

REGISTRATION AND DECLARATION OF INTERESTS

POLICY AND PROCEDURES FOR STAFF WITH
BUDGETARY AUTHORITY AND/OR INFLUENCE OVER
BUSINESS/PROCUREMENT DECISIONS

Introduction

1. It is a requirement that members of staff with budgetary authority and/or influence over University business/procurement decisions declare any potential conflict of interest from their position within the University on the one hand, and membership of or connection with other bodies and individuals inside or outside the University on the other. This requirement is consistent with the University's commitment to the *Nolan Principles of Public Life* (Appendix A). In this context the Council, as the University's governing body, has authorised that there shall be a Register of Staff Interests maintained by the Governance Office and that additional specific requirements should operate in relation to declarations of interest that may need to be made on an *ad hoc* basis. The University's policy and procedures for the registration and declaration of interests are set out below, and their requirements must be adhered to at all times.
2. The procedures apply equally and specifically to all individuals in the following groups:
 - a. Officers of the University as defined in the Statutes;
 - b. Members of the governing body (Council);
 - c. Heads of the Divisions of Professional Services;
 - d. Heads, Directors, and similarly titled staff, of Administrative Offices, Services, Trading Operations, and other distinct units;
 - e. University employees who are Directors, Shareholders or Executive Officers of University Companies;
 - f. Heads of College;
 - g. Heads, Directors, and similarly titled staff, of Academic Departments, Schools, Research Centres or other distinct units;
 - h. College Directors of Operations;
 - i. Residential Support Officers (Halls of Residence);
 - j. Secretaries of committees or groups with significant spending authority and/or influence over significant procurement and other business decisions, as defined by the Registrar and Secretary;
 - k. Any other named positions as may be specified by the University.
3. For the avoidance of doubt, the current list of all University posts and positions specifically covered by groups a) to k) above is set out on the accompanying Schedule to this policy (Appendix B).
4. It is important to understand that the requirement for impartiality and declaration of interest applies to the conduct of *all* members of staff of the University, not just to the postholders covered specifically by these procedures. This is particularly important in the case of operational staff with budgetary responsibility or influence over the University's procurement of goods, works or services, who might otherwise not be aware of the University's policy regarding conflicts of interest. **HEADS OF DIVISION AND HEADS OF ACADEMIC DEPARTMENTS/SCHOOLS MUST THEREFORE CONSIDER WHETHER THIS POLICY ALSO APPLIES TO ANY OTHER MEMBERS OF THEIR STAFF NOT SPECIFICALLY COVERED BY GROUPS a -k OF APPENDIX B. SUCH STAFF MUST BE REQUESTED BY THE HEAD OF DIVISION OR ACADEMIC DEPARTMENT TO REGISTER THEIR INTERESTS OR SUBMIT A NIL RETURN, AS APPROPRIATE, IN ACCORDANCE WITH THE PROCEDURES SET OUT IN THIS DOCUMENT.**

5. Declaring conflicts of interest is the responsibility of the individual concerned. Therefore, all postholders covered specifically by this policy, and any other individuals identified by the Head of Division or Department/School, are required to make an annual registration of interests declaration to the University, including in all cases where this is a 'Nil' return. A form for this purpose will be provided annually by the Governance Office to each individual and this must be completed and returned by the date given on the form. The information provided on the form will then be held as an entry on the Register of Staff Interests (see Section 6 for more information).

The Register of Staff Interests

6. The Governance Office will maintain the Register of Staff Interests in which any third party financial or non-financial interests must be registered if the staff member considers that a conflict of interest could arise, or be perceived by others (whether fairly and accurately or not) to arise. The Governance Office will share the Register of Interests with appropriate offices within the University, including the Procurement Unit. It is not possible to provide a comprehensive list of all potential conflicts, and individuals will need to use their own judgement when deciding whether their responsibilities within the University and within other bodies have the potential to conflict. However, clear and substantial conflicts of interest are most likely to arise, for example, from:
 - a. Directorships of companies or organisations which are doing or are likely to seek to do business, or are competing or likely to compete, with the University or with any of its associated companies;
 - b. Employment by companies or organisations which are doing or are likely to seek to do business, or are competing or likely to compete, with the University or with any of its associated companies;
 - c. Significant shareholdings in companies or organisations which are doing or are likely to seek to do business, or are competing or likely to compete, with the University or with any of its associated companies ('significant' in this context meaning 20% or more of the issued share capital);
 - d. Private consultancy undertaken by individual members of staff outside of the University. This consultancy does not use University equipment or facilities. The individual is the contractor and is responsible for all financial, legal and insurance arrangements for the activity. The University's Consultancy Policy can be found [here](#).

