**Cardiff Metropolitan University**

**Finance Department**

**ANTI BRIBERY policy**

**Established: 2011**

**Reviewed: 2019**

**Next Review: April 2022**

**Version: 3**

**Authorised: Audit Committee April 2019**

 **Board of Governors April 2019**

**Impact Assessed: April 2019**

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#### Introduction

The University is committed to maintaining the highest possible ethical standards in all its business activities. The University is opposed to any form of bribery and this policy clearly sets out this position.

**Purpose and Scope**

The purpose of this policy is to;

* Set a statement that the University will not permit any form of bribery emphasising the responsibilities of Schools, Departments and individuals in upholding the University’s position on bribery
* It outlines the procedures that the University has in place to prevent engagement in bribery and the process of dealing with it should it occur.

The policy applies to all staff; to all students, members of the Board of Governors and Committees, all third parties engaged by the University to perform services for or on behalf of the University including but not restricted to; agents, contractors, associates, subsidiaries and partners

This applies to all business activities anywhere in the world, including but not restricted to financial transactions, contracts, the award of academic credit and qualifications, the appointment of staff, research, the award of titles and honours and the recruitment and admission of students Breaches of this policy will result in disciplinary action and possibly criminal proceedings (Criminal Finance Act 2017, Bribery Act 2010)

**Legislation**

The policy has been drafted with reference to the Bribery Act 2010. The Act created 4 offences from 1st July 2011;

* Offering, promising or giving a bribe
* Failure to prevent any persons associated (with the University) from committing bribery
* Requesting, agreeing to receive or acceptance of a bribe
* Bribery of a foreign public official
	+ Any local custom or practice outside of the UK must be disregarded unless the specific action is permitted or required by written law applicable to the country where the activity took place.

The policy takes into account the requirements of the Criminal Finance Act 2017. The University’s guidance in respect of this Act can be found on the Finance Unit site.

**Policy**

The University is committed to transparency in all its affairs. It prohibits the offering, the giving, the solicitation or the acceptance of any bribe, whether as cash or any other kind of inducement:

* *to or from* any person or company, whether a public official or public body, or a private person or company, wherever they are situated; or
* *by* any individual employee, agent or other person or body acting on the University’s behalf;
* *in order* to gain any commercial, contractual or regulatory advantage for the University; or
* *in order* to gain any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.

**Further Clarification**

For the avoidance of doubt, this policy prohibits the making, giving or receiving of any inducement which results in, or may be perceived as resulting in, a personal gain or advantage to the recipient or any person or body associated with the recipient, and which is intended to influence the recipient to take action which may not be solely in the best interests of the University. This includes;

* Facilitation payments – to a public official to do or to not do something
* Hospitality or gifts given (or received) with the intention to influence. This excludes normal gifts, hospitality, meal and entertainment (refer to the Gifts and Hospitality Policy for definitions).
* Donations – the University does not make political donations. It may make charitable donations in certain circumstances, with the approval of the President & Vice Chancellor.

This policy is not intended to prohibit the following practices provided they are customary in a particular market, are proportionate and are properly recorded:

* normal and appropriate hospitality
* the giving of a ceremonial gift on a festival or at another special time
* the use of any recognised fast-track process which is available to all on a payment of a fee
* the offer of resources to assist the person or body to make the decision more efficiently provided that they are supplied for that purpose only

Inevitably, decisions as to what is acceptable may not always be easy. If anyone is in doubt as to whether a potential act constitutes bribery, the matter should be referred to the Director of Finance for guidance before proceeding

**Responsibilities**

The prevention, detection and reporting of bribery is the responsibility of all employees throughout the University. If and when an instance of bribery is identified, remedial steps must be taken immediately, including the reporting of the incident (or suspected incident) of bribery in accordance with the University’s Whistle Blowing Policy.

Managers should ensure all their employees are aware of this policy and of their responsibilities to act in accordance with its procedures.

**Procedures**

* **Risk Management:** All Heads of Departments should consider the risk to their areas of bribery. Risks should be documented in the departmental risk register and reviewed regularly.
* **Due Diligence:** the VCEG will oversee due diligence relating to proposed major academic or financial collaboration and any activity where there is a significant risk of bribery, ensuring that the anti-bribery policy is considered in all agreements.
* **Accurate Record Keeping:** Accurate records and financial reporting will be maintained for all activities and by all third parties acting on behalf of the University.
* **Communication:** Updates to this policy will be communicated to all staff. All new starters at the University will be made aware of the requirement to adhere to this policy.
* **Whistleblowing:** – see below
* **Action in response to suspected bribery:** In such situations an investigation into suspected fraud will be carried out by the University. This may involve a police investigation and may lead to action being taken against the individual. Where a case of bribery is proven against a member of staff, this is viewed as gross misconduct and may lead to dismissal. A case of bribery by a student will be addressed in line with the current Student Regulations. It may result in the termination of studies and the withholding of an academic award.
* **Register of Bribery & Fraud Cases:** A register of all cases or attempted cases of bribery will be maintained by the Secretary & Clerk to the Governors. The register will inform risk assessments.

**Raising Concerns and Seeking Guidance**

The University’s [Whistle Blowing Policy](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx) provides details of how to disclose incidents (or suspected incidents) of bribery, and how to seek advice on such issues.

**Related Policies**

[Counter Fraud and Corruption Policy](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx)

[Anti-Money Laundering Policy](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx)

[Gifts and Hospitality Policy](https://www.cardiffmet.ac.uk/about/policyhub/Pages/default.aspx)