

Anti-Bribery, Fraud and Corruption Policy and Procedure

1 Introduction

Whilst the University expects its employees and staff to comply with this policy, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation and negotiation with recognised trade unions.

This policy and procedure will be reviewed by the Audit Committee annually or amended in response to changes in legislation and/or case law.

2 Ownership

This policy and procedure is jointly owned and managed by the Clerk to the Board of Governors, the Finance Department and the Human Resources Department on behalf of The University of Northampton.

3 Organisational Scope

This policy is a corporate policy and applies but is not limited to all students, employees (and workers, as applicable), contractors, visitors and associates of The University of Northampton and any wholly owned subsidiaries.

4 Definitions

4.1 **Bribery** – the offer, promise, giving or taking of financial or other advantages with the intention of inducing a person to carry out his or her professional responsibilities resulting in personal, commercial, regulatory or contractual gain.

Bribes can come in many forms and may include financial donations, sponsorship, personal gifts, hospitality and entertainment, and cash.

Under the Bribery Act 2010 a criminal offence will have been committed if:

- An individual acting for or on behalf of the University
 - offers, promises or gives a bribe
 - Requests, agrees or receives a bribe
 - offers, promises or gives a bribe to a foreign public official with the intention of influencing that official in the performance of their duties.

- The University fails to prevent a bribe being paid to obtain or retain business or a business advantage.

The Bribery Act 2010 covers any associated person or body engaged in University of Northampton business, whether in the UK or overseas.

4.2 **Fraud** – the deception or dishonesty by which an individual or organisation tries to gain an improper advantage over others, whether financially or personally under the Fraud Act 2006, an individual may be guilty of fraud if they:

- makes a false representation
- fails to disclose information
- abuses their position

for the purpose of:

- making a gain for themselves or another
- causing a loss to another or to expose another to a risk of loss.

4.3 **Corruption** – the misuse of public office or a position of power to gain advantage, typically including bribery.

4.4 **Facilitation Payments** – payments requested or demanded by officials or others for carrying out, securing or speeding up routine procedures. Such payments may be considered to be ‘how business is done’ in some countries and cultures but in the United Kingdom, the law makes no distinction between facilitation payments and bribes.

5 Policy Statement

5.1 This policy and procedure is designed to ensure that the University is fully compliant with the provisions of the Bribery Act 2010 and the Fraud Act 2006, and that individuals are aware of both of the Acts, their responsibilities, and potential contractual and criminal offences caused by any breach.

5.2 The University does not tolerate acts of bribery, fraud or corruption by persons acting for it or on its behalf.

5.3 The University does not do business with persons who commit or accept acts of bribery, fraud or corruption.

5.4 The University is committed to the prevention, deterrence and detection of any such act.

5.5 Persons acting for or on behalf of the University of Northampton are required to remain vigilant to ensure that acts of bribery, fraud and corruption are avoided.

5.6 Persons acting for or on behalf of the University of Northampton are required to report any breaches or suspected breaches of this policy and procedure as soon as possible, using the procedure set out below.

5.7 The University will investigate all concerns of bribery, fraud or corruption that are reported.

5.8 Breaches of this policy and procedure are serious matters and will be dealt with in accordance with the relevant contract, legislation and/or staff policy.

5.9 Persons acting for and on behalf of the University of Northampton are prohibited from making or accepting facilitation payments.

6 Key Principles

- 6.1 Any person who has a reasonably held suspicion that bribery, fraud or corruption has taken place, is taking place or may take place at some point in the future, is required to report it (see 7.2 below for details) immediately or as soon as is reasonably practicable in accordance with the University's Whistleblowing Policy and Procedure. A reasonably held suspicion is one held on objective grounds.
- 6.2 Any person against whom a concern of bribery, fraud or corruption is raised will be treated as innocent until proven otherwise.
- 6.3 Provided that a concern is raised in good faith, and irrespective of the outcome of the investigation, a person reporting a reasonably held concern of bribery, fraud or corruption will not suffer any detrimental treatment as a result.
- 6.4 Any member of staff found to be behaving inappropriately towards an individual who has reported a concern, such as in a case of victimisation, may be subject to disciplinary action under the University's Disciplinary Policy and Procedure.
- 6.5 If a member of staff is found to have reported a vexatious, malicious or frivolous concern or reported a concern for personal gain, the University may consider disciplinary action against them in accordance with the University's Disciplinary Policy and Procedure.
- 6.6 Members of staff must not give instructions to any individual not to report concerns of bribery, fraud or corruption. Where there is evidence that such an instruction has been given, it will be addressed under the Disciplinary Policy and Procedure.
- 6.7 The University reserves the right to report matters to the Serious Fraud Office or the Police as it deems appropriate.
- 6.8 The University will not tolerate or submit to any threats related to an act or suspected act of bribery, fraud or corruption. Any threats received may be reported to the Police.
- 6.9 The University permits the acceptance of gifts, hospitality, entertainment and

donations, in accordance with the University's Acceptance of Gifts and Hospitality Policy and Procedure and the Donor Relations and Acceptance of Donations Policy and Procedure (see the University website for full details).