(Consultancy is defined as the provision of expert advice and work which, while it may involve a high degree of analysis, measurement or testing, is crucially dependent on a high degree of intellectual input from the individual to the client, without the creation of new knowledge.)
 - e. Paid or unpaid positions or connections with other educational institutions, including universities, colleges and schools (including external examining);
 - f. Paid or unpaid public appointments or elections to office;
and
 - g. Where the member of staff's partner or other close relative has a direct financial interest, including employment, directorships or significant shareholdings, in a company or organisation which is doing or is likely to seek to do business, or compete, with the University or any of its associated companies ('significant' in this context meaning at least 20% of the issued share capital).

7. A nil return should be made where no such conflicts of interests can be identified. Members of staff are required to notify the Governance Office (email to registerofinterests@leicester.ac.uk) of any substantive changes in their registration whenever they occur, and the information held will be referred to the registered persons annually for amendment.
8. The Register of Staff Interests will be available for inspection by Officers of the University (as defined in the Statutes), to members of Council, to administrative staff responsible for servicing committees and sub-committees of Council, to the University's Head of Procurement, and to the internal and external auditors. The Registrar and Secretary may, at their discretion, make the Register available to other members of the University, and to members of the public, provided they are satisfied that the enquiry is justified.

Declaration of Interests

9. If a member of staff has any clear and substantial financial or non-financial interest, direct or indirect, in any matter under his or her consideration he or she must, at the earliest possible opportunity, disclose the fact to the Chief Financial Officer, whether or not that interest is included in the Register of Staff Interests. In such cases the Chief Financial Officer will be responsible for giving further consideration to the matter in relation to which the member of staff has a conflict of interest, and for reaching a decision thereon. Where an interest involves a direct or indirect financial interest it will normally be necessary for the member of staff to withdraw from involvement in further consideration of that matter.
10. The Chief Financial Officer must disclose their interests in any matter as outlined above to the Registrar and Secretary. The Registrar and Secretary must disclose their own interests in any matter as outlined above to the President and Vice-Chancellor. The President and Vice-Chancellor must disclose their own interests in any matter as outlined above to the Chair of Council. In each case the senior officer will be responsible for giving further consideration to the matter in relation to which the member of staff has a conflict of interest, and for reaching and documenting a decision thereon.
11. A member of staff who has a clear and substantial interest in a matter under consideration at any University meeting at which they are present, must declare that immediately, whether or not that interest is included in the Register of Interests. Where such an interest carries a direct or indirect financial benefit the member of staff should not speak, participate in or otherwise seek to influence any decision relating to the matter under discussion and, if requested to do by the Chair, must withdraw from the meeting.
12. In all circumstances, members of staff must ask themselves whether members of the public, in possession of the facts (or apparent facts) of the situation, could reasonably conclude that the interest involved might influence the approach taken by them in reaching their decision. If so, the interest must be deemed to be sufficient for the member of staff concerned to notify their senior officer and to withdraw from involvement in further consideration of that matter.
13. The University requires its members of staff to act in the best interests of the University at all times and to act with care and impartiality in all dealings with other parties. To assist in achieving these requirements, guidance on the University's policy on the giving and acceptance of gifts and hospitality and also its policy on the prevention of bribery and corruption is contained in the *Financial Regulations* (and attached here as Appendices C and D). These apply to all aspects of the University's activities but are often identified in relation to procurement activities.
14. Any member of staff who is to be involved in a procurement exercise, for example drafting the specification requirement, establishing the tender evaluation criteria, evaluating the tender and/or making the contract award decision, must declare any potential conflict of interest before the exercise commences. A separate *Conflict of Interest Declaration* Form is provided for this

purpose and is available from the Procurement Unit. The *Tender Acceptance and Waiver to Procurement Rules* forms, which require completion for approval to award a contract, include a Conflict of Interest section to be filled out by any members of staff involved in the procurement exercise and/or contract award decision.

