

BIMM
UNIVERSITY

A university
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industries

Anti-Bribery Policy



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Approved by:

BIMM University Limited Board

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1 Introduction

1.1 Purpose of Policy

BIMM University is committed to ethical standards of business conduct and adopts a zero-tolerance approach to bribery and corruption in all jurisdictions. The University will uphold relevant laws for countering bribery and corruption, in particular the Bribery Act 2010. This policy is intended to set out the University's approach to monitoring, identifying and ultimately avoiding incidents and/or risks of bribery.

1.2 Scope

- 1.2.1 This policy applies to all members of University staff, members of the BIMM University Limited Board (BULB), members of Committees and all students.
- 1.2.2 In addition, this policy also applies to other associated persons, which the University defines as agency and freelance workers working for the University, and all other persons acting for the University, whether directly or indirectly, such as external members of University Committees, individuals appointed as directors of any company, consultants, contractors and agents.
- 1.2.3 To the fullest extent permissible by law, this policy shall apply in all jurisdictions in which the University operates. Bribery is a criminal offence in most countries and failure to comply with this policy may expose the University, its employees and representatives to the risk of prosecution, as well as to reputational risk and loss of trust.
- 1.2.4 Countering bribery and corruption and reporting suspected bribery in line with this policy is the responsibility of all those outlined in paragraphs 1.2.1 and 1.2.2 above.
- 1.2.5 Breach of this policy may constitute a disciplinary offence for staff and students and will be subject to investigation under the University's disciplinary procedures. In the most severe instances this could result in dismissal / exclusion. For other associated persons, breach of this policy may result in other contractual or legal or other sanction. Criminal penalties may also apply (see below).
- 1.2.6 Individuals found guilty of a bribery offence can face fines or prison sentences of up to ten years under UK law.
- 1.2.7 The University may face unlimited fines if it is found to have "failed to prevent" bribes being made or received by staff or associated persons. This is why this policy extends to individuals and companies who, whilst not directly employed by the University, are acting on its behalf. The University may also find itself excluded from certain public contracts, potentially affecting its income.

2. Policy

2.1 What is bribery?

2.1.1 “Bribery”, as defined in the Bribery Act 2010, means:

- Offering, promising or giving a financial or other advantage to another person (either directly or indirectly) with the intent to induce a person to improperly perform a relevant function or activity or to reward a person for the improper performance of a relevant function or activity; or
- Offering, promising or giving a financial or other advantage to another person (either directly or indirectly) knowing or believing that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity; or
- Requesting, agreeing to receive or accepting a financial or other advantage (either directly or indirectly) intending that, in consequence, a relevant function or activity will be improperly performed or as a reward for the improper performance of a relevant function; or
- Requesting, agreeing to receive or accepting a financial or other advantage (either directly or indirectly) where the request, agreement or acceptance itself constitutes the improper performance of a relevant function or activity; or
- Offering, promising or giving any financial or other advantage (either directly or indirectly) to a foreign public official with the intention of influencing that official in order to obtain or retain business or other advantage in the conduct of business. This includes the offering, promising or giving of facilitation payments to foreign public officials to speed up administrative processes for which they are responsible.

2.2 What is not acceptable?

2.2.1 It is not acceptable for anyone to whom this policy applies to engage in bribery (whether giving or receiving) as defined in paragraph 2.1 above, or otherwise engage in any activity that might lead to a breach of this policy.

2.2.2 In addition, it is not acceptable for them to fail to report any concerns which are required to be reported under this policy.

2.3 What steps can we take to prevent bribery?

2.3.1 We can take the following steps to assist in the prevention of bribery:

- Risk assessment: Effective risk assessment lies at the very core of the success of this policy. All staff must assess the vulnerability of their activities, particularly overseas activities, on an ongoing basis. Risk identification pinpoints the specific areas in which we face bribery and corruption risks and allows us to better evaluate and mitigate these risks and thereby protect ourselves. Business practices around the world can be deeply rooted in the attitudes, cultures and economic prosperity of a particular region – any of which can vary.
- Accurate books and record-keeping: Many serious bribery offences have been found to involve some degree of inaccurate record-keeping. Accurate records and financial

reporting must be maintained for all activities and for all third-party representatives acting on our behalf. False, misleading or inaccurate records of any kind could potentially damage the reputation of the University.

- Effective monitoring and internal control: Effective systems of monitoring and control are essential in all organisations and the University is no exception. Once bribery risks have been identified and highlighted through the risk assessment process, we may need to amend procedures to help mitigate these risks on an on-going basis.
- Standard clauses in contracts: The University includes a standard anti-bribery clause in all relevant contracts to reflect its zero-tolerance approach to bribery in the conduct of its business. Where it is not possible to use the standard clause in relevant contracts, alternative wording providing the University with equivalent protection will be approved by the Standing Group for Financial Probity.
- Training: The University provides training in the form of an online Anti-Fraud, Bribery and Corruption training module on [EduCare](#). This is available to all staff.

