



LIVERPOOL  
HOPE  
UNIVERSITY  
Est. 1844

# Anti-Bribery and Corruption Policy

Responsibility for Policy:	Head of Legal Services
Approved by and date:	University Council 6 <sup>th</sup> July 2021
Frequency of Review:	Every Five Years
Next Review date:	2026
Related Policies:	Declaration of Interests Policy Whistleblowing Policy Fraud Policy
Minor Revisions:	
EIA:	

## **1. Introduction**

**1.1.** It is the University policy to conduct all business in an honest and ethical manner. The University take a zero tolerance approach to bribery and corruption and is committed to acting professionally, fairly and with integrity in all its relationships and business dealings wherever we operate and to implementing and enforcing effective systems to counter bribery.

**1.2.** The purpose of this policy is to:

**1.2.1.** set out the University's responsibilities, and of those working for the University, in observing and upholding the position on bribery and corruption;

**1.2.2.** Ensure that the University is compliant with the Bribery Act 2010 and any other related legislation; and

**1.2.3.** provide information and guidance to those working for the University on how to recognise and deal with bribery and corruption issues.

**1.3.** The Bribery Act 2010 makes bribery and corruption punishable for individuals by imprisonment and if the University is found to have taken part in corruption the University could face an unlimited fine and reputational damage. The University therefore take any legal responsibilities very seriously.

**1.4.** The University have identified that certain of its activities create particular risks:

(a) Overseas collaborations, joint ventures and partnerships (whether formal or informal);

(b) Recruitment of students, particularly overseas;

(c) Receipt of gifts and donations;

(d) Grant funding; and

(e) Public procurement, particularly where the activities relate to construction.

**1.5.** To address these risks the University have taken the following steps:

**1.5.1.** Implemented this anti-bribery and corruption policy;

**1.5.2.** Undertaken a risk assessment exercise, which will be subject to on-going review;

**1.5.3.** Undertaken a training programme of senior management;

**1.5.4.** Taken steps to implement a training programme for all individuals operating in areas that are perceived as high risk;

**1.5.5.** Appointed Executive Director of Finance, Services and Resources to ensure compliance with Bribery Act issues;

**1.5.6.** adopted and reviewed policies related to this Anti-corruption and Bribery Policy, including the Whistleblowing Policy; and

**1.5.7.** Prepared standard clauses relating to Bribery Act issues for inclusion in key contractual documentation.

- 1.6. This policy applies to all individuals working at all levels and grades, including council members, senior managers, officers, directors, employees (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, homeworkers, casual workers and agency staff, volunteers, interns, agents, sponsors, or any other person associated with us ("Members of the Hope Community"). It is the responsibility of Heads of Schools and Departments to ensure that this policy is properly communicated to staff within their relevant area.
- 1.7. In this policy, third party means any individual or organisation that staff members, Council members, consultants and other people working for the University may come into contact with during the course of their work for the University, and includes actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.
- 1.8. This policy applies to all University activity including any activity that takes place overseas.

## **2. What is Bribery?**

- 2.1. A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage. Bribery does not have to involve just payment of money, it could be the promise of a donation in return for securing a student placement for example.
- 2.2. A criminal offence will be committed under the Bribery Act 2010 if:
  - 2.2.1. an employee or associated person acting for, or on behalf of, the University offers, promises, gives, (known as an active bribery) or requests, receives or agrees to receive bribes, (known as a passive bribery); or
  - 2.2.2. an employee or associated person acting for, or on behalf of, the University offers, promises or gives a bribe to a foreign public official with the intention of influencing that official in the performance of his/her duties; and
  - 2.2.3. the University does not have the defence that it has adequate procedures in place to prevent bribery by its employees or associated persons.
- 2.3. Corruption is dishonest or fraudulent conduct by those in power, typically involving bribery.
- 2.4. It is not the intention of the Policy to prevent the following activities that mirror declarations of interest:
  - (a) normal and appropriate hospitality;
  - (b) the giving and receiving of modest gifts.
- 2.5. Whilst a definition of "modest" which covers all scenarios would be difficult to agree, such hospitality or gifts must be proportionate, reasonable and made in good faith and not place any expectation on the recipient to reciprocate either in like or by performing, or failing to perform, any other task in return. If there is any doubt as to whether a gift or hospitality to be given or received is appropriate, guidance should be sought from Head of Legal Services, Governance and Risk
- 2.6. This Anti-Bribery Policy must be read in conjunction with the Declaration of Interests Policy which provides guidance and rules on gifts and hospitality.

### **3. What is Prohibited?**

#### **3.1. It is not acceptable to:**

- 3.1.1.** give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- 3.1.2.** give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
- 3.1.3.** accept payment from a third party that a Member of the Hope Community know or suspect is offered with the expectation that it will obtain a business advantage for them;
- 3.1.4.** accept a gift or hospitality from a third party if a Member of the Hope Community know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the University in return;
- 3.1.5.** threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or
- 3.1.6.** engage in any activity that might lead to a breach of this policy.

### **4. Facilitation payments and kickbacks**

- 4.1.** A kickback is a form of negotiated bribery in which a commission is paid to the bribe-taker in exchange for services rendered.
- 4.2.** The University does not make, and will not accept, facilitation payments or "kickbacks" of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action by a government official. They are not commonly paid in the UK, but are common in some other jurisdictions.
- 4.3.** If a Member of the Hope Community is asked to make a payment on behalf of the University, the Member of the Hope Community should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. Any Member of the Hope Community should always ask for a receipt which details the reason for the payment. If a Member of the Hope Community have any suspicions, concerns or queries regarding a payment, contact the Head of Legal Services, Governance and Risk.