15. Members of staff must take care not to solicit or recommend any person for employment by the University or for admission to it, other than through the proper procedures, and must disclose if a candidate is related to them by family when providing testimonials of a candidate's ability, experience or character.
16. Members of staff must decline to participate in those committees, working parties or other bodies where there is a clear possibility that conflict of interest may arise on a regular basis.
17. UK law protects political beliefs as a special category of personal data and therefore the disclosure of political affiliation is not required, unless strictly necessary. Membership alone would rarely create a conflict with academic, managerial or governance responsibilities and therefore, individuals are not required to declare this information. Office holders, candidates or those with politically influential roles should declare interests, as conflicts could arise.

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THE SEVEN PRINCIPLES OF PUBLIC LIFE

FROM THE REPORT OF THE COMMITTEE FOR
STANDARDS IN PUBLIC LIFE
(THE NOLAN REPORT)

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that may influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all their decisions and the actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

UNIVERSITY OF LEICESTER

REGISTER OF INTERESTS

Schedule of posts and positions specifically covered by the Register of Interests Policy

- a. Officers of the University as referenced in the Charter, Statutes and Ordinances:
 Chancellor
 Pro-Chancellors
 President and Vice-Chancellor
 Provost and Deputy Vice-Chancellor
 Deputy Vice-Chancellor (Professional Services)
 Treasurer
 Pro-Vice-Chancellors and Heads of College
 Pro-Vice-Chancellors
 Dean of the Doctoral College
 University Librarian
 Registrar and Secretary
- b. Members of the Governing Body (Council)
- c. Heads of the Divisions of Professional Services:
 Chief Financial Officer
 Director of Advancement
 Director of Estates and Campus Services
 Director of External Relations
 Director of Human Resources
 Director of Strategy and Planning
 Registrar and Secretary
- d. Heads, Directors, and similarly titled staff, of Administrative Offices, Services, Trading Operations, and other distinct units:
 AccessAbility Centre
 Accommodation
 Advancement
 Attenborough Arts Centre
 Biomedical Services
 Careers and Employability
 Catering
 Communications
 Conference Services
 Corporate Events Team
 Counselling
 Digital Services
 Doctoral College
 Equity, Diversion and Inclusion
 Events
 Examinations and Assessment
 Future Students
 Global Partnerships
 Health and Wellbeing (Staff and Students)
 Information Assurance Services
 Insurance Services
 International Training and Education
 Learning and Teaching Room Support (Audio Visual Services)
 Legal, Governance and Information Services
 Library and Learning Services (Librarian and Deputy Librarian)
 Marketing and Communications

Occupational Health
Operational Finance
Philanthropy
Planning
Print Services
Procurement Unit
Research and Enterprise
Safety Services
Sport and Active Life
Staff Learning and Development
Student and Academic Services
Student Support Service/Welfare
Study Abroad
Timetabling
ULAS (University of Leicester Archaeological Services)

e. University employees who are Directors, Shareholders or Executive Officers of University Spin-Out companies/Businesses/Associated Companies, including:

University of Leicester Food and Drink
Museum Data Service
National Space Centre
Perpetual Atomics Ltd
Tozaro

f. Heads of College:

Business
Life Sciences
Science and Engineering
Social Sciences, Arts and Humanities

g. Heads, Directors, and similarly titled staff, of Academic Departments, Schools, Research Centres, Institutes and other distinct units:

