

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 contactors, 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 and expressly prohibits all forms of corruption.
- 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.

This policy should be read alongside the University's Code of Conduct and [Ethics Code](#) and guidance in Annex A on how to recognise bribery and corruption.

c. Roles and Responsibilities

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

The Executive Group has responsibility from the Council for implementing this policy, monitoring compliance, ensuring effective training for staff 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.

All staff, students, members and associated third parties as set out in 1a are responsible for reading, understanding, and complying with this policy. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the University or under its control. All are required to avoid any activity that might lead to, or suggest, a breach of this policy. All staff are required to complete the anti-bribery and corruption training module.

d. 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:

- 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.

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 fine regardless of where in the world the offence is committed. The University could face unlimited fines if it fails to prevent bribery, along with debarment from public contracts and the associated reputational damage. Corrupt acts committed abroad may result in prosecution in the UK. Similar legislation is in force in many other countries.

e. Clarification

- **Bribes**

A bribe is an advantage or reward which includes money, gifts, loans, fees, hospitality, donations, sponsorship, services, discounts, rebates, the award of a contract or improper performance of a contract, or anything else of value as an inducement for an action that is illegal, unethical or a breach of trust. It includes a payment, gift or hospitality offered, promised, given, or accepted with the expectation that a business or personal advantage will be received or rewarded. Annex A gives some examples of potential bribery or corruption typically relevant to the HE context.

- **Corruption**

Corruption is the abuse of an entrusted position, of public office or power for private gain.

- **Facilitation payments and Kickbacks**

Small bribes, or '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 the job properly as well as a payment to do it improperly. Kickbacks are payments made in return for a business or professional favour or advantage. The University does not make or accept facilitation payments or kickbacks of any kind.

It is recognised in government guidance that there may be limited circumstances in which individuals are left with no alternative but to make payments in order to protect against loss of life, limb or liberty.

- **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 where the host is present or gifts of little or no intrinsic value do not constitute bribery but if any hospitality/gift is excessive, frequent 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 2023-2024](#)

[Employee Personal Expenditure Policy](#)

[Policy on Personal Benefit](#)

- **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 outcomes 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 has a zero tolerance of bribery and corruption. It 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 receiving or accepting a bribe from any person or organisation.

Gifts or hospitality accepted during commercial negotiations or tender processes are at higher risk of being perceived as intended or likely to influence the outcome of negotiations or tenders and should ordinarily be avoided.

The University of Kent will uphold all laws relevant to countering bribery and corruption in all the jurisdictions in which it operates.

The University commits to conducting its business and affairs without engaging in any form of bribery or corruption.

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/briber.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. All staff must assess the vulnerability or exposure of their activities to bribery and corruption risk, particularly overseas activities, on an ongoing basis, and report any potential vulnerabilities or risks they identify. Areas of particular risk include the use of third party representatives, agents and intermediaries, overseas operations, donations and sponsorship, gifts and hospitality, awards and qualifications, procurement and financial transactions.

- **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. This will include background checks in high risk locations or sectors. 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 Executive 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 such as overseas operations in jurisdictions or sectors where there is a heightened bribery risk. 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**

The Governance and Assurance Directorate will ensure that procedures are in place to communicate this policy to all staff on a regular basis. Advice on anti-bribery and corruption measures can be requested via fraudenquiry@kent.ac.uk.

- **Whistleblowing**

Any suspicion of bribery or corruption must be reported at the earliest possible stage as set out in the fraud prevention policy. The University also has a [Whistleblowing Policy](#) and a guide to its use which should be used when making a protected disclosure. Under both policies, staff can report their concerns to their line manager or (if that is inappropriate) to a senior manager. Alternatively, staff may email fraudenquiry@kent.ac.uk marked 'For the attention of the Chair of the Audit Committee'. Advice and guidance can be sought from the Assurance team. The University encourages openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

- **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. Policy Review

This policy will be kept under review by the Governance and Assurance Directorate. It will be reviewed annually or earlier following a significant incident or change in legislation.

Annex A: Examples of potential bribery or corruption typically relevant to the HE context and typical high risk flags

Alumni/donations:

- a wealthy alumnus makes a substantial donation to ensure that a relative is awarded a place

Facilitation Payments:

- a third party requests that a payment is made to 'overlook' potential legal violations
- a third party has a 'special relationship' with foreign government officials
- making a payment to an official to speed up an application or registration

Financial transactions

- a third party requests payment in cash
- a non-standard or customised invoice is received
- a fee payment is large in comparison with the service provided
- a third party refuses to put terms agreed in writing

Gifts and Hospitality:

- premium tickets to an exclusive sports event are offered on the understanding that an existing contract will be renewed
- lavish hospitality is offered by a third party

Overseas recruitment and partnerships:

- an agent recruiting students pays a small bribe to a local education official to obtain access to students in a highly rated school
- the organisation exchanges valuable gifts with an overseas partner on the basis that this is a local custom and expected practice
- a third party requests that payment is made to a country or location different from where the third party resides or conducts business

Procurement:

- offering free training in a 5 star hotel to ensure a tender receives preferential treatment
- a member of staff becomes aware that a third party engages in improper business practices

Recruitment

- a third party requests that you provide employment to a friend

Research:

- a new cash 'fee' is requested by a local official to ensure that research field equipment is not delayed in transit.

This does not constitute an exhaustive list of examples but is intended to assist in considering whether a particular action or circumstance could constitute bribery or corruption. If in any doubt, speak to your line manager or contact the Assurance team at fraudenquiry.kent.ac.uk.

Document control

Document title: Anti-bribery and corruption Policy

Version	Author/feedback	Change	Date	Next Review
1	Dr Keith Lampard	Policy created	15.11.2011	
2		Updated	07.02.2018	
2.1	AD (Assurance)	1b: corruption prohibition, roles (1a, 2a, 2b), definitions (1d, 1e, 2b), principles (2a), annual review (3) and new Annex A added.	25.04.22	N/A
2.2	Audit Committee member feedback	2b: Whistleblowing 'consulted' changed to 'used when making a protected disclosure'	10.11.22	N/A
2.3	Head of Legal Services feedback	2a: rewording to change to: 'Gifts ... avoided.' 2b: deletion of last line of previous proposed amendment Annex A: further example of facilitation payment added, final paragraph added.	09.03.23	N/A
2.4	Ethics Committee	1c: 'ensuring effective training for staff' added 1d: deletion of 'with effect from 1 July 2011'. 1e: Facilitation payments: addition of paragraph on duress 2a: addition of 'bribery' after 'without engaging in any form of corruption' Annex A: deletion of research example: a professor conducting research is asked to give an overly positive peer review in exchange for a similar review of their own work	11.05.23	N/A
2.5	Audit Committee	Approved with minor amendments required noted (rewording section 3 to remove references to contracts which may be misunderstood. Additional route for sending concerns via Audit Chair).	13.06.23	

Approval

Version	Reviewing/Governing Body	Review/Approval Date
2.1	Executive Group	12.09.22 -review
2.1	Audit Committee (reading room only)	14.11.22 - review
2.3	Executive Group	24.04.23 - review
2.3	Ethics Committee	11.05.23 - review
2.4	JSNCC	17.05.23 -review
2.4	Audit Committee	13.06.23 - approval