

University of Kent Anti-Bribery and Corruption Policy

1. Introduction

a. Scope

This policy applies:

- To all staff; students in course in their activities as students of the University; members of the Council, the Court and other University committees in relation to their activities as members of such bodies; and to all third parties who are retained by the University to perform services for or on behalf of the University including contractors, agents, associates, subsidiaries, joint venture and consortium partners;
- To the full range of the University's activities, both in the UK and overseas, including (but not limited to) financial transactions and contracts, the recruitment and admission of students, the award of academic credit and qualifications, the appointment of staff, research and the award of titles and honours.

b. Purpose

The University of Kent is committed to conducting its business fairly, honestly and openly; to the highest standards of integrity; and in accordance with all legal requirements. The purpose of this policy is:

- To provide a clear statement that the University will not permit any form of bribery;
- To outline the procedures the University has in place to prevent employees or other persons associated with the University from engaging in bribery and to deal with this should it occur;
- To set out review and monitoring procedures to ensure compliance with this policy.

c. Legislative Context

This policy has been approved by the University's Council. It has been drawn up in the context of the Bribery Act 2010 which creates four offences with effect from 1st July 2011:

- Offering, promising or giving of a bribe;
- Requesting, agreeing to receive, or acceptance of a bribe;
- Bribery of a foreign public official;
- Failure by an organisation to prevent any persons associated with it from committing bribery.

The test used under the Bribery Act regarding the improper performance of a function or activity as a result of bribery is the expectation of a reasonable person in the UK. Any local custom or practice outside the UK must be disregarded unless the specific action is permitted or required by the written law applicable to the country where the function or activity took place.

d. Clarification

• Facilitation Payments

Facilitation payments intended to secure or expedite routine or necessary government action by a public official are included within the definition of bribery. A facilitation payment includes a payment to a public official to do his/her job properly as well as payment to do his/her job improperly.

• Hospitality and Gifts

Any gift or hospitality received or given must not have any influence or intention to influence the party receiving the gift or hospitality. Normal and appropriate levels of hospitality, including

gifts, meals and entertainment, do not constitute bribery but if any hospitality/gift is excessive or disproportionate to the event or individual's normal lifestyle, and is likely to interfere with an individual's ability to be impartial, it is likely to fall within the definition of bribery. The following University documents are relevant:

. *Declaration/Register of Interests:*

<http://www.kent.ac.uk/governance/register-of-interests/Declaration-of-Interests-Policy.html>

. *Employee Personal Expenditure Policy:*

<https://www.kent.ac.uk/finance-staff/services/expenses.html>

. *Policy on Personal Benefit:*

<https://www.kent.ac.uk/governance/policies-and-procedures/Policy-Personal-Benefit.html>

- **Donations**

The University does not make contributions to political parties. The University supports charitable giving and initiatives by its members but the University may only make charitable donations as an institution in limited circumstances and where the outcome is for the general benefit of the local community or an acceptable limited set of beneficiaries. Any proposed donations above £1000 must be referred to the Director of Finance for approval.

- **Charitable Donations to the University**

Any charitable donations received by the University must be for exclusively charitable purposes in furtherance of its objects and shall not improperly influence any decisions or actions made by or on behalf of the University. Donations must adhere to the Gifts Acceptance Policy and can only be accepted by: The Director of Development (< £50,000), EG member (£50,001 to £250,000), Chair of Finance and Resources and the Vice-Chancellor (£250,001 to £2,000,000), Chair and (Deputy Chair of Council or Chair of Finance and Resources and Vice-Chancellor and Senior Deputy Vice-Chancellor (£2,000,001+).

2. Policy

a. Principles

The University absolutely prohibits any employee, student, agent or other person or body acting on the University's behalf from taking the following action under any circumstances:

- offering, promising or giving any bribe to any person or organisation;
- soliciting, agreeing to receive or accepting a bribe from any person or organisation.