- 6.10 The Audit committee will approve this policy annually. The Audit Committee will also receive an annual report on fraud, bribery and corruption. This will be designed to provide assurance that incidents are reported and investigated appropriately, and that suitable counter measures are in place.

7 Procedure

Reporting a Concern

- 7.1 If an individual is concerned that an act of bribery, fraud or corruption is being considered, has taken place, is taking place, or may take place at some point in the future, he or she must report it immediately or as soon as is reasonably practicable.
- 7.2 In the first instance, concerns should be reported to Human Resources who will arrange for an investigation, as set out in the Whistleblowing Policy and Procedure.
- 7.3 Any concern reported will be treated as confidential and the individuals concerned (both those reporting a concern, and those about whom a concern is raised) will be given anonymity as long as the situation allows. However, anonymity may not be possible if it would jeopardise the investigative process.
- 7.4 Where in the legitimate course of their duties an individual has access to documents or other evidence which supports their suspicions; the individual should if possible, direct the manager appointed to investigate their concern, to these items. However, an individual should not jeopardise his or her position, or risk alerting the person under suspicion by attempting to obtain evidence which is not normally and/or readily available to him or her.
- 7.5 In the event that a facilitation payment is being demanded or a payment is forced under duress, the person must contact Human Resources as soon as

is reasonably practicable, to report the incident and to obtain support.

Investigations

- 7.6 All reports will be followed up promptly by an individual appointed by the University to conduct a comprehensive internal investigation. There may be occasions where the investigating manager is appointed from an external organisation appropriate to the allegation received.
- 7.7 Under no circumstances should an individual attempt to carry out an investigation before reporting their suspicions.
- 7.8 An individual who has reported a concern may be required to assist with the investigation. Individuals are expected to fully cooperate with investigations undertaken within this procedure and requests to attend investigation meetings may be considered a reasonable management instruction.
- 7.9 Other individuals may also be required to assist an investigation if they are deemed relevant to the situation, for example potential witnesses, and any such request may also be considered a reasonable management instruction.
- 7.10 Investigations will be conducted as quickly as possible but not to the detriment of the integrity of the investigative process.
- 7.11 Whilst members of staff against whom a concern of bribery, fraud or corruption are raised are treated as innocent until proven otherwise, it may be necessary to suspend such individuals pending the outcome of an investigation. In such circumstances, the process outlined in the University's Disciplinary Policy and Procedure will apply.
- 7.12 If following an investigation a concern is upheld, the matter will proceed via the University's Disciplinary Policy and Procedure, and may be reported to the Police/Serious Fraud Office as appropriate.
- 7.13 The investigating manager will also be responsible for making a report to the University Audit Committee which will include recommendations to strengthen internal controls to avoid a similar occurrence happening in future

11 Response to Media Enquiries

If a case of bribery, fraud or corruption attracts enquiries from the media, under no circumstances should staff members or associates of the University issue any statements related to a case, without the express authority of the Head of Public Relations and Corporate Communications. Any individual who disregards this will be subject to disciplinary action.

12 Associated Documents

- 12.1 Disciplinary Policy and Procedures
- 12.2 Code of Conduct Policy
- 12.3 Code of Conduct for Governors, External Committee Members, University Officers and Senior Post Holders
- 12.3 Financial Regulations
- 12.4 Acceptance of Gifts and Hospitality Policy and Procedure
- 12.5 Donor Relations and Acceptance of Donations Policy and Procedure
- 12.6 Whistleblowing Policy and Procedure

13 Approval Process

This policy is subject to the approval of the Audit Committee and will be reviewed by them annually.

14 Equality Impact Assessment

An Equality Impact Assessment must accompany this document.

15 Version Control

Version Control		Approval record	
Author:	Human Resources/Clerk to the Board/Finance	Approval:	

Date written:	21 November 2017	Updates:	
Current status:	Draft		
Record of Amendments			
Date	Details of Change	Approval	
21/11/17	Amalgamation of previously existing but separate policies/procedures on anti-bribery, fraud and corruption and updating to make clearer and more accessible to all readers. No changes to fundamental points within any of the previously existing documents.		