Accounting and Finance
Archaeology and Ancient History
Arts, Media and Communication
Biological Sciences
Cardiovascular Sciences
Centre for Artificial Intelligence, Data Analytics and Modelling
Centre for Exoplanet Research
Centre for Palaeobiology and Biosphere Evolution
Centre for Sustainable Materials Processing
Centre for Sustainable Resource Extraction
Centre for Cancer Research
Centre for Diabetes Research
Centre for Environmental Health and Sustainability
Centre for Humanity and Space
Centre for Microbial Sciences and Infectious Diseases
Centre for Phage Research
Centre for Endangered Archaeology and Heritage
Centre for European Law and Internationalisation
Centre for Hate Studies
(Stanley Burton) Centre for Holocaust Studies
Centre for International Training and Education
Centre for Material Worlds Past and Present
Centre for Medieval Research
Centre for Museums and Galleries
Centre for Regional and Local History
Centre for Urban History
Centre for Victorian Studies

Chemistry
Clinical Trials Unit
Computing and Mathematical Sciences
Criminology, Sociology and Social Policy
Dalian, Leicester Institute
Economics
Education
Engineering
Genetics, Genomics and Cancer Sciences
Geography, Geology and the Environment
Healthcare
Heritage and Culture
History, Politics and International Relations
Institute for Advanced Studies
Institute for Digital Culture
Institute for Environmental Future
Institute for Excellence in Healthcare
Institute for Inclusivity in HE
Institute for Policy
Institute for Precision Health
Institute for Space
Institute for Structural and Chemical Biology
Leicester Law School
Leicester Medical School
Management
Marketing and Strategy
Medical Sciences
Midwifery
Molecular and Cell Biology
Museum Studies
Physics and Astronomy
Population Health Sciences
Psychology and Vision Sciences
Respiratory Sciences
Space Park Leicester

h. College Directors of Operations:

Business
Life Sciences
Science and Engineering
Social Sciences, Arts and Humanities

i. Secretaries of committees or groups with significant spending authority and/or influence over significant business decisions, as defined by the Registrar and Secretary:

Audit and Assurance Committee
College Management Boards
Council
Finance and Infrastructure Committee
Honorary Degrees Board
Investments Committee
University of Leicester Food and Drink (formerly Leicester Services Partnership)
People, EDI and Wellbeing Committee (PEDIWC)
Remuneration Committee/Senior Staff Pay Committee
Research and Enterprise Committee
Senate
University Executive Board
Senior Leadership Team

j. Other named positions

Chief Executive: University of Leicester Food and Drink

Chief Marketing and Engagement Officer

College Management Accountants:

Business

Life Sciences

Science and Engineering

Social Sciences, Arts and Humanities

Dean of the Doctoral College/Graduate Dean

Deans of Education

Deans of International

Deans of Research

Dean of Education Futures

Dean of Research Excellence

Dean of Personal Tutoring

Dean of Students

Deputy Pro-Vice Chancellors (Education/Research and Enterprise)

Deputy Secretary and General Legal Counsel

Deputy Heads of College

Director of Digital Services

Director of Operational Finance

Executive Head Chef, Catering Services

Head of Pensions

Library: Associate Director, User Services

Library: Associate Director, Resources and Information

Co-opted members of Audit and Assurance Committee and Investments Committee



GIFTS AND HOSPITALITY

Extract from the University's Financial Regulations

2.5 Gifts and Hospitality

The provision and receipt of gifts and hospitality to individual members of staff is a sensitive area for a publicly funded institution. Members of staff and members of the governing body may, on occasion, be offered gifts or hospitality simply as a mark of courtesy or gratitude. Such offers can place staff in a difficult position, since to refuse may cause offence but to accept may, in certain circumstances, be open to misinterpretation. The University has therefore drawn up the following regulations to avoid misunderstanding and to provide staff with a framework for dealing with difficult situations.

2.5.1 Receipt of Gifts

All offers of gifts, in any way connected to the University activities of a member of staff or member of the governing body, other than those of a small intrinsic value, **MUST** be declined. In this context, small intrinsic value can be taken to include gifts up to the value of £50 in any year, such as for example diaries, mouse mats or bottles of wine at Christmas.

Gifts of money or vouchers, such as book tokens (as they can be translated into cash) **MUST** always be refused, even where they have a value below £50.

Offers of gifts that have been declined **MUST** be reported by email to the Chief Financial Officer. This information will be used to identify individuals or companies who persistently offer inappropriate gifts.

