



UEA Anti-Bribery Policy

1 INTRODUCTION AND PURPOSE

- 1.1 Bribery can be defined as the offering, giving, receiving, or soliciting of an item of value for the purpose of influencing somebody to perform their functions or activities improperly, or reward that person for having already done so. Bribes can include money, gifts, hospitality, expenses, reciprocal favours, political or charitable contributions, for any direct or indirect benefit or consideration. Acts of bribery are not limited to cash transactions, nor does the issuing or receipt of an invoice for a corrupt payment or bribe make it legal.
- 1.2 UEA is committed to upholding high ethical conduct in all of its business activity and takes a zero-tolerance approach to bribery, together with all other forms of corruption and financial misconduct. It is a fundamental precondition that all staff, students, and other University representatives conduct business professionally and honestly, and without the use of acts of bribery or corruption to obtain an unlawful advantage. UEA's policy and aim is to fully comply with all UK legislation in relation to bribery, whilst always maintaining integrity and openness in its business dealings and relationships.
- 1.3 The University accepts that it has a duty of care to its employees and students to provide them with sufficient training and guidance to ensure that they understand both their individual responsibilities and the appropriate course of action in such instances where acts of bribery are either encouraged or suspected. This policy intends to address this responsibility through its coverage the following key areas:
 - The scope of this policy; whom it applies to and the repercussions for non-compliance (Section 2).
 - The Bribery Act 2010 and what constitutes a criminal offense (Section 3).
 - Risk management and the control procedures implemented by the University to minimise the risk of non-compliance to the UK regulatory framework (Section 4).
 - Risk assessment and the areas requiring increased due diligence (Section 5).
 - Making a report / whistleblowing (guidance for employees and students) (Section 6).
 - Summary of staff and student responsibilities in relation to anti-bribery (Section 7).

2 SCOPE

- 2.1 In accordance with The Bribery Act 2010, this Policy applies to all students, employees, and officials of the University, including directors and employees of all subsidiary undertakings. It also applies to all other persons performing services either for, or on behalf of, the University and its subsidiary undertakings, irrespective of their location, function, or grade. This includes agency workers, consultants, and contractors.
- 2.2 UEA expects all of its business partners, suppliers, agents, and sub-contractors to act with integrity and to have appropriate policies and practices in place to ensure compliance with the UK Regulatory Framework. Clauses to this effect will be included in future contracts where appropriate.
- 2.3 Failure to comply with this policy could result in UEA suffering severe reputational damage, as well as fines of unlimited value. The University could also face being blacklisted from bidding for future public contracts or grants, which could in turn have a negative impact on its future revenue streams. By consequence, The University considers any breach of this policy to be an extremely serious matter. Any internal breach will be subject to investigation under UEA's internal disciplinary procedures, which could lead to subsequent disciplinary action, including dismissal. For external individuals and bodies, breach of this policy may result in other sanctions, including the possibility of criminal prosecution.
- 2.4 This Policy intends to reassure UEA's staff, students, and all other individuals working on behalf of the University, that they will not under any circumstances be penalised for refusing an act of bribery. This statement will be upheld irrespective of the result of a refusal on any prospective bid, contract, or other business relationship.

