

SWANSEA UNIVERSITY

Prevention of Bribery – Policy Statement

All staff, students and persons associated with the University as a result of being an employee, agent, intermediary, representative, business partner or supplier, or through another role such as a subsidiary must conduct business on behalf of the University honestly and without the use of bribery or corrupt practices in order to gain an unfair advantage.

Swansea University has a zero tolerance policy with regard to bribery and corruption and is committed to the highest levels of openness, integrity and accountability.

The University Council has approved a Code of Conduct (annex A) which applies to all employees and other individuals or organisations who perform services for or on behalf of the University. In addition, the Council has approved a Code of Conduct (annex B) for third parties performing services for or on behalf of the University. This statement will be incorporated into contracts for the supply of services.

Any breach of the policy will be treated as a serious disciplinary offence which may lead to dismissal.

This policy statement and associated codes of conduct will be subject to regular review.

Swansea University Bribery Act Code of Conduct / Policy Statement

[1] The University is committed to the prevention of bribery and will not tolerate bribery or other improper conduct, both inside the United Kingdom and abroad, by employees or other individuals or organisations who perform services for or on behalf of the University.

[2] The University is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of the funding bodies and the standards in public life.

Purpose and Scope

[3] The Code of Conduct applies to all employees.

[4] The guiding principles to be followed at all times by employees must be:

- their conduct should not knowingly create the suspicion, reasonably held, of any conflict between their official duty and their private interest;
- their actions must not be influenced by a benefit (e.g. a gift or hospitality) offered or received to show favour or disfavour to any person or organisation, and nor should they give the impression (to any member of the public, or to any organisation with whom they deal, or to their colleagues) that they have been (or may have been) influenced by a benefit offered or received to show favour or disfavour to any person or organisation;
- their actions must not induce or reward someone to perform a role or function improperly.

Responsibilities of employees

[5] Employees should not accept any gifts, rewards or hospitality (or have them given to members of their families) from any organisation or individual with whom they have contact in the course of their work that would cause them to reach a position whereby they might be, or might be reasonably deemed by others to have been, influenced in making a business decision as a consequence of accepting the gift or hospitality.

[6] While there is no requirement to report one-off token gifts (of a value up to £20), employees should seek advice from their line manager if:

- they are offered or receive gifts of higher value; or
- they receive a succession of small gifts within a short period of time; or
- otherwise have any concern that there is an intention to influence them to change their behaviour or act improperly.

In such circumstances, the employee should record the offer and/or acceptance of the gift promptly in writing to their Head of College /Director of Professional Service (or other appropriate manager).

[7] Where hospitality is offered, the frequency and scale of hospitality accepted should not be significantly greater than the University would be likely to provide in return. If the frequency or scale of hospitality offered or provided is such that the employee has any concern that there is an intention to influence them to change their behaviour or act improperly, they should seek advice from their line manager and record the offer and/or acceptance of the gift promptly in writing to their Head of College /Director of Professional Service.

[8] The tests to be applied are:

- whether in all the circumstances - recognising (where appropriate) cultural expectations and accepted standards within the sector - the gift or hospitality is reasonable and justifiable; and
- what is the intention behind the gift.

When it is not easy to decide between what is and what is not acceptable in terms of gifts or hospitality, advice should be sought from the employee's line manager.

[9] Depending on the circumstances, the appropriate action may be to:

- accept and keep the gift or hospitality;
- accept the gift but raffle it among colleagues and donate the money to charity;
- accept the gift but share it with colleagues;
- politely decline the gift or hospitality;
- make clear to the donor that the recipient of the gift will not be involved in decision making relating to business relations between the University and the donor.

[10] Employees should also take account of their responsibilities under other related University policies and procedures, including:

- [Fraud Policy](#)
- [Public Interest Disclosure Policy](#) and [Procedure](#)
- [Code of professional conduct: Relations between staff and students and between staff](#)
- [Financial Regulations relating to Procurement](#), the [Procurement Policies and Procedures](#)

[11] The prevention, detection and reporting of bribery and other forms of corruption and improper conduct are the responsibility of all employees. All individuals covered by this Code of Conduct are required to avoid any activity that might lead to, or suggest, a breach of this Code of Conduct.

