

# 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 Corporate 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, Centres and 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 Chief Operating Officer;
  - 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 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, 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.

(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;
- 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 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 Chief Operating Officer may, at his or her discretion, make the Register available to other members of the University, and to members of the public, provided he or she is 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 Director of Finance, whether or not that interest is included in the Register of Staff Interests. In such cases the Director of Finance 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 Director of Finance must disclose his or her interests in any matter as outlined above to the Registrar and Chief Operating Officer. The Registrar and Chief Operating Officer must disclose his or her own interests in any matter as outlined above to the President and Vice-Chancellor. The President and Vice-Chancellor must disclose his or her 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 himself or herself in reaching his or her decision. If so, the interest must be deemed to be sufficient for the member of staff concerned to notify his or her 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.

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**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 STAFF INTERESTS

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

a. Officers of the University as defined in the Statutes:

Chancellor  
Pro-Chancellor  
President and Vice-Chancellor  
Provost  
Treasurer  
Pro-Vice-Chancellors  
Registrar and Chief Operating Officer  
Librarian

b. Members of the Governing Body (Council)

c. Heads of the Divisions of Corporate Services:

Student and Academic Services  
Estates and Campus Services  
Finance  
Human Resources  
IT Services  
External Relations  
Research and Enterprise

d. Heads, Directors, and similarly titled staff, of Administrative Offices, Services, Trading Operations, and other distinct units:

AccessAbility Centre  
Accommodation  
Admissions  
Attenborough Arts Centre  
Biomedical Services  
Campus Services  
Career Development Service  
Catering  
Conference Services  
Corporate Events  
Counselling  
Development and Alumni Relations  
English Language Teaching Unit  
External Relations (Marketing Communications)  
Equalities Unit  
Graduate School  
International Office  
Learning and Teaching Room Support (Audio Visual Services)  
Legal Services  
Leicester Learning Institute  
Library (Librarian and Deputy Librarian)  
Planning  
Press and Corporate Communications  
Print Services  
Procurement  
Research and Enterprise

Residential and Commercial Services  
Safety Services  
Sport and Active Life  
Student Support Service  
ULAS (University of Leicester Archaeological Services)  
Welfare

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

ASDEC  
Axendos  
College Court Conference Centre Ltd  
East Midlands Incubation Network  
Gamma Technologies  
Haemostatix  
Lachesis  
Leicester Services Partnership  
MIP Diagnostics Ltd  
National Space Centre  
OCB Media  
Open Brain Ltd  
Scionix  
Spectral ID Ltd

f. Heads of College:

Life Sciences  
Science and Engineering  
Social Sciences, Arts and Humanities

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

Archaeology and Ancient History, School of  
Arts, School of  
Biological Sciences  
Business, School of  
Cancer Studies  
Cardiovascular Sciences  
Chemistry  
Criminology  
Diabetes Research  
Education, School of  
Engineering  
Genetics  
Geography, Geology and the Environment, School of  
Health Sciences  
History, Politics and International Relations, School of  
Infection, Immunity and Inflammation  
Informatics  
Interdisciplinary Science  
Leicester Law School  
Mathematics  
Media and Communication and Sociology, School of  
Medical Education  
Medical Humanities

Molecular and Cell Biology  
Museum Studies, School of  
Neuroscience, Psychology and Behaviour  
Physics and Astronomy

- h. College Directors of Operations:  
College of Life Sciences  
College of Science and Engineering  
College of Social Sciences, Arts and Humanities
- i. Halls of Residence:  
Residential Support Managers
- j. Secretaries of committees or groups with significant spending authority and/or influence over significant business decisions, as defined by the Registrar and Chief Operating Officer:  
Audit Committee  
Leicester Innovation Advisory Board  
College Court Company Secretary  
College Management Boards  
Council  
Enterprise Strategy, Policy and Performance Committee  
Finance Committee  
Investments Committee  
Remuneration Committee/Senior Staff Pay Committee  
Research Strategy, Policy and Performance Committee  
University Leadership Team
- k. Other named positions  
RACS, Director of Commercial Services  
RACS, Deputy Director  
Executive Head Chef, Catering Services  
College Management Accountants:
  - College of Life Sciences
  - College of Science and Engineering
  - College of Social Sciences, Arts and HumanitiesDirector of Campus Services  
Deputy Director of Finance (Operations and Commercial Finance)  
Deputy Director of Finance (Financial Planning and Reporting)  
Deputy Director of Finance (Pensions Strategy)  
Head of Procurement  
Library Head of Public Services  
Library Head of Collections and Information Systems  
Chief Executive, The University of Leicester and Leicester Students' Union Services Partnership  
Co-opted members of Audit 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 Director of Finance ([mr83@le.ac.uk](mailto:mr83@le.ac.uk)). 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 organizations 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 Director of Finance 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 Development and Alumni Relations 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 authorized, 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.

### 2.5.3 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 outwith that permitted under this Financial Regulation must be reported by email to the Director of Finance ([ch132@le.ac.uk](mailto:ch132@le.ac.uk)). 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 Director of Finance for guidance.

### 2.5.4 Provision of Hospitality

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

- the University's Residential and Commercial Services Division;
- the College Court Conference Centre
- the catering services offered by the Students' Union; or
- 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 Residential and Commercial Services.

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.

Where hospitality is provided by the University away from Leicester, necessary hospitality costs will be reimbursed on production of receipts. These costs should not normally exceed £40 per head on any one occasion. Prior approval should be sought from the Director of Finance where it is clear that these limits may be breached when the hospitality is being arranged. Director of Finance is permitted under the regulations to limit excessive claims to the £40 limit. There is an expectation that the number of University staff should not exceed the number of third parties. Reimbursement claims, which must be made on the expenses claim form (EC1) **MUST** include the following information:

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

The University will not reimburse costs incurred on hospitality offered at the home of members of staff. Nor will it reimburse gifts or financial contributions in recognition of hospitality offered by third parties to members of staff, for example where members of staff stay the homes of friends in the locality of University business visits. Both of these are deemed by the University to be private arrangements.

#### 2.5.5 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 the University's Residential and Commercial Services Division.



## PREVENTION OF BRIBERY AND CORRUPTION

Extract from the University's Financial Regulations

### 2.6 Prevention of Bribery and Corruption

#### 2.6.1 Summary

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:

<b>Selflessness;</b>	<b>Integrity;</b>	<b>Objectivity;</b>
<b>Accountability;</b>	<b>Openness;</b>	<b>Honesty;</b>
<b>Leadership.</b>		

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.

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 Background

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.

### 2.6.3 Aim of the 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.

### 2.6.4 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 2.5** of these Financial Regulations. Where there is an element of doubt then authority should be sought from the Registrar and Chief Operating Officer.
- 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 Chief Operating Officer. The line manager may require further guidance which can be obtained from the Registrar and Chief Operating Officer.

## 2.6.5 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 defence 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 the following hypothetical examples provide a flavour:-

#### ***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 his/her 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.*

#### 2.6.6 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 Chief Operating Officer. Non-employees should report this to the Registrar and Chief Operating Officer directly.

#### 2.6.7 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 Chief Operating Officer is the University's Compliance Officer for Prevention of Bribery Act. In addition, the Registrar and Chief Operating Officer 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 Chief Operating Officer should be contacted directly. Non-employees should approach the Registrar and Chief Operating Officer 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 he/she has suffered any such treatment, he/she should inform their line manager who will in turn inform the Registrar and Chief Operating Officer. 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 Chief Operating Officer directly.

#### 2.6.8 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 Chief Operating Officer.
- This policy does not form part of any employee's contract of employment, and it may be amended from time to time.