



## Anti-Bribery and Corruption Policy 2022

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# 1 Legislative context

- 1.1 The Bribery Act 2010 (the Act) came into force on 1 July 2011. The Act has created a number of new bribery and corruption offences and holds businesses and institutions liable for failing to prevent bribery carried out on their behalf, irrespective of whether the bribe takes place in the UK or overseas. The Act has created four distinct 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.
- 1.2 Under the Act an individual found guilty of bribery is liable to a fine or imprisonment or both. The sanctions for these offences include up to 10 years' imprisonment for the individuals responsible.
- 1.3 The Act also introduces a corporate offence of failure to prevent bribery. If the University of Westminster (the UoW) fails to prevent an act of bribery intended to benefit the UoW, undertaken on its behalf, the UoW is guilty of an offence. This applies whether or not the UoW had any knowledge or awareness of the act of bribery. The penalties for this offence include an unlimited fine, possible exclusion from tendering for public contracts and significant reputational damage for the UoW.
- 1.4 The only acceptable statutory defence the UoW has if it is accused of "failure to prevent an act of bribery" is that the UoW has in place "adequate procedures" to prevent bribery occurring. This policy and associated guidance form the core of demonstrating adequate procedures.

# 2 Purpose of this paper

- 1.5 The UoW is committed to conducting its business fairly, honestly and openly; to the highest standards of integrity; and in accordance with all legal requirements.
- 1.6 The purpose of this policy is:
- To communicate the UoW's zero-tolerance approach to any behaviour that constitutes bribery or 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 the procedure to be followed in the event that bribery is suspected or discovered;
  - To set out review and monitoring procedures to ensure compliance with this policy.

# 3 Scope

- 3.1 This policy applies:
- To all colleagues; students in course in their activities as students of the University; members of 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, wherever located;
  - 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 colleagues, research and the award of titles and honours.

## 4 Definitions and further information

- 1.7 Bribery is defined in the Act as giving, offering or promising a financial or other advantage, or of receiving the same. "Financial or other advantage" is not defined, but is considered for the purposes of this policy to include money, gifts, services, physical assets, equipment or intellectual property. Bribery could also involve intangible items such as the offer or soliciting of a preferential reference or testimonial or a promotion opportunity. This list is not exhaustive and other forms of bribes may occur and are covered by this policy.
- 1.8 Corruption is the misuse of public office or a business position for private gain.
- 1.9 The University is not a commercial organisation, but some areas of its activity, particularly international activity, may expose colleagues to situations where bribes may be offered or expected. The Government has offered extensive guidance to commercial organisations in responding to the requirements of the Act (<http://www.justice.gov.uk/downloads/legislation/bribery-act-2010-guidance.pdf>) which is formulated around six guiding principles (Appendix B). The University has put in place those aspects of that guidance (including this policy and procedures) appropriate to our activities.
- 1.10 Colleagues finding themselves in any situation in which they believe that a bribe has been offered or sought must immediately report the incident by email to one of the designated Anti-Bribery Officers.
- 1.11 The designated Anti-Bribery Officers are the University Secretary and Chief Operating Officer and the Director of Finance.
- 1.12 Colleagues involved in discussions or meetings with external organisations, whether in the UK or overseas, should familiarise themselves with the University's policy on gifts and hospitality and ensure they record all gifts and hospitality (whether giving or receiving) in the online register provided. Directions on the nature and value of gifts and hospitality to be recorded are given in the guidance accompanying the register.
- 1.13 Finally, it is important to consider whether the intention of the gift or hospitality is to influence the objectivity of the decision-making of the recipient person or organisation. Colleagues in doubt about what is acceptable should consult a designated Anti-Bribery Officer.

## 5 Culture and Controls

- 1.14 Governors and senior managers are required to ensure that their behaviour is demonstrably selfless and open and that they champion the University's policies on bribery, in particular, conflicts of interest, hospitality, travel, and gifts. These are set out in the Financial Regulations and associated policies.
- 1.15 The University's external auditors obtain an annual statement signed by all governors and senior managers to the effect that they are personally unaware of any fraud, conflict of interest, or other breach of legislation. The Chair of Court also signs a Letter of Representation on behalf of the governing body which includes such assurances. This would include instances of bribery.
- 1.16 Regular review of internal systems is carried out by the University's internal audit service and all findings and recommendations reported to the Audit Committee.

## 6 Bribery Prevention, Response and Investigation

- 1.17 The UoW has implemented risk based compulsory online training for all high risk colleagues in the areas of anti-bribery, anti-corruption and anti-money laundering.
- 1.18 Specialist anti-bribery training is provided for colleagues travelling to overseas territories which represent high risk destinations for bribery (as defined by the Transparency International Corruption Perceptions Index).
- 1.19 Bribery must be reported by colleagues, students, or other person or organisation having dealings with the University. The report must be in the form of an email to a designated Anti-Bribery Officer. If, for whatever reason, this channel appears inappropriate, then the Whistleblowing Procedure should be used. This procedure is available on the University's website [www.westminster.ac.uk](http://www.westminster.ac.uk). It enables concerns to be reported directly to an independent assessor on a confidential basis and without fear of detriment or retribution to the person making the report.
- 1.20 Once an allegation of bribery or corruption has been made an investigation shall begin. This will involve the Anti-Bribery Officer appointing a "lead investigator" who will conduct a full investigation of the incident.
- 1.21 The objectives of the investigation will be:
- To notify appropriate University officers, including the Chair of the Audit Committee, and the Office for Students ('OfS'), if appropriate, and to keep them informed of progress on the investigation
  - To establish and secure evidence necessary for disciplinary action (and possible criminal investigation in the event of police involvement)
  - Where appropriate, to inform the police and involve them in the investigation
  - To make recommendations for further actions
- 1.22 Where there is prima facie evidence of criminal activity, the matter will be handed over to the police for investigation in the first instance and the University will act under their directions.
- 1.23 The lead investigator will provide regular reports to the Chair of the Audit Committee on progress. The Vice Chancellor will also be kept informed, unless they are a subject of the investigation.
- 1.24 The lead investigator will notify the Office for Students (OfS) in accordance with the requirements contained within the terms and Conditions of funding for higher education institutions.
- 1.25 On completion of the investigation, a written report, prepared by the leader of the investigatory team in conjunction with the internal auditors, will be provided to the Audit Committee, and will include:
- A description of the incident, the value of the loss, and the means by which the bribe was given or received
  - Measures taken to prevent a recurrence
  - Action needed to strengthen prevention of bribery.