The University's procedures to prevent bribery are informed by the following six principles set out in the Ministry of Justice's Guidance (<http://www.justice.gov.uk/guidance/making-and-reviewing-the-law/bribery.htm>):

- **Proportionate Procedures**
Procedures will be proportionate to the bribery risks and the nature, scale and complexity of the University's activities. They will be clear, practical, accessible, effectively implemented and enforced.

- **Top-Level Commitment**
The University is committed to preventing bribery by persons associated with it and will foster a culture in which bribery is never acceptable.
- **Risk Assessment**
The University will undertake an assessment of the extent of its exposure to potential external and internal risks of bribery. The assessment will be documented and subject to regular review and updating.
- **Due Diligence**
The University will apply due diligence procedures in respect of persons or organisations that perform or will perform services for or on its behalf in order to mitigate identified bribery risks. The University will take appropriate action in response to any information that gives rise to concern. Further information and more detailed guidance can be found at: <https://www.kent.ac.uk/finance-staff/procurement/index.html?tab=policies-amp-procedures>
- **Communication**
The University will seek to ensure that its bribery prevention policies and procedures are understood throughout the organisation through internal and external communication that is proportionate to the risks it faces.
- **Monitoring and Review**
The University will monitor and review procedures designed to prevent bribery and make improvements where appropriate.

b. Procedures

- **Risk Management**
The Anti-Bribery and Corruption Review Group will oversee, on behalf of Council, an assessment of the vulnerability of the University's activities to the risk of bribery. The Group will require all heads of academic schools/professional service departments to consider the vulnerability of their activities to bribery, to document such consideration and to review this at least annually (and when an issue arises) and to take appropriate action to mitigate or eliminate any risk identified. Where appropriate, the Group will require steps to be taken to mitigate any risk. This may include the provision of training for staff or associates of the University. The Audit Committee will have authority from the Council to amend procedures to mitigate any risk of bribery. A member of the Executive Group designated by the Vice-Chancellor will have day-to-day responsibility for ensuring that this policy is implemented.
- **Due Diligence**
The Executive Group will oversee due diligence procedures relating to any proposed major financial or academic collaborative activity and any activity where there is a significant risk of bribery. The Executive Group will ensure that the University's anti-bribery policy is incorporated into all agreements made by the University.

- **Accurate Record Keeping**
Accurate records and financial reporting will be maintained for all activities and by all third party representatives acting on behalf of the University.
- **Communication**
Council Secretariat will ensure that procedures are in place to communicate this policy to all staff on a regular basis.
- **Whistleblowing**
Any suspicion of bribery must be reported. The University has a Whistleblowing Policy and a guide to its use which should be consulted (<https://www.kent.ac.uk/governance/policies-and-procedures/whistleblowing.html>).
- **Action in response to suspected bribery**
Any case of suspected bribery will be investigated under the University's procedures in relation to fraud (which include police involvement) and, where appropriate, may lead to action against the individual(s) concerned under the relevant internal procedures. Any case of bribery by a member of staff will be considered under the appropriate staff disciplinary procedures as a case of gross misconduct and may result in the termination of employment. Any case of bribery by a student will be considered under Regulations on Student Discipline in relation to non-academic matters as a major offence and may result in termination of registration as a student or the withholding of an award of a degree, diploma or certificate.
- **Register of Bribery and Fraud Cases**
A register of all cases of bribery or attempted bribery will be maintained by the Secretary of the Council and this register will be used to inform risk assessments.

3. Governance Requirements

a. Responsibility

The Council has overall responsibility for the Policy and for fostering a culture within the University in which bribery is never acceptable.

b. Executive Group

The Executive Group has responsibility from the Council for implementing this policy, monitoring compliance and ensuring that the policy is regularly reviewed and updated as appropriate. An Executive Group member designated by the Vice-Chancellor has day-to-day responsibility for implementation subject to report to the Executive Group at least annually.

Dr Keith Lampard
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