the University Financial Procedures.

The University gift register is held in the Department of Governance. Each School and support department must record the receipt by any of its members of any gift or hospitality on the standard form which is available from the Department of Governance who will record the entry in the University gift register.

c. Donations

All charitable giving should be subject to an approval process that asks specific questions related to the purpose of the gift and the bona fides of the organization.

d. Register of Interests Policy

The University's Register of Interests Policy sets out the procedure to be followed in the event that a member of University staff or a University governor is aware that he/she has any interest, financial or otherwise, which is likely or would, if publicly known, be perceived as being likely to influence the exercise of independent judgement.

Declarations will be required to be completed by University Governors, members of staff holding posts of Heads of Divisions/Department and above, members of decisions making/ influential committees (i.e. committees of Court) and those in an advisory position exercising influence on large resources or policy decisions to Departments and above. All staff holding a senior management contract are expected to fall within this definition and will be required to complete a Declaration annually – or more frequently when their circumstances change in various ways. The Declaration Form should be requested from and sent to the Governance Department for members of Court and its committees and members of the Executive. All senior non-Executive members of staff should contact People Services.

The Register of Interests is reviewed by the Governance Department at least annually.

e. Procurement of Services

The procedures governing services procured from a third party are set out in Section 14 of the Financial Procedures:

<http://www.gcu.ac.uk/media/gcalwebv2/theuniversity/supportservices/financeoffice/GCUFinancialProcedures-Final06.06.2017.pdf>

With the exception of those suppliers or contractors who offer discounted terms for staff and students for personal purchases as standard and these are ancillary to the business awarded to them by the University, use of contractors for personal works must be reported to line managers. An annual declaration of such use may be appropriate and may be referred to Internal Audit.

All contracts must include a standard anti- bribery clause.

f. Agency Agreements

All agency agreements and contracts must include a standard anti- bribery clause.

g. Public Interest Disclosure Policy

The University's Public Interest Disclosure Policy provides a channel through which staff can raise concerns and report breaches, in confidence.

8. Communication & Training

Introducing and implementing a successful anti bribery policy is dependent largely on the awareness and responsiveness of those working in and on behalf of the University.

The University has a communications plan to ensure employees, governors and third parties working on the University's behalf are aware of this policy.

The University supports the concept of anti -bribery awareness training for employees to ensure that their responsibilities and duties in respect of anti-bribery are current and their understanding reinforced. Directors, managers, employees and agents should receive appropriate training.

Contractors and suppliers should be made aware of the University's Anti-Bribery Policy and associated policies.

The University will act to ensure that those organisations which work on the University's behalf are made aware of the University's Anti- Bribery Policy and its Public Interest Disclosure Policy.

9. Implementation

Implementing and embedding the anti-bribery policy throughout the organisation is a key part of protecting the University from liability under the Bribery Act 2010. The implementation strategy comprises the following steps:

- A communications plan has been developed to ensure staff and external bodies, such as agents, contractors and suppliers, working on the University's behalf are fully aware of the University's Anti-Bribery Policy.
- The Anti-Bribery Policy is available on the University website.
- Training is provided for all staff to ensure that they are aware of not only their obligations and responsibilities under the Act, but also the consequences of breaching those policies. Training records are maintained.
- To comply with the University's Anti-Bribery Policy, employees will carry out appropriate due diligence checks before engaging agents, suppliers and other third parties, for example any evidence of negative news reports, warnings or sanctions involving the potential business partner, as well as any association with politically exposed persons, which may present an increased risk of bribery and corruption. Additional due diligence is required for high-risk third parties including agents, external-facing consultants, distributors, third parties interacting with government officials and those operating in high-risk markets. It is the responsibility of Directors and Heads of Support Services to ensure that properly documented due diligence is undertaken. General oversight after the contract is signed must also be undertaken.
- As the Act also applies to "associated persons" such as agents, suppliers and contractors, staff must ensure that during the due diligence process checks are made to establish whether external organisations have any equivalent anti-bribery policies or training in place. If not, they should be advised that the University expects them to acknowledge and observe the University's Anti-Bribery Policy and that failure to adhere to this could result in the University exercising its option to terminate the contract or agreement.
- If the reports raise any concerns, staff must discuss them with their Head of Department and include the information in the documented due diligence to be submitted ultimately to the Executive Board. In some cases, this may mean not progressing with the relationship or third party transaction.
- All interactions with associated parties must be clearly documented.
- All proposed agreements with agents and other intermediaries must obtain prior approval of the Executive Board.
- There are clear disciplinary procedures and sanctions for breaches of the Act, independent of legal sanction.

- The Students' Association's is responsible for ensuring its staff and students are aware of their responsibilities to comply with the University's Anti-Bribery Policy and associated procedures. Reference to the Bribery Act 2010 is included in the Students' Association's Financial Procedures.

10. Monitoring and Review

The Anti-Bribery Policy will be reviewed annually in line with the University Policy Review Framework and more frequently in line with any legislative changes and any changes in the University's activities.

Directors, Heads of Departments and School Senior Management Teams are responsible for ensuring that their staff understand and comply with the anti-bribery measures which have been put in place to support the implementation of the Anti-Bribery Policy.

Directors and Heads of Departments should monitor significant contractors and suppliers as part of their regular review of relationships with them.