## 7 Protection

- 1.1 Colleagues who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. The University will afford appropriate protection to anyone who raises genuine concerns in good faith under this policy.
- 1.2 The University is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual

or potential bribery or other corruption offence has taken place or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager. The University's HR Department may be contacted for advice and support. If the matter is not remedied, and you are an employee, you should raise it formally using the University's Grievance Procedures.

## 2 Associated Policies and Procedures

1.26 The University has a number of established policies which provide guidance to the controls in place to prevent bribery (and other types of corrupt practice). This policy should therefore be read in conjunction with the following associated policies and procedures:

- Gifts and Hospitality Policy
- Financial Regulations
- Purchase and disposal of IT equipment
- Travel Expenses Policy
- Anti-money laundering (AML) policy

The policy documents listed above can be found on the University intranet. <https://www.westminster.ac.uk/sites/default/public-files/general-documents/financial-statements-2018.pdf>

## 3 Responsibilities

- 3.1 You must ensure that you read, understand and comply with this policy and complete the University's Anti Bribery training.
- 3.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for or associated with the University. You are required to avoid any activity that might lead to or suggest a breach of this policy.
- 3.3 Effective risk assessment in order to evaluate and mitigate risk is an essential element of this policy. Colleagues must assess the vulnerability of their activities, particularly overseas, on an ongoing basis. This is embedded in the annual University Risk Assessment Process.
- 3.4 You must notify your manager and the University's Director of Finance as soon as possible if you believe or suspect that a conflict with this policy has occurred or may occur in the future.
- 3.5 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct.

## Appendix A - 'Red Flag' risk scenarios relevant to Higher Education Institutes

For the most part, 'Red Flag' risk scenarios relevant to Higher Education Institutes are largely identical to those affecting most organisations. However, there are some - typically related to overseas campuses, donations and places – that are largely reserved to the education sector.

Some scenarios – such as a donation – when considered in isolation may seem perfectly acceptable. However, when that donation coincides with the donor tendering for a contract or the donor's child applying for a place at the Higher Education Institute then, clearly, this presents a completely different scenario and risk.

Clearly, for this reason it is imperative that such issues are considered across the Higher Education Institute on a fully 'joined-up' basis.

Whilst it is accepted that the following risk scenarios are central to the activities of the Higher Education Institute, nonetheless the associated bribery and corruption risks should not be underestimated:

- Any procurement-related activity
- Supply relationships where relatively significant hospitality has become the norm, or is expected from potential/new suppliers
- Payment for travel, hospitality, gifts and entertainment – particularly overseas Invoicing issues, including agent fees, cash payments, disproportionate costs and 'dubious' expenses
- Overseas field trips involving potential 'facilitation' payments to customs officials and others, typically, in order to speed things up or to gain access
- Facilitation payments to expedite overseas building, building permissions and access to utilities
- Overseas agents and brokers, particularly where student enrolment is involved
- Overseas campuses
- Donations
- Student places
- Examination results and associated processes
- Concerns – which would clearly need to be substantiated – over lavish hospitality, unnecessary foreign travel and entertainment linked to (apparently) legitimate business travel

The above list is taken from the Anti-Bribery and Corruption HEI Code of Conduct – Template issued by the British Universities Finance Directors Group (BUFDG) in October 2011.

## Appendix B – UK Ministry of Justice – Six guiding principles

- **Principle 1: Proportionate Procedures-** The university's Compliance Procedures are proportionate to the bribery risks it faces and to the nature, scale and complexity of its activities. They are also clear, practical, accessible, effectively implemented and enforced.
- **Principle 2: Top Level Commitment-**this policy and the Compliance Procedures are approved by the University Executive Committee and ratified by Audit Committee to demonstrate that the University is committed to preventing bribery by persons associated with it.
- **Principle 3: Risk Assessment-** the University has assessed the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment is periodic, informed and documented.
- **Principle 4: Due Diligence-** the University applies due diligence procedures , taking a proportionate and risk based approach, in respect of persons who perform or will perform services for and on behalf of the University, in order to mitigate identified bribery risks.
- **Principle 5: Communication (including Training)-** the University seeks to ensure that this Policy and Compliance Procedures are embedded and understood throughout the University through internal and external communication, including training, proportionate to the risks it faces.
- **Principle 6: Monitoring and Review-** the University monitors and reviews procedures designed to prevent bribery by persons associated with it and makes improvements where necessary.