Should a gift with a value of greater than £50 be sent or left for a member of staff or member of the governing body without their knowledge, then such gifts should be returned to the sender with an explanation to indicate that acceptance is not permitted under the University's Financial Regulations. Members of staff are encouraged to contact corporate organisations who are in the habit of sending regular gifts to seek removal from their distribution lists. Where the return of a gift would be likely to cause offense, the gift may be retained centrally by the University. In such instances departments should contact the Chief Financial Officer for instructions.

Gifts offered by students to members of staff of the University **MUST** be declined where there is **ANY** potential for conflict of interest or the appearance of conflict of interest. If students indicate that they, or their family, wish to show their appreciation to the University through philanthropic donations or gifts, they **MUST** be directed to the Philanthropy, Alumni and Community Engagement Office who will progress matters appropriately in accordance with the University's Acceptance and Refusal of Donations Policy. Small gifts given by students who have completed their studies may be accepted and retained by the University where refusal would give offence. Heads of department are authorised, on behalf of the University, to decide whether such gifts should be distributed by a raffle, retained centrally by the University or retained by the recipient. Heads of departments should maintain a record of such decisions.

2.5.2 Provision of Gifts

The provision of gifts from the University to third parties must be limited to branded University merchandise, or where circumstances are appropriate, to the presentation of flowers, chocolate, biscuits, etc. Alcohol or Tobacco are expressly prohibited as acceptable gifts from the University to third parties.

No gifts are permitted to be made to University staff or students paid for by University funds other than in the case of the University's [long service awards scheme](#).

Donations to other organisations

As a public benefit entity, the University must adhere to charity law and the use of University funds is restricted to the objectives set out in the Charter. Therefore, in the majority of cases, making donations to third party organisations is not permitted. Any proposed donations must be approved by the Chief Financial Officer.

Receipt of Hospitality

Members of staff and members of the governing body and its committees may accept meals or equivalent hospitality, only in the course of conducting University business. Offers of hospitality, outside of a working context, such as corporate hospitality events, or offers which are on a scale significantly greater than the University would be likely to provide in return, **MUST** be refused.

Any offers of hospitality that are outside that permitted under this Financial Regulation must be reported by email to the Chief Financial Officer. This information will be used to identify individuals or companies who persistently offer inappropriate hospitality.

Any member of staff who is unclear as to whether particular circumstances are appropriate should contact their line manager, who may, if necessary, contact the Chief Financial Officer for guidance.

2.5.5 Provision of Hospitality

Where the provision of hospitality is offered to visitors to the University, one of the following **MUST** be offered the business:

- College Court Conference Centre
- the catering services offered by University of Leicester Food and Drink or
- the catering services offered on NHS premises.

In the rare event that none of the above suppliers are able to provide the required service, a third party supplier such as a local restaurant may then be used. Expense claims requesting reimbursement of costs for non-University provided hospitality services will only be processed when accompanied by evidence that none of the above University services had been able to provide the required service.

In the rare event that a third party service is to be provided on University premises and food and drink brought in, the provider of the service **MUST** have been approved in advance by the Chief Executive of LSP, or their delegate.

With the exception of formal executive University events, the cost of hospitality provided should not normally exceed £40 per head on any one occasion. There is an expectation that the number of University staff should not normally exceed the number of visitors.

The following information must be collected and retained for all hospitality events.

- a) The name(s) of all attendee(s);
- b) The organisation(s) which they represent; and
- c) The reason of the hospitality (for example, "lunch following negotiation of contract").

Wherever possible the internal ordering and recharging system should be used and the above information **MUST** be included on the internal invoice. Where it is not possible to use these arrangements the expense claim form (EC1) **MUST** include the above information.

Provision of Hospitality to Students

With the exception of light refreshments at meetings and other events in which students participate as partners in their learning and career development, it is the general expectation that the provision of hospitality to students should be limited to refreshments at a welcome or post-graduation event. It is permitted to make a contribution from departmental funds to a course social event at a weekend school. All refreshments **MUST** be sourced from University of Leicester Food and Drink.