3 THE BRIBERY ACT 2010

- 3.1 The Bribery Act 2010 ('Act') came into force in July 2011, replacing a number of older laws and creating a single comprehensive code of conduct in relation to anti-bribery. The Act defines the individual offenses in relation to bribery, whilst also placing additional responsibility on organisations to regulate both employees, representatives and related third parties (as defined at paragraphs 2.1 and 2.2 above).
- 3.2 The Act defines four criminal offenses, as set out below:
- Promising or offering a bribe (active bribery).
 - Requesting, agreeing to receive, or accepting a bribe (passive bribery).
 - Bribing a foreign public official.
 - A corporate offence of 'failure to prevent bribery' by 'persons associated with the organisation'.
- 3.3 The penalties that can be imposed under the Act are severe, with potentially unlimited fines and up to a maximum sentence of 10 years imprisonment for individuals (in relation to the first three offenses set out above).
- The fourth offence noted at Paragraph 3.2 (being the corporate offence) was a new offense introduced as part of the Act. This was introduced with the intention of placing increased responsibility on organisations to self-officiate all "associated persons" in relation to the prevention of bribery and corruption. For clarity, a person may be considered "associated" with UEA if they perform services on behalf of the University, so will include employees, agents, subsidiaries and, in certain circumstances, sub-contractors and outsourced service suppliers. This means that organisations are legally constrained to implement 'adequate' control measures in their operations to manage and prevent the risk of bribery not only internally but in all of its business representatives. What is deemed 'adequate' will be for the courts to determine on a case-by-case basis; however, the Government has determined six principles which organisations should consider when establishing procedures in this area. The University's own control procedures are summarised at Section 4 below by reference to these six principles.
- 3.4 The Act has a very broad geographical reach and encompasses activities overseas, together with the acts of agents or associates in relation to an organisation's operations. By consequence, the actions of overseas recruitment agents (for example) in relation to attracting prospective students to the University would be covered by the Act. This means that any breach by those agents could lead to the University being penalised.

4 RISK MANAGEMENT AND PRINCIPLES OF CONTROL

- 4.1 The University has established its procedures to prevent bribery in accordance with the six principles set out by Government in the Act. UEA recognises its responsibility to put in place adequate procedures to avoid committing the offense of 'failure to prevent bribery' by all associated persons under the terms of the Act, even if the procedures ultimately fail to prevent acts of bribery by individuals. These six principles, together with UEA's responsive compliance measures, are set out below:

4.2.1 Proportionate procedures

An organisation's procedures to prevent bribery should be proportionate to the bribery risks it faces and to the nature, scale, and complexity of the organisation's activities.

- 4.2.2 UEA considers that its procedures are proportionate to risk and organisational activities. It is accepted that certain areas of the University's operations (such as those set out in Section 5 below) are exposed to specific risks and require increased levels of diligence. Each new project or business relationship is judged in isolation with staff and representatives of the University expected to complete appropriate due diligence in relation to anti-bribery for each new relationship forged. The level of risk assessment undertaken will vary on a case-by-case basis, impacted by factors such as location (overseas activities for example) and purpose. In such instances where a higher level of risk is identified, the University may reconsider its involvement in a relevant project or in its ability to work with a specific individual or entity. Alternatively, it may be deemed appropriate to provide relevant staff with additional training in relation to the risks of bribery and corruption, or put in place specific anti-bribery arrangements for that project or third-party.

4.3.1 Top-level commitment

Top-level management are committed to preventing bribery by persons associated with the organisation and foster a culture within the organisation in which bribery is never acceptable.

- 4.3.2 This policy and related procedures are both approved and enforced by the Executive Team. Non-compliance with this policy and the complementary Anti-fraud and Corruption Policy will be dealt with swiftly and robustly. UEA keeps its risk assessment under regular review and will update the policy as necessary. Where required, the University's Registrar and University Secretary may request records from Schools or Departments to ensure compliance with the policy, and evidence that the correct procedures and training is being applied.

4.4.1 Risk assessment

The organisation assesses the nature and extent of its exposure to potential external and internal risks of bribery. This assessment is periodic, informed and documented.

- 4.4.2 UEA includes the risk of bribery across the organisation as a specific and perpetual risk item in its operational risk register. This risk, together with the related preventative measures in place, are reviewed on an annual basis by the University's Executive Team. Procedures are revised in response to changes in risk to ensure that appropriate prevention measures are in place. As referenced at Paragraph 4.2.2, further risk assessments are also carried out in the context of specific projects, operational areas, and business relationships.

