



**The Bribery Act 2010 – Staff Guidance**

## **1. Purpose and scope**

- 1.1 This guidance is provided to all staff within the university, as well as all individuals who may carry out business on the university's behalf (for example recruitment agents), to ensure that they are aware of the implications of the Bribery Act in their work.
- 1.2 This guidance extends to all university staff, contractors, associates, partners and agents.
- 1.3 This guidance extends to university operations anywhere in the world.
- 1.4 This guidance should be read in conjunction with the university ethics policy, gift acceptance policy and fraud policy.

## **2. The university's anti-bribery statement**

- 2.1 The university's anti-bribery statement is included within the Ethics Policy. This anti-bribery statement is as follows:

The university prohibits the offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement to or from any person or company, wherever they are situated and whether they are a public official or body or private person or company.

This prohibition applies to any individual employee, agent or other person or body acting on behalf of The Robert Gordon University in order to gain any commercial, contractual or regulatory advantage for the university in a way which is unethical or to gain any personal advantage, financial or otherwise, for the individual or anyone connected with the individual.

With the introduction of the UK Bribery Act 2010, the university has taken steps to introduce appropriate procedures which are rigorously applied and reviewed to ensure that it is fully compliant with the provisions of the Bribery Act.

## **3. Responsibilities of those carrying out the university's business**

- 3.1 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;
- 3.2 The Act also makes it a criminal offence for the university to fail to prevent bribery by those acting on its behalf to obtain or retain business or a business advantage for the organisation.
- 3.3 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.

- 3.4 Under the Bribery Act, individuals can be prosecuted for accepting bribes or offering bribes. In addition, the university can be prosecuted for failing to prevent bribery committed to obtain or retain business or a business advantage for the university by an employee or other individual or organisation performing services for the university.

#### **4. Guiding principles to be followed by employees**

- 4.1 In order to assist employees discharge their obligations under the Bribery Act, the following guiding principles should be followed at all times by employees:
- their conduct should not create suspicion of any conflict between their official duty and their private interest;
  - their actions must not be influenced by a benefit offered or received to show favour or disfavour to any person or organisation;
  - their actions should not give the impression that they have been influenced by a benefit offered or received to show favour or disfavour to any person or organisation; and
  - their actions must not induce or reward someone to perform a role or function improperly.

#### **5. Risk assessment of university activities**

- 5.1 Heads of School/Departments should review the functions of their units and undertake a risk assessment of areas which may be at risk of bribery or other improper conduct and prepare appropriate action plans to mitigate or eliminate these risks.
- 5.2 Risk assessments and associated action plans should be reviewed at regular intervals particularly if there is a significant change in the operation of an activity where bribery is a risk or if a new activity where bribery is a significant risk is introduced.
- 5.3 In order to assist Heads of School/Departments carry out risk assessment, a risk assessment form has been developed.
- 5.4 A well documented risk assessment and mitigation action plan, together with evidence of its effective implementation, would be essential for the university to demonstrate that it had adequate procedures to prevent bribery.

#### **6. Awareness of anti-bribery measures**

- 6.1 In developing their action plans, Heads of School/Departments should consider the implementation of a range of actions that should be relevant and proportionate to the risk. Examples of such actions include:
- communication of the university's Ethics Policy and this guidance note explaining the Bribery Act to staff and other individuals covered by this guidance;
  - training for staff working in countries where bribery may be prevalent;

- due diligence assessments of agents, consultants and contractors;
- separation of duties;
- communication of the appropriate risk assessment and action plan to individuals responsible for working in the areas concerned;
- ensuring that staff ask for a receipt which details the reason for any payment made;
- consider including clauses on conduct and bribery in contracts with suppliers, agents, consultants and contractors.

6.2 Heads of School/Departments should ensure that organisations and individuals, other than employees, who perform services for, or on behalf of, the university are aware of the university's standards and expectations regarding bribery.

## **7. Acceptance of gifts and hospitality**

7.1 Employees should not accept any gifts, rewards or hospitality (or have them given to members of their families) from any organisation or individual with which they have contact in the course of their work that would cause them to reach a position whereby they might be, or might be deemed by others to have been, influenced in making a business decision as a consequence of accepting such gifts or hospitality. The frequency and scale of hospitality accepted should not be significantly greater than would be expected as a part of normal business relationships.

7.2 When it is not easy to decide between what is and what is not acceptable in terms of gifts or hospitality, the offer should be declined or advice sought from the relevant Heads of School/Departments.

7.3 Guidance on acceptable hospitality is contained in the university's detailed financial procedures and gift acceptance policy. For the protection of those involved, the Director of Finance will maintain a register of gifts and hospitality received where the value is in excess of £100. Members of staff in receipt of such gifts or hospitality are obliged to notify the Director of Finance promptly.

## **8. Raising concerns and seeking guidance**

8.1 If and when an instance of bribery is identified or suspected it should be reported under the university's Fraud Policy which contains details of whom to contact should there be any concerns or doubts as to whether an act constitutes bribery.

8.2 If any instance of bribery is identified, the university will take appropriate action in line with the procedures described in the university's Fraud Policy.

## **Bribery Risk Assessment Matrix**

Consider each risk, then rate the degree of risk and insert the score in the right-hand column. The following scores should be used: 1 = low risk; 2 = some risk; 3 = medium risk; 4 = high risk; 5 = very high risk.

<b>1. Country Risk</b>	
Consider where the activity is undertaken. <i>You may wish to use <a href="#">Transparency International's annual Corruption Perception Index</a> as a guide.</i>	
<b>2. Sector Risk</b>	
Consider whether the activity will be located in an industrial sector at risk of bribery. <i>The following should be used as a guide:</i> <ul style="list-style-type: none"> <li>1 = agriculture, education, health.</li> <li>2 = transport, public works, property development</li> <li>3 = electronics, engineering, utilities, support services</li> <li>4 = pharmaceuticals, hospitality, telecommunications</li> <li>5 = oil and gas, mining, metals, construction</li> </ul>	

The following risks should be scored with reference to both the country and the sector that the activity will be undertaken in.

<b>3. Transaction Risk</b>	
Consider the nature of the transaction to be undertaken. <i>Transactions involving charitable donations or political activity are likely to attract a higher score. Likewise with transactions involving licenses, permits and public procurement and other activities bringing employees into contact with public officials.</i>	
<b>4. Opportunity Risk</b>	
Consider the opportunities available for bribery in the activity. <i>Transactions involving a larger number of contractors and intermediaries inherently provide more opportunities for bribery. Consider whether the activity involves either below-market prices or a tendering exercise, these both carry greater levels of risk.</i>	
<b>5. Partnership Risk</b>	
Consider the nature of the partnerships in the proposed activity. <i>Higher risk activities may include activities involving use of intermediaries in transactions with foreign public officials (depending on the country) and where activities are undertaken with relationships with politically sensitive matters or individuals.</i>	
<b>6. Workplace Risk</b>	
Consider whether the workplace of partners or suppliers. <i>Larger organisation with bigger turnovers are more likely to attract higher risk scores as are organisations which do not have clear indicators of anti-bribery measures or robust internal financial controls.</i>	

Where activities are largely scoring 3, 4 or 5 then it is expected some form of mitigation plan or activities will be developed.