

NOTTINGHAM TRENT UNIVERSITY
ANTI-BRIBERY POLICY

1. POLICY STATEMENT

- 1.1 It is the policy of Nottingham Trent University (the "University") to conduct all of its affairs in an honest and ethical manner. The University takes a zero-tolerance approach to bribery and is committed to acting professionally, fairly and with integrity in all its business dealings and relationships wherever the University operates, and in implementing and enforcing effective systems to counter bribery.
- 1.2 The University remains bound by UK laws, including the Bribery Act 2010, in respect of its conduct both at home and abroad. In addition the University will uphold all laws relevant to countering bribery in all the jurisdictions in which the University operates.
- 1.3 The University expects colleagues and those acting on its behalf to conduct themselves at all times with the highest standards of honesty, propriety and integrity in the exercise of their duties. The University will investigate thoroughly and deal with appropriately any case of suspected bribery.

2. POLICY PURPOSE

- 2.1 The purpose of this policy is to:
 - (a) set out the University's responsibilities, and the responsibilities of those working for the University, in observing and upholding the University's position on bribery; and
 - (b) provide information and guidance to those working for the University on how to recognise and deal with bribery issues.
- 2.2 It is a criminal offence to offer, promise, give, request, or accept a bribe. Individuals found guilty can be punished by up to ten years' imprisonment and/or a fine. As an employer if the University fails to prevent bribery it can face an unlimited fine, exclusion from tendering for public contracts, and damage to its reputation. The University therefore take its legal responsibilities very seriously.
- 2.3 The University has identified the following non-exhaustive risks in this area which may arise whilst carrying out its operations:
 - In the procurement processes for the purchase of products and/or services on behalf of the University;
 - Where colleagues are working in higher risk jurisdictions on academic or commercial activities;
 - In connection with student recruitment or the award of degrees;
 - Where overseas students are recruited via agents;
 - Where the University is in partnership or a commercial venture with another organisation or a company which may perform services for the benefit of the University;

- In dealings with non UK public officials, which could include those working at state owned or controlled enterprises or other overseas education institutions or bodies; and
- In connection with donations, financial or otherwise, to the University.

To address such risks the University will:

- encourage awareness of the risk of bribery;
- provide training and guidance for colleagues to recognise bribery in the workplace;
- implement procedures to prevent, deter and detect bribery;
- encourage the reporting of actual or suspected bribery;
- promote detection and investigation of bribery; and
- take appropriate disciplinary action against perpetrators of bribery.

- 2.4 In this policy, **third party** means any individual or organisation the University comes into contact with during the course of its business, and includes actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

3. SCOPE OF THIS POLICY

This policy applies to all employees of the University, the University's Board of Governors and its Committees, and all persons or third parties working on behalf of the University in any capacity, such as, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, third-party representatives and business partners, sponsors, or any other person associated with the University, wherever located.

4. WHAT IS BRIBERY

- 4.1 **Bribery** is offering, promising, giving or accepting any financial or other advantage, to induce the recipient or any other person to act improperly in the performance of their functions, or to reward them for acting improperly, or where the recipient would act improperly by accepting the advantage.
- 4.2 An **advantage** includes money, gifts, loans, fees, hospitality, services, discounts, the award of a contract or anything else of value.
- 4.3 A person acts **improperly** where they act illegally, unethically, or contrary to an expectation of good faith or impartiality, or where they abuse a position of trust. The improper acts may be in relation to any business or professional activities, public functions, acts in the course of employment, or other activities by or on behalf of any organisation of any kind.

Examples:

Offering a bribe: You offer a potential client tickets to a major University event, but only if they agree to do business with the University.

This would be an offence as you are making the offer to gain a commercial and contractual advantage. The University may also be found to have committed an offence because the offer has been made to obtain business for the University. It may also be an offence for the potential client to accept your offer.

Receiving a bribe: A potential stationery supplier offers you a free leather executive chair, but makes it clear that in return they expect you to use your influence to ensure the University continues to order its stationery from them.

It is an offence for a supplier to make such an offer. It would be an offence for you to accept the offer as you would be doing so to gain a personal advantage.

Bribing a foreign official: You arrange for the University to pay an additional "facilitation" payment to a foreign official to speed up an administrative process, such as clearing University goods through customs.

The offence of bribing a foreign public official is committed as soon as the offer is made. This is because it is made to gain a business advantage for the University. The University may also be found to have committed an offence.

5. WHAT YOU MUST NOT DO

It is not acceptable for you (or someone on your behalf) to:

- (a) give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a commercial advantage will be received, or to reward a commercial advantage already given;
- (b) give or accept a gift or hospitality during any commercial negotiations or tender process, if this could be perceived as intended or likely to influence the outcome;
- (c) accept a payment, gift or hospitality from a third party that you know or suspect is offered with the expectation that it will provide a business advantage for them or anyone else in return;
- (d) accept hospitality from a third party that is unduly lavish or extravagant under the circumstances;
- (e) offer or accept a gift to or from government officials or representatives, or politicians or political parties;
- (f) threaten or retaliate against another individual who has refused to commit a bribery offence or who has raised concerns under this policy; or
- (g) engage in any other activity that might lead to a breach of this policy.