[12] Employees have a responsibility to the University to report to their College Head/Director of Professional Service (or other notified manager) any concerns they may have about possible breaches of this Code of Conduct, including potential improper conduct by individuals or organisations outside the University (for example, potential suppliers, donors or students). The Public Interest Disclosure Procedure should be used if it is not appropriate to report concerns to the College Head/Director of Professional Service.

[13] Employees who breach this Code of Conduct are liable for disciplinary action which may lead to their dismissal.

Notes

(1) Under the Bribery Act 2010, a bribe is a ‘financial or other advantage’ offered, promised or given to induce a person to perform a relevant function or activity improperly, or to reward them for doing so. The Act makes it a criminal offence to:

- offer, promise or give a bribe
- request, agree to receive or accept a bribe
- bribe a foreign public official to obtain or retain business or a business advantage
- (by an organisation) fail to prevent bribery by those acting on its behalf (‘associated persons’) to obtain or retain business or a business advantage for the organisation.

Small payments made to government officials or others to make something happen, or happen sooner, (commonly called facilitation payments) are likely to be bribes and unlawful under the Act.

(2) This includes temporary workers, other individuals paid by claim and agency worker (hereinafter referred to as ‘employees’). The University has a similar statement for third parties who perform services for or on behalf of the University.

(3) A register of gifts offered and/or received, other than one-off token gifts which do not have to be reported, will be maintained by the University for audit purposes.

Swansea University Bribery Act Code of Conduct

Examples of behaviour which may be considered as bribery under the Bribery Act

A student in a Hall of Residence gives a box of chocolates to the cleaner who cleans his room, with a note saying “Thank you for cleaning my room so well”. This is a token gift, so the cleaner is not required to report it to her manager. A little while later, he leaves another box of chocolates and a few weeks later he gives her a bouquet of flowers. The next time he sees her, he asks if she will clean his room first. The succession of token gifts may be inappropriate, so the cleaner should consider discussing this with her manager. The request to give favourable treatment to the student is inappropriate and should be reported to the cleaner’s manager.

A manager at the University who has overall responsibility for the procurement of a service which is currently subject to re-tender is approached by the current supplier and offered (at the expense of the company) a day trip to London, including lunch in Harrods and a trip on the London Eye. The company says the offer is “to cement and say thank you for our longstanding business relationship”. This could be interpreted as an attempt to influence the University’s actions in the current tendering and should be refused.

While on a field trip to country XYZ with students, the member of staff organising the trip makes a payment in cash to immigration officials at the airport to enable the students to move through immigration and begin their trip more quickly. This is a facilitation payment which is likely to be unlawful under the Act. The member of staff and the University would be liable for prosecution and the University may take disciplinary action against the employee.

An International Officer has indicated to an overseas agent that he is underperforming against targets and needs to meet to discuss this. The agent arranges the meeting so that it takes place in the late afternoon. The International Officer makes clear that the agent’s performance is such that there is serious doubt as to whether the contract will be renewed when it expires. The agent is apologetic, offers some reasons for underperformance, and offers to take the Officer out for a ‘quick bite to eat’ as it is the end of the day, and there are still one or two things he’d like to discuss. The ‘quick bite’ turns out to be dinner at an expensive restaurant, with plenty of food and drink on offer. The Officer indicates that the level of hospitality is inappropriate, but the agent insists that such hospitality is a cultural norm for his country. Towards the end of the meal, the agent presents the Officer with an expensive gift-wrapped watch as a token of his esteem for the University and to show his intention to try harder in order to meet his targets. While it may be unreasonable in the circumstances in which she has been placed for the Officer to refuse the meal, she should politely refuse the watch and make clear to the agent that the University’s standards of conduct prevent her accepting such a gift.

She should ensure that she reports the incident to her line manager at the earliest opportunity and advise the agent that she will be making such a report in accordance with the University's standards of conduct.

Dr A, an alumnus of the University who is now the Chief Executive of a successful company, arranges for his company to sponsor a number of research fellowships in the subject he studied at the University. Shortly after this, he contacts the University about his son's application to study at the University and reminds the Admissions' Tutor of his company's generous donation. This could be construed as an attempt to bribe the University and should be referred to his/her line manager.