4.5.1 Due diligence

The organisation applies due diligence, taking a proportionate and risk-based approach, in relation to persons working on behalf of the organisation in order to mitigate bribery risk.

4.5.2 The recruitment processes at UEA have been set up to evaluate the integrity and honesty of employees, this being seen as an integral feature in all employment positions at the University. Equally, the appointment of other officials to positions within the University and its subsidiaries includes reasonable steps to confirm the integrity and honesty of those appointed.

4.5.3 Where appropriate (for example, where an initial risk assessment identifies a high-risk situation), additional due diligence is carried out until the University can be satisfied that compliance to the Act will not be compromised. Agreements with contractors and agents may include clauses to set out the specific requirement for compliance with the Act, particularly in relation to operational activity in jurisdictions considered to carry greater inherent risk.

4.6.1 Communication (including training)

Bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training, that is proportionate to the risks it faces.

4.6.2 This Policy document is prominently displayed on the University's website and all employees and other associated individuals and organisations are made aware of the need to comply with both this Policy and the Act. Newly appointed staff and other associated individuals / organisations are directed to the Policy on appointment. All staff are reminded of key policies within the University on an annual basis and the Anti-bribery Policy is included in this annual prompt. Additional training may be provided in instances where a risk assessment identifies that a particular project or jurisdiction represents a greater risk of bribery or corruption for the University.

4.7.1 Monitoring and review

The organisation monitors and reviews policies and procedures designed to prevent bribery by persons associated with it and makes improvements where necessary.

UEA remains committed to reviewing the policy and related control measures on a regular basis as part of the annual risk assessment review. The University's Executive Team manage this process, and further responsibility lies with the Heads of School and Department to ensure that this policy is enforced across UEA. Where new bribery risks have been identified, the University may adjust its internal processes accordingly to counteract these risks from occurring in the future.

As set out in Section 7 below, the University has implemented a clear and consistent process for its staff, students, and third-party representatives to report any concerns or wrongdoings in relation to bribery. The University will deal with all such reports robustly.

5 RISK ASSESSMENT AND AREAS OF INCREASED DILIGENCE

5.1 Certain areas of the University's activities are subject to particular risks and should be approached with proportionate vigilance. The following examples represent risk areas likely to require increased due diligence, which should be reviewed carefully:

5.2.1 Facilitation payments

Facilitation payments (sometimes known as “kickbacks” or “grease payments”) are typically small, unofficial payments made to secure or expedite a routine government action by a government official. Facilitation payments are clearly prohibited by the Act, even in countries where they are a regular feature of doing business. The University regards such payments as being in breach of this Policy. Staff and other associated persons of UEA are prohibited from offering, making, requesting, or accepting any facilitation payments. It is therefore imperative that UEA's staff (and representatives) are able to distinguish between genuine payable fees and facilitations payments disguised as such.

5.2.2 Staff should reflect on the service or goods being provided to the University and evaluate whether the amount being requested in relation to this is both proportionate and relevant. If there is any doubt in this regard, further information / documentation should be requested, and it may be appropriate for staff to consult with their line managers on the matter.

5.2.3 In exceptional circumstances, where a payment of this type is considered unavoidable in order to protect “life or limb” of a member of the University's staff or officials (i.e. in the most serious medical or safety emergencies), a payment of this type may be made if first authorised by the University Secretary, unless the urgency of the situation prevents prior authorisation. If a payment of this type is made without prior authorisation, it must be reported to the University Secretary as soon as reasonably practicable after the payment has been made.

5.3.1 Overseas jurisdictions

In certain jurisdictions, it is recognised that the University will have to be particularly cautious over dealings with overseas agents and others. University staff or officials must be clear with such parties that UEA will not pay or receive facilitation payments (or any type of bribe), nor will it allow for its agents or professionals to negotiate such payments on its behalf.

5.3.2 All requests received by UEA's staff or officials for any form of facilitation payment, whether directly or indirectly through agents or professionals, must be reported to the University Secretary as soon as reasonably practicable.