PREVENTION OF BRIBERY AND CORRUPTION



Extract from the University's Financial Regulations

2.6 Prevention of Bribery and Corruption

On 1st July 2011, the Bribery Act came into being. The Act has created a number of new bribery and corruption offences and makes it an offence either directly or through a third party to:

- offer, promise or give a bribe;
- request, agree to receive or accept a bribe;
- offer, promise or give a bribe to a foreign public official in order to obtain, or retain, business, or an advantage in the conduct of business.

In addition there is also a new corporate offence of failing to prevent bribery.

Bribery and corruption are serious criminal offences. Under the Act, offences committed by individuals can carry a maximum of 10 years imprisonment and an unlimited fine. In addition, if the University is found to have engaged in corruption then it could face an unlimited fine, face significant reputational damage and could impact of the University's future ability to conduct business.

The University recognises that such events are likely to be rare. Nevertheless it commits itself to the robust implementation of the Act to ensure that it has adequate and proportionate procedures in place for the governance of the University's business affairs.

The University requires its employees:

- to act in the best interests of the University at all times; and
- to act with care and impartiality in all dealings with other parties; and
- to follow The Seven Nolan Principles of Public Life As such, the University of Leicester:
 - is committed to carrying out its academic and business activities in an honest, open and ethical manner; and
 - is committed to observing the provisions of the Bribery Act 2010, in respect of its conduct both in the UK and internationally.
 - will have zero tolerance to any aspect of bribery and corruption both within the University and in respect of any third parties with whom we have dealings.

- 2.6.1 The Policy applies to all individuals working at all levels and grades, including senior managers, officers, members of the University's Council, University employees (all staff whether on permanent, fixed term or temporary employment contracts), consultants, contractors, trainees, seconded staff, homeworkers, casual workers and agency staff, volunteers, interns, sponsors or any other person associated with the University wherever located (collectively referred to as "**Workers**" within this policy).

2.6.2 Aim of Policy

The aim of this Policy is to detail how the University will implement and enforce effective systems to prevent bribery and corruption. As such the policy:-

- sets out the University's responsibilities, together with those of its Workers in observing and upholding the University's position on bribery and corruption.
- Provides information and guidance for its Workers on how to recognise and deal with bribery and corruption issues.

2.6.3 The University's responsibilities, together with those of its employees and contractors, in observing and upholding the University's position on bribery and corruption.

- The University has a responsibility to promote its overarching view on avoiding bribery and corruption. The University has made clear that it has a zero-tolerance to bribery and corruption and that any employee of the University who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct.
- In relation to non-employees and contractors engaged with the University under any other form of contractual relationship, we reserve our right to terminate such contracts in the event of breach of this policy.
- The University recognises that all its Workers have a role in the prevention and detection of bribery and corruption.
- The University's Colleges and its Divisions of Corporate Services should undertake a periodic risk assessment of the vulnerability of their operations in this area and the potential for bribery.
- The University has a responsibility to ensure that its terms of business with agents and contractors carry an avoidance of bribery provision which, if breached, will lead to termination of the contract and possible further legal action.
- Colleges and Corporate Services should keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.
- All Workers must ensure that all hospitality or gifts, either received or given, fall within the University's Gifts and Hospitality regulations as set out in section 2.7 of the Financial Regulations. Where there is an element of doubt then authority should be sought from the Registrar and Secretary.
- All Workers have a duty to declare any instances where there may be a conflict of interest in the operation or establishment of business relations with the University.
- All Workers have a duty to share any concerns they may have with the University. For employees this will initially be with their line manager. Other third parties such as contractors should raise concerns directly with the Registrar and Secretary. The line manager may require further guidance which can be obtained from the Registrar and Secretary.

2.6.4 Information and guidance for employees, and third parties on how to recognise and deal with bribery and corruption issues.