It is the responsibility of individual members of staff to ensure that they comply with the requirement to declare the receipt of any gift or hospitality or conflict of interest.

The University's internal auditors monitor the systems of internal control, risk management controls and governance processes which include the adequacy of the anti-bribery procedures.

The Gift Register and the Public Interest Disclosure Policies are reviewed annually by the Governance Department. The University Court receives an annual report on the outcome of the review. At the time of the annual review staff will be reminded of their obligation to comply with the Bribery Act and the University's Anti-Bribery Policy and associated procedures.

The Executive Board should periodically report the results of the reviews of the suite of anti-bribery measures to the Audit Committee.

11. Accountability

It is the responsibility of the Executive Board to refresh and reinforce the Anti-Bribery Policy and its underlying principles. However, Directors and Heads of Support Functions are responsible for ensuring that the Anti-Bribery Policy and associated policies and procedures are implemented in the routine discharge of the business in their specific areas, and for the ongoing monitoring of compliance with these policies.

12. How to Raise a Concern

The prevention, detection and reporting of bribery is the responsibility of all University employees. If members of staff are concerned that a corrupt act of some kind is being considered or carried out by any member of staff, governor or third party acting on behalf of the University they must report this to their line manager who will raise this with the University Secretary. If staff are not comfortable with speaking directly to a colleague the process by which employees and others can report confidentially any suspicion of bribery is governed by the Public Interest Disclosure Policy.

13. Investigation of Concerns Raised

Investigations concerning employees suspected of committing some form of bribery will be overseen by the University Secretary. A report will be sent to the University Audit Committee and the University Court.

Managers should ensure all their employees are aware of the Public Interest Disclosure Policy and of their responsibilities to act in accordance with its procedures.

Equality Impact Assessment

Name of policy/procedure/strategy: Anti-Bribery Policy	
School/Directorate: Governance	
Name of policy/procedure/strategy owner: Janice Bruce, Assistant Head Governance	
Date of Assessment: 1 March 2015	
1. Briefly describe the aims, objectives and purpose of the policy/procedure/strategy.	The Bribery Act 2010 place obligations on the University, its employees and others directly involved in delivering University business activities or acting on the University's behalf to conduct its business in an honest way and to reject the use of corrupt practices or acts of bribery to obtain an unfair advantage. The Anti-Bribery Policy sets out the Policy and procedure to be followed to enable the University to comply with its legal obligations.
2. What are the intended outcomes?	The Policy is in place to ensure the University complies with its legal obligations and responsibilities with regards the Bribery Act 2010. It is intended to promote an open, honest and transparent culture, ensuring consistency in dealing with concerns raised under the Policy.
3. Who are the main stakeholders? (e.g. staff, students, visitors)	Staff members, University governors, contractors and others directly involved in delivering University business activities or acting on the University's behalf.
4. How does the policy/procedure/strategy take into account different needs and circumstances (e.g. Ethnicity: cultural sensitivities, plain English; Disability: Alternate/ accessible formats; Gender: inclusive to women and men; Sexual Orientation; Faith or Belief, religious practices; Age: needs of younger and older people)?	The Policy aims to support the principles of equality and diversity and ensure staff are not discriminated against through raising concerns under the Anti-Bribery Policy. For example the Policy applies to all stakeholders irrespective of personal characteristics or circumstances.
5. What is the likely impact on the general duty to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act? E.g. Is there evidence to indicate that the policy may result in less favourable treatment for particular groups?	There is likely to be a positive impact as the Policy is to be followed consistently by all staff.

<p>6. What is the likely impact on the general duty to advance equality of opportunity between people who share a protected characteristic and people who do not share it?</p> <p><i>E.g. Is there evidence to show that the policy helps to remove disadvantage or encourages the participation of particular groups?</i></p>	<p>There is likely to be a positive impact as the Policy supports all staff that raises a concern of suspected bribery within the University or associated with any of the University's activities conducted in any part of the UK or abroad.</p> <p>For example the Policy applies to all stakeholders and there is one process for raising a concern applying to all irrespective of personal characteristics or circumstances.</p>
<p>7. What is the likely impact on the general duty to foster good relations between people who share a protected characteristic, or not?</p> <p><i>E.g. Is there evidence to illustrate that the policy helps to tackle prejudice or promote understanding?</i></p>	<p>There is likely to be a positive impact as the Policy supports all staff that raises a concern of suspected bribery within the University or associated with any of the University's activities conducted in any part of the UK or abroad.</p> <p>For example the Policy applies to all stakeholders and there is one process for raising a concern applying to all irrespective of personal characteristics or circumstances.</p>
<p>8. How will any negative impact identified above be addressed?</p>	<p>Overall, there is no direct negative impact on the protected characteristics, as this applies to all stakeholders and the principles of the Policy support equality and diversity.</p>
<p>9. What is the overall impact rating? (Choose one rating)</p>	<p>Unknown: No evidence or data has been collected therefore an assessment cannot be made.</p>
<p>10. How will the results of the equality impact assessment be published?</p>	<p>As part of this Policy, on the GCU website.</p>
<p>11. How will the implementation of the policy, procedure, strategy and its impact on equality be monitored and reviewed?</p>	<p>The Policy will be reviewed on an annual basis as part of GCU's annual policy review.</p>