2.4 What do I do if I suspect bribery?

2.4.1 Any person who has reason to believe that an irregularity with financial implications for the University has or is about to take place, is required to inform their Head of Department.

- The Head of Department will in turn notify the Chief Financial Officer immediately.
- If it is suspected that the Head of Department is involved in the irregularity, the matter should be notified to the Chief Financial Officer or Group Financial Controller directly. If it is suspected that the Vice-Chancellor or Chief Financial Officer are involved in the irregularity the matter should instead be notified to the Chair of BULB.
- Failure to inform the appropriate person immediately may mean that further losses are incurred or that evidence is lost.

2.5 What if I am worried about reporting?

2.5.1 The University encourages everyone to speak up and report any concerns they may have about bribery activity. This is a key part of the University's commitment to ethical and legal compliance. The University is committed to ensuring that individuals making reports in good faith do not suffer detriment as a result.

2.6 Facilitation Payments

2.6.1 Facilitation payments are typically small, unofficial payments made to government officials to secure or expedite a routine service to which there is already entitlement. For example, an official may request an undue payment to issue an academic's visa. Similarly, individuals within an official overseas regulatory authority may require an improper payment to issue regulatory approval for any joint educational arrangements the University maintains with overseas organisations. Facilitation payments do not, however, only arise in relation to government officials – any payment to 'smooth the way' that is not legally and ethically justifiable is potentially relevant.

2.6.2 The University does not offer or make, and shall not demand or accept, facilitation payments of any kind by members of the University anywhere in the world.

2.6.3 How do I recognise a facilitation payment?

- You should consider what the payment is ostensibly being asked for and whether the amount requested appears relevant and proportionate to the matter in hand.
- You should always ask for clarification, preferably written, if in doubt about what you are being asked for.
- Sometimes you may need to seek further advice to distinguish between properly payable fees and disguised requests for facilitation payments.

2.6.4 If members of the University have any suspicions or concerns in respect of a payment then, subject to the following paragraph, they must not make the payment. Staff and External Members must report those concerns using the processes under sections 2.3 and 2.4 above.

2.6.5 The University recognises that there may be circumstances in which a person could face a request for such payments in circumstances of duress, including actual or implied threat to their personal safety. Where the circumstances set out in this paragraph apply, members of the University must as soon as possible report the circumstances using one of the processes under sections 2.5 and 2.6 above.

2.7 Overseas Jurisdictions

2.7.1 Certain jurisdictions present a heightened risk of bribery. [Transparency International](#) publishes a helpful Corruption Perceptions index by jurisdiction which can be used by staff to access the perceived risks of bribery activity associated with a particular part of the world.

2.7.2 Staff travelling, as part of their research, teaching or for any other reason, to countries identified in the index as having a perceived high risk of corruption should be especially vigilant and prepared to identify and resist bribery. Completion of the University's online Anti-Bribery training is mandatory for any member of staff travelling to a country identified in the index.

2.7.3 As referenced in sections 2.1.1 and 2.7.1, offering, promising or giving any financial or other advantage (either directly or indirectly) to a foreign public official with the intention of influencing that official in order to obtain or retain business or other advantage in the conduct of business constitutes bribery. This includes the offering, promising or giving of facilitation payments to foreign public officials to speed up administrative processes for which they are responsible. The offence of bribing a foreign public official is committed as soon as the offer is made.

2.8 High Risk Areas

2.8.1 The provisions of this policy clearly state that the University must remain vigilant and proactively seek to identify and avoid bribery and corruption. Whilst it would be impossible to list all of the potential bribery situations that may be encountered, certain areas and business relationships require particular scrutiny, for example improper hospitality (see section 2.7), facilitation payments (see section 2.8) and certain overseas jurisdictions (see section 2.9). Such 'high risk' areas will change over time as circumstances dictate. However,

for a Higher Education Institution such as BIMM University areas of high risk which will require enhanced levels of due diligence and caution will almost certainly include the following:

- Agents and Intermediaries, particularly those who operate in a jurisdiction where bribery is prevalent or endemic (see section 2.9 above).
- Joint Ventures and consultancies, where the University could be held liable for any bribery or corruption committed by a third party with whom the University is associated by means of the joint venture or consultancy agreement.
- Contracts, particularly construction contracts where the values involved are likely to be high.
- All aspects of the procurement of goods and services carried out by the University.
- Travel to countries identified in the Corruption Perceptions Index (see 2.8.1 above).

3. Roles and Responsibilities

- 3.1 BULB has overall responsibility for approving the Anti-Bribery Policy and for ensuring that it complies with the University's legal and ethical obligations. The University's Audit Committee exercises responsibility for the implementation, monitoring and review of the Anti-Bribery Policy, for the periodic review of the institutional risk assessment, and for providing such assurance as Council requires to discharge its responsibilities.
- 3.3 For guidance on any aspect of the University's Anti-Bribery Policy, colleagues can contact the Group Financial Controller.