Recognition and definition of bribery

A bribe is defined as an inducement or advantage offered, promised or provided in order to influence someone to act improperly. Under the Act, improper performance entails breach of an obligation of good faith, impartiality or abuse of a position of trust. The bribe is normally to gain some form of commercial, contractual, regulatory or personal advantage. Key aspects of the act are that:

- The bribe can take the form of a financial or other advantage. In this context an advantage has its ordinary literal meaning.
- The act of offering or requesting a bribe is enough to commit an offence. It does not have to be paid or received.
- The bribe does not have to go to the person being influenced. A donation to a third party even a charity can be held to be a bribe.
- The bribe does not have to be substantial. There is no materiality threshold in the Act.
- It is no defense to say that the payment was customary in that area of the world for that activity (see facilitation payments below).
- The definition of “foreign public official” includes not just members of foreign governments but such people as state sector education employees such as teachers, police and customs officials and providers of visas

Examples of bribery or corruption in higher education are extremely rare but there follows three hypothetical scenarios:

Offering a bribe

An employee is undertaking applied research and offers to pay multiple times the normal cost to a small local testing company to play down some defects in a product for which future sales benefiting the member of staff and the University have been agreed.

This would be an offence as the employee is making the offer to induce the testing company to act improperly leading to an advantage (Financial remuneration and commercial benefit). The University could also be found to have committed an offence of failing to prevent bribery as the offer has been made by an associated person to obtain business for the University in addition to any personal benefit derived by the staff member.

Receiving a bribe

A contractor/supplier gives a family member of an employee a job, but makes it clear that in return they expect the employee to use their position to influence the chances of obtaining University business or another advantage to them in return.

It is an offence for a supplier to make such an offer. It would be an offence for the member of staff to accept the offer as it results in an advantage albeit for the benefit of a third party (the family member).

Bribing a foreign public official

An employee is recruiting overseas students and through an overseas agent makes arrangements to pay a goodwill payment to a government official so that the University can have preferential access to schools where there are high quality students who wish to undertake study in the UK.

The offence of bribing a foreign public official has been committed as soon as the offer is made. This is because it is made to gain a business advantage for the Worker and the University.

2.6.5 Facilitation Payments

In some countries it is sometimes a requirement to have to make payments or gifts of small value to junior government officials in order to speed up or facilitate a routine action or process. Such payments are unlawful under the Act and as such must not be made. The University does not permit the offer, promise or the making of a facilitation payment by any Worker carrying out business on the University's behalf. In addition all Workers should avoid any activity that may lead to, or suggest that a facilitation payment will be made by the University.

However, if a payment is being extorted or a Worker is asked to make such a payment in circumstances where there is no alternative (such as where safety or liberty are under threat) then the payment should be made. Where this happens a clear record should be made of the reason for the payment and reported to your line manager on return (for employees), who may wish to then report it to the Registrar and Secretary. Non-employees should report this to the Registrar and Secretary directly.

2.6.6 Dealing with Possible Bribery Events

The University commits itself to deal with any issues of bribery and corruption through two key principles:

- All Workers are **ENCOURAGED** to raise concerns about any issue or suspicion of malpractice at the earliest possible stage.
- The Registrar and Secretary is the University's Compliance Officer for Prevention of Bribery Act. In addition, the Registrar and Secretary also has a key role in the University's Policy on Whistle-blowing. In the event that an employee has concerns that acts of bribery or corruption are being committed they may wish to bring forward their concerns under the protection offered through that policy.
- Where an employee has concerns, these should be raised, in the first instance, with the employee's line manager. If those concerns involve the employee's line manager, then the Registrar and Secretary should be contacted directly. Non-employees should approach the Registrar and Secretary directly.
- The University is committed to ensuring that **NO ONE SUFFERS DETRIMENTAL TREATMENT** as a result of reporting, in good faith, their suspicion that an actual or potential offence of bribery has taken place. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If an employee believes that they have suffered any such treatment, they should inform their line manager who will in turn inform the Registrar and Secretary. If the matter is not remedied, the employee may then raise it formally using the University's Grievance Procedures. Non-employees should approach the Registrar and Secretary directly.

2.6.7 Further Information

- All Workers are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.
- Workers are invited to comment on this policy and suggest ways in which it might be improved. Comments and suggestions and queries should be made to the Registrar and Secretary.
- This policy does not form part of any employee's contract of employment, and it may be amended from time to time.

