

Edge Hill University

Bribery and Anti- Corruption Policy

2017-2018

EDGE HILL UNIVERSITY

BRIBERY AND ANTI-CORRUPTION POLICY

1. POLICY STATEMENT

Edge Hill University is committed to acting professionally, fairly and with integrity in all the university business dealings and relationships.

The prevention, detection and reporting of bribery are the responsibility of all those working for the university or under the university's control.

You must notify the DVC if you become aware of or suspect a breach with this policy. The code of conduct provides selected examples where a breach or suspected breach should be reported. If you are unsure whether a particular issue constitutes a reportable matter then any query you may have should be raised with the Director of Finance.

Any employee who breaches this policy will face disciplinary action which could result in dismissal for gross misconduct. The university also reserves the right to terminate any contractual relationship with other associated staff if there is a breach of this policy.

This policy, in conjunction with the code of conduct and hospitality and gifts policy together set out the responsibilities of the university and those working for the university in relation to bribery and corruption.

2. THE BRIBERY ACT 2010

On 1st July 2011 the Bribery Act 2010 came into force completing the UK's implementation of the OECD Convention.

Whilst the final guidance from the Ministry of Justice recognises that a common sense and proportionate approach needs to be taken, it is clear that the potential damage from a successful prosecution, both personal and institutional has significantly increased as a result.

The ease with which a successful conviction can be obtained has also increased with the traditional test of proof beyond reasonable doubt being replaced by an assessment of guilt on the balance of probabilities.

In relation to the Bribery Act 2010 there are 4 main offences:

- Active Bribery (offering, promising or giving a bribe)
- Passive bribery (requesting, agreeing to receive or accepting a bribe)
- Bribery of a foreign public official
- Failure of a commercial organisation to prevent bribery

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The first three offences cover people and organisations with the latter offence relating to organisations only.

The language used is considered wide enough to include cases in which an offer, promise or request can only be inferred from the circumstances.

The definition of a bribe is very wide covering the offer, promise or giving of financial or non-financial advantage with the intention of inducing a person to perform improperly or in breach of a relevant expectation.

In relation to the bribery of a foreign public official the definition is wider still requiring only the intention to influence an official to obtain or retain business or an advantage in business.

In relation to failure of a commercial organisation to prevent bribery, the definition of a commercial organisation includes a body incorporated under any UK law including charities.

3. POTENTIAL CONSEQUENCES OF THE ACT

Associated penalties of a successful prosecution are potentially draconian with the Serious Fraud Office (SFO) able to impose unlimited fines and up to ten years imprisonment though the adverse reputational consequences of a breach could perhaps be even more damaging.

An organisation can now be held liable for the actions of associated third parties (eg overseas agents) as well as those of its own staff and corporate ignorance offers no protection from prosecution.

Individuals are also liable and this encompasses any director, manager, or other officer where it can be shown that an offence was committed by the organisation with their consent or connivance.

4. IMPLICATIONS FOR EDGE HILL UNIVERSITY AND ITS STAFF

Traditional tests of proof beyond reasonable doubt have been replaced by an assessment of guilt on the balance of probabilities. As such under the Bribery Act, all organisations need to have adequate procedures to prevent bribery occurring in order to mount a robust defence. Such procedures must be designed to prevent a person associated with the organisation from undertaking conduct in breach of the Act.

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Adequate procedures encompass six key principles:

- Detailed risk assessment
- Top level commitment
- Due diligence
- Clear, practical, accessible and proportionate policies and procedures
- Communication (including training)
- Monitoring and review

Each of these are considered in further detail below:

Detailed Risk Assessment

Essentially this is about having a sufficient awareness of how the different parts of the organisation operate. This would, in turn, highlight potential areas of weakness. Procedures should be in place to assess the likely risks of corruption arising in an organisation's business and be continually evaluated to ensure they remain fit for purpose. In this regard, internal audit work programmes are strongly influenced by internal risk assessment reports. Detailed fraud questionnaires are also completed, after enquiry, by all departmental heads on an annual basis.

Top level commitment

This speaks to the issue of culture. The most senior executive staff should demonstrate strong, explicit and visible commitment to an organisation's controls, ethics and compliance regime. This, in turn, promotes a greater engagement with policy and procedure throughout an organisation. In this regard, Governors have formally approved the measures introduced to address bribery and corruption with Audit Committee providing a channel for formal reporting and appraisal of the system of managing corruption and bribery issues. The DVC has primary and day to day responsibility for implementing this policy, and for monitoring its use and effectiveness. Management, at all levels, are responsible for ensuring those reporting to them are made aware of and understand this policy, and related documents.

Due Diligence

Before entering into any business relationship or project, due diligence should be undertaken on the country in which the business is to be conducted, on its potential business partners, agents used and on the proposed project or business transaction in order to identify as far as reasonably possible the risk of corruption. Process of due diligence should be subject to periodic review to ensure they remain fit for purpose.

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Clear, practical, accessible and proportionate policies and procedures

In this regard an Edge Hill University anti-corruption code of conduct is available via the finance pages of the staff intranet as well as a policy document covering gifts and hospitality which, in conjunction with this policy clearly set out individual and institutional responsibilities. There are clear regulations on appropriate procurement practice and reimbursement of expenses incurred laid out in the finance regulations as well as supporting documents that provide further guidance on procurement. These are also available via the finance pages of the staff intranet. Disciplinary and whistle blowing policy documents are accessible through the HR pages of the staff intranet.

Communication

It is important to ensure that this policy, the code of conduct and the hospitality and gifts policy are properly embedded throughout the university. Anti-corruption training should also be available to all relevant employees to ensure they are aware of the types of corruption, the risks of engaging in corrupt activity, the organisation's anti-corruption code, and how they may report corruption. We also strongly encourage our approach to bribery and corruption to be communicated to all suppliers, contractors and business partners at the outset of our business relationship with them and as appropriate thereafter through such mechanisms as the issuance of the anti corruption code of conduct.

Monitoring and Review

Financial controls must be sufficiently robust to minimise the risk of a corrupt act being committed and subject to regular audit. Financial records must be kept by the University that evidence the business reason for making payments to third parties. The DVC monitors the effectiveness and reviews the implementation of this policy and related documents reporting regularly to Audit Committee.

5. CONCLUSION

The Bribery Act 2010 places an onus on all bodies incorporated under any UK law to have adequate anti-bribery and corruption procedures in place. This document sets out the university policy in relation to bribery and corruption, providing an overview of the Bribery Act and setting out the implications for Edge Hill University and its employees.

Should you have any queries then you should contact in the first instance Carl Gibson, Director of Finance or in his absence, Steve Igoe, DVC.

Edge Hill University

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