### **5. Responsibilities and Reporting**

- 5.1.** To address the risks the University has taken the steps set out in section 1.5
- 5.2.** It is the responsibility of individuals ie. Members of the Hope Community to
  - 5.2.1.** ensure they read, understand and comply with this Policy.

- 5.2.2. prevent and report any forms of bribery and other forms of corruption in accordance with section 5.3.
- 5.2.3. avoid any activity that might lead to, or suggest, a breach of this Policy.

5.3. A Member of the Hope Community **must notify their manager and/or the Head of Legal Services, Governance and Risk as soon as possible** if they believe or suspect that a conflict with this policy has occurred, or may occur in the future. For example, if someone offers you something to gain a business advantage with the University, or indicates to a Member of the Hope Community that a gift or payment is required to secure their business. Further "red flags" that may indicate bribery or corruption are set out in appendix 1.

5.4. The [University's Policy](#) on Whistleblowing also permits staff and anyone contractually associated with the University to raise concerns of serious malpractice in the University. The Whistleblowing Policy is in place to protect staff members who report such suspicions.

## 6. Record Keeping

6.1. The University must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

6.2. All Members of the Hope Community must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the University's Expenses Policy, Declarations of Interest Policy and specifically record the reason for the expenditure.

6.3. All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off-book" to facilitate or conceal improper payments.

## 7. Consequences

7.1. Any breach of this Policy is likely to constitute a serious disciplinary, contractual and criminal matter for the individual concerned and may cause serious damage to the reputation and standing of the University. A breach of this Policy will be treated as grounds for disciplinary action and may result in a finding of gross misconduct and immediate dismissal. The University may terminate the contracts of any Members of the Hope Community (such as consultants or contractors) who are found to have breached this Policy.

7.2. The University may report any matter to the relevant authorities. The University will provide all necessary assistance to the relevant authorities in any subsequent prosecution.

## 8. Training

8.1. All existing workers operating in areas that are perceived as high risk as far as the Bribery Act is concerned will receive relevant training on how to implement and adhere to this policy.

**8.2.** The zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors, agents and business and other partners at the outset of the University's relationship with them and as appropriate thereafter.

## Appendix 1

### Examples of scenarios in which offences *may* be committed

#### Active bribery

- An intermediary in China says that for a £50K fee he can guarantee securing a cohort of 200 engineering and science students who are currently reviewing their options with a number of UK institutions. The University normally pays the intermediary a flat rate of commission for each student recruited. Would Member of Hope Community's answer be different if the intermediary asked for a one-off increase to that flat rate?
- The University is seeking planning permission for a new site and the local planning officer suggests that a charitable donation to a local school (where he is governor) will help the University's cause. But this will be 'off the record'.
- Offering excessive hospitality **to** a contact to secure a commercial research project or grant.

#### Passive bribery

- Receiving concert tickets **from** a contact on the understanding that you will, as a result, put business 'their way' or award or renew an existing contract.
- A contact offers a Member of Hope Community's partner a free long-haul flight if the member of Hope Community ensure that their tender response receives preferential treatment.
- The University is reviewing its IT hardware suppliers. One bidder offers a free iPad for every department head if its bid is successful. Would a Member of Hope Community's answer be different if the offer was included in or excluded from the tender?
- The University is bidding for a large research contract being funded by a pharmaceutical company. The procurement officer of the pharmaceutical company suggests that if a Member of Hope Community can get tickets for him and his son to go to the Cricket World Cup final that will help the University's bid.
- A student has been unable to secure an undergraduate position due to poor grades, but his father offers to make a £10,000 donation to the University if the decision is reversed.

#### Bribing a foreign official

- The University is opening a new representative office overseas. A Member of Hope Community learn that because of a backlog registration with the authorities it is taking up to six months to obtain registration. However, a Member of Hope Community are told that a payment of £5,000 will expedite the process.
- Using an overseas intermediary to pay a suggested £1,500 'fee' for expedited approval by a foreign official of a local course proposed to be run by the University.



## Appendix 2

### **Examples of potential risk scenarios**

If a Member of the Hope Community encounter any of the following while working for the University, report them promptly to the Head of Legal Services, Governance and Risk Officer (this list is not exhaustive):

- A member of Hope Community is offered an unusually lavish gift or hospitality.
- A Member of Hope Community become aware that a third party engages in, or has been accused of engaging in, improper business practices.
- A third party requests an unexpected additional fee or commission to 'facilitate' a service.
- A third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provisions of services.
- A third party demands that a Member of the Hope Community provide employment or some other advantage to a friend or relative.
- A third party insists on receiving a commission or fee payment before committing to signing up to a contract, or carrying out a government function or process.
- A Member of Hope Community receive an invoice from a third party that appears to be non-standard or customised.
- A Member of Hope Community 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.
- A third party requests payment in cash and/or refuses to sign a formal commission or fee arrangement, or to provide an invoice, or receipt for a payment made.
- A third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business (note: such a scenario may be a mixture of bribery and/or money laundering).
- A third party requests that a payment is made to 'overlook' potential legal violations.
- A third party insists on the use of side letters or refuses to put terms agreed into writing.
- 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.