6. POTENTIAL RISK SCENARIOS

The following is a list of possible situations that may arise and raise concerns, and which must be reported promptly:

- (a) you become aware that a third party engages in, or has been accused of engaging in, improper business practices;
- (b) you learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a "special relationship" with foreign government officials;
- (c) a third party insists on receiving a commission or fee payment before committing to sign up to a contract with us, or carrying out a government function or process for us;
- (d) a third party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made;
- (e) a third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business;
- (f) a third party requests an unexpected additional fee or commission to "facilitate" a service;
- (g) a third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
- (h) a third party requests that a payment is made to "overlook" potential legal violations;
- (i) a third party requests that you provide employment or some other advantage to a friend or relative;
- (j) you receive an invoice from a third party that appears to be non-standard or customised;
- (k) a third party insists on the use of side letters or refuses to put terms agreed in writing;
- (l) you notice that the University has been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
- (m) a third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to us; and
- (n) you are offered an unusually generous gift or offered lavish hospitality by a third party.

7. REPORTING SUSPECTED BRIBERY

- 7.1 The University expects that any suspicion or concern of an act of bribery that has occurred, or may occur in the future, or any other breach of this policy must be raised at the earliest opportunity. Such concerns will be dealt with in confidence and in accordance with the Public Interest Disclosure Act 1998, which affords protection for colleagues who raise legitimate concerns over alleged malpractice.
- 7.2 Any suspicion or concern of an act of bribery will be dealt with in accordance with the University's [Whistleblowing \(public interest disclosure\) policy](#) and must be reported to the:
- Director of Finance; or
 - Head of Governance and Legal Services/Clerk to the Board of Governors.
- 7.3 Any allegation of bribery reported without legitimate suspicion or concern and with malicious intent may result in a separate investigation into the person making such allegation under the University's Disciplinary Procedure.

8. BREACHES OF THIS POLICY

- 8.1 Any acts of bribery by a University employee will be investigated under the University's Disciplinary process. Should a University employee have actual knowledge of an act of bribery and fail to report that in accordance with clause 7.1 above this may also result in an investigation under the University's Disciplinary process.
- 8.2 Any acts of bribery by external persons or third parties working on behalf of the University will be considered a material breach of contract and will trigger the immediate termination of such service or consultancy contracts.
- 8.3 As bribery is a criminal offence, any acts of bribery may be notified to the relevant prosecuting authorities.

9. RESPONSIBILITIES

- 9.1 The **Board of Governors** has overall responsibility for approval of this policy in accordance with its obligations to safeguard University assets.
- 9.2 The **Audit and Risk Management Committee** has delegated authority from the Board of Governors for reviewing and recommending the approval of this policy, monitoring its use and effectiveness, receiving reports on any instances of bribery and the actions taken to prevent further occurrences.
- 9.3 The **Director of Finance** has primary and day-to-day responsibility for implementing this policy, establishing internal anti-bribery control systems and ensuring they are effective in countering bribery, managing bribery risk and managing investigations into any instance of bribery.
- 9.4 **Managers** at all levels are responsible for ensuring those reporting to them understand and comply with this policy and are given adequate and regular training on it.

9.5 **Colleagues** at all levels are responsible for:

- **Acting** with propriety in their conduct of all dealings on behalf of the University;
- **Reporting** details of any suspected bribery, no matter how small;
- **Cooperating** in an investigation of suspected bribery.

9.6 **Agents** and other **third parties** must comply with the expectations of this policy and conduct themselves at all times with the highest standards of honesty, propriety and integrity in the exercise of their duties.

10. RELATED POLICIES AND REGULATIONS

The University has a number of related policies and regulations which may interact with this policy. These are:

- Purchasing Policy;
- Whistle-blowing (Public Interest Disclosure) Policy;
- Gifts and Hospitality Policy;
- Appointment of Agents and Intermediaries Policy;
- Facilitation Payments Policy;
- Anti-Facilitation of Tax Evasion Policy;
- Conflicts of Interest Policy;
- Counter Fraud Policy; and
- Financial Regulations

11. DOCUMENT GOVERNANCE

11.1 Responsibility

Policy Owner	Chief Operating Officer and Registrar
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11.2 Version Control and Change History

Version Number	Approval Date	Approved by	Amendment
1.0	14 November 2011	Board of Governors	New policy
2.0	27 November 2018	Board of Governors	Amendments re staffing changes and general additional information throughout
3.0	28 November 2023	Board of Governors	Opportunity for formal review
4.0	24 October 2024	Head of Governance and Legal Services	Minor drafting changes in accordance with section 11.3 below

11.3 **Document Review**

This policy will be reviewed annually by the Head of Governance and Legal Services in response to statutory changes, changes in University procedures or structures or as a result of the monitoring of the application of the policy.

The Audit and Risk Management Committee and the Board of Governors will also receive opportunity to consider the policy formally on a review cycle of every three years.