Following a lecture at the end of the day, Dr B, a male Senior Lecturer, finds himself walking away from the Campus with a female student, Miss C, who has just attended his lecture. His journey home takes her past her house and she invites him in for coffee. After some small talk, Miss C raises the subject of his assessment of her assignment for the module he has been teaching. She explains how hard she has worked on the assignment and how important a good mark is to her. She hopes that Dr B will take this into consideration. She suggests to Dr B that "it would be worth your while" to ensure that she has a good mark for her assignment. This could be construed as an attempt to bribe Dr B. Dr B should advise Miss C that it is not appropriate for him to discuss this with her and politely excuse himself. He should advise a senior manager in the College of the conversation at the earliest opportunity.

A University Fundraiser visits a charitable foundation and takes the decision maker out to lunch to discuss a proposal for a significant gift. After lunch, the Fundraiser presents the decision maker with a bottle of champagne, University-branded champagne flutes and tickets to the theatre. Whilst buying lunch for the decision maker can be defended as common practice in fundraising, the intrinsic value of the additional gifts make them less defensible and they can be construed as an incentive for the decision maker to act improperly, therefore they should not be made.

A foreign government official visits the campus as part of initial discussions to fund a new University facility. The University pays for accommodation, dinner at a good hotel, transfers to and from the University, and presents the donor with a framed photograph of the University and University-branded cufflinks. This would be considered as common practice and within acceptable limits. However, paying for flights and giving personal gifts of significant value would not, and could be interpreted as a bribe.

Swansea University anti-bribery policy statement for third parties performing services for or on behalf of the University

- (1) The University's Financial Policy and Procedures sets out the University's intentions to maintain high ethical standards across all its activities.
- (2) The University expects every business and individual performing services for it or on its behalf to do so in an honest and professional manner.
- (3) The University does not tolerate any form of bribery, whether direct or indirect, by its agents, consultants, contractors, suppliers, subsidiaries, joint venture partners and any other third parties performing services for or on behalf of the University.
- (4) All such third parties must comply with the University's standards with regard to bribery and with the requirements of the Bribery Act 2010, and must ensure that their staff are required to comply with those standards and requirements and receive appropriate training. The University may require a written assurance from a third party of their compliance with the University's standards and the requirements of the Act, including details of the anti-bribery measures that they have taken.
- (5) Under the Bribery Act, a bribe is a "financial or other advantage" offered, promised or given to induce a person to perform a relevant function or activity improperly, or to reward them for doing so. The Act makes it a criminal offence to:
 - offer, promise or give a bribe
 - request, agree to receive or accept a bribe
 - bribe a foreign official to obtain or retain business or an advantage in the conduct of business
 - (by an organisation) fail to prevent bribery by those acting on its behalf in the UK or abroad to obtain or retain business or an advantage in the conduct of business for the organisation.

Small payments made to government officials or others to make something happen, or happen sooner (commonly called facilitation payments) are likely to be unlawful bribes.

Individuals should note that bribery is a criminal offence in the UK that may result in up to 10 years' imprisonment and/or an unlimited fine for the individual and an unlimited fine for the organisation on behalf of which the bribery offence is committed.

- (6) As part of its anti-bribery measures, the University is committed to proportionate, reasonable and bona-fide hospitality and promotional expenditure. The frequency and scale

of any hospitality accepted by a third party should in general not be significantly greater than they or the University would be likely to provide in return. Any expenditure which does not comply with this principle must be authorised in advance by the appropriate University manager.

(7) The University will not conduct business with third parties that do not support the University's anti-bribery objectives.

(8) The University reserves the right to terminate its contractual arrangements with any third party providing services for or on behalf of the University with immediate effect and without compensation for any loss where there is reasonable evidence that they/their staff have committed an act of bribery. Where appropriate, the University will include terms in its contracts with third parties requiring compliance with the University's standards and with the requirements of the Bribery Act.

(9) All those providing services for or on behalf of the University are encouraged to report any suspected bribery to the University to the appropriate University manager.

The appropriate University manager will be the manager who has authorised/signed the contract with the third party on behalf of the University.