5.4.1 Gifts and hospitality

UEA acknowledges the advantages of networking and developing good working relationships with suppliers, customers, and contractors. However, corporate hospitality (whether received or provided) must be transparent, auditable, and proportionate to the matter in hand, in order to prevent any real or perceived inducement on individuals to act in an inappropriate way. It must also comply with local jurisdictions and law.

- 5.4.2 Guidance for employees on what the University considers to be acceptable in relation to gifts and hospitality is provided in the Code of Conduct attached as Appendix B to the Anti-fraud and Corruption Policy, a link for which can be found at Paragraph 4.2.2. The receipt or giving of cash is strictly prohibited in all cases. Gifts, hospitality, and donations are considered bribes if they are given or received with the intention of influencing business decisions.
- 5.5.1 **Other examples of risk areas**
- Due to the broad spectrum of bribery activity and the constantly evolving methods by which financial crimes are committed, it is not possible to provide a definitive list of all of the ways that situations of bribery may be encountered.
- 5.5.2 Notwithstanding this point, UEA have identified the following examples where the risk of bribery may be heightened and requiring of increased levels of caution and due diligence from representatives working on its behalf:
- A third-party person or business that requests irregular financial arrangements, such as that payments are made to an unknown recipient or account, or to an account in a different country to where the third-party or business activity is located.
 - Collaborating with agents and other third-party intermediaries, particularly when such parties are operating internationally in countries that are either unfamiliar or known to carry a material risk of bribery.
 - The University collaborates with a new customer, business partner, sponsor, or external supplier not previously known.
 - High value procurement tenders and contract negotiations.
 - A third party is repeatedly engaged for business purposes without any reasonable justification for their appointment.
 - A third party that the University is seeking to engage or retain will not agree to terms requiring compliance with the Act.
 - A secretive person or business, such as one refusing to provide information or records without reasonable justification.
- 5.5.3 Whilst not conclusive of all possible occurrences or risk areas, the list set out above provides a useful starting point for staff in considering the key areas of risk and financial activity likely to require increased diligence in relation to bribery. It is vital that all representatives of the University, be they staff, students or any other party, always remain vigilant in identifying and rebutting acts of bribery and corruption.

6 MAKING A REPORT (GUIDANCE FOR EMPLOYEES AND STUDENTS)

- 6.1 All members of the University are encouraged to promptly report concerns they may have regarding a potential breach of the Anti-Bribery Policy. This includes any instances where they may feel that they are a victim of attempted bribery, or if they wish to report the actions of another member of the University or an external third party. In turn, the University is committed to ensuring that its members have a safe and confidential way of reporting suspected wrongdoings.
- 6.2 In the first instance, staff and students may raise any concerns with their Head of School or Department. Where this option is not considered either desirable or appropriate, a report can be made directly to the University Secretary.
- 6.3 Reports should include the following information:
- Full details of the nature, value, and timing of the activity in question.
 - All available details of the people and entities involved in the incident, including yourself and other members of staff as relevant.
 - Details as to why you may feel suspicious about the transaction, activity or external third party, including the type of criminal activity you believe is being attempted.
 - Details of any enquiries you have undertaken to date.
 - Any other information that you believe to be relevant, or which will assist the person to who you are reporting.

7 SUMMARY OF STAFF AND STUDENT RESPONSIBILITIES IN RELATION TO ANTI-BRIBERY

7.1 For UEA employees (and all those falling within the scope of this Policy – as defined above), the fundamental requirements in relation to anti-bribery are as follows:

- Refuse any bribe or inducement that is offered, in a clear manner that could not lead to any misunderstanding.
- Promptly report any acts or suspicions of bribery in line with the procedure set out in Section 6 above.
- Ensure that this policy is reviewed closely and revisited as appropriate to ensure compliance. Further training and guidance can be provided on request and should be discussed initially with your Line Manager or Head of Department.