

# **BIRKBECK COLLEGE**

University of London

## **ANTI-BRIBERY & CORRUPTION POLICY**

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## **I. INTRODUCTION**

The UK Bribery Act 2010 received Royal Assent in April 2010 and became law on 1<sup>st</sup> July 2011. The Act made radical changes to UK bribery and corruption law and puts UK legislation amongst the strictest in the world. The Act is far-reaching and impacts on all organisations in the UK, or with links to the UK, including those in the higher education sector.

The Bribery Act includes a strict liability offence for organisations of failing to prevent bribery. This corporate criminal offence places a burden of proof on organisations to show that they have 'adequate procedures' in place to prevent bribery, with the adequate procedures being informed by the following six principles:

- Principle 1 - Proportionate Procedures
- Principle 2 - Top-level commitment
- Principle 3 - Risk Assessment
- Principle 4 - Due diligence
- Principle 5 - Communication
- Principle 6 - Monitoring and review

An organisation is guilty of an offence under the Bribery Act if an 'associated person' carries out an act of bribery or corruption in connection with the organisation's business. Most importantly, a person will be associated with the organisation where he or she performs services for, or on behalf of, that organisation. The association could be as a result of being an employee, or through another role such as a subsidiary, agent, third-party, intermediary or supplier.

Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. The College reserves the right to terminate the contractual relationship with staff if they breach this policy.

## **2. POLICY**

- 2.1 Birkbeck College is committed to carrying out its academic and business activities in an honest and ethical manner and to observing the provisions of the Bribery Act 2010 in respect of its conduct both at home and overseas. The College takes a zero-tolerance approach to bribery and corruption and is committed to acting professionally, fairly and with integrity in all College business dealings and relationships wherever it operates, and implementing and enforcing effective systems to counter bribery.
- 2.2 On 1 July 2011, the Bribery Act came into force and its provisions apply to all College business. The Act created a number of new bribery and corruption offences and holds businesses and institutions liable for failing to prevent bribery carried out on their behalf, irrespective of whether the bribe takes place in the UK or overseas.

- 2.3 The purpose of this policy is to:
- (a) Set out the College's responsibilities, and of those working for the College, in observing and upholding the College's position on bribery and corruption; and
  - (b) Provide information and guidance to those working for the College on how to recognise and deal with bribery and corruption issues.
- 2.4 This statement of policy is adopted and endorsed by the Strategic Planning Committee and the Governors. The College Secretary and Director of Finance are the College's Bribery Act responsible officers.
- 2.5 Bribery and corruption are punishable for individuals by up to ten years' imprisonment and if the College is found to have taken part in corruption it could face an unlimited fine, be excluded from tendering for public contracts and face damage to its reputation. The College therefore takes its legal responsibilities very seriously.
- 2.6 The College has identified that the following are particular risks for the organisation:
- Recruitment of overseas students via agents;
  - Diversification of income;
  - Procurement of goods and services;
  - Receipt of financial donations.

To address those risks the College has:-

- Reviewed its governance and risk structures and appointed the College Secretary with overall responsibility for the College's governance and risk management programme.
- 2.7 The policy also covers issues related to the following policies and procedures of the College, where reference should be made for guidance:
- Whistle blowing procedures;
  - Code of Practice for Staff on the Receipt of Gifts, Hospitality and Other Benefits;
  - Philanthropic Gift Acceptance Policy;
  - Disciplinary and other HR procedures;
  - Contracts and procedures for overseas agents;
  - Financial Regulations.

### **3. WHO IS COVERED BY THE POLICY?**

This policy applies to all individuals working at all levels and grades, including all academic staff, senior managers, officers, directors, employees (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, casual associated staff and agency staff, volunteers, interns, overseas agents, or any other person associated with the College.

### **4. WHAT IS BRIBERY?**

A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.

Acts of bribery or corruption are designed to influence the individual in the performance of their duties and incline them to act dishonestly.

It is an offence under the Bribery Act to:

- Offer a bribe
- Receive a bribe
- Bribe a foreign official
- Consent or connive to a bribery offence by anyone associated with the College in respect of business carried out on behalf of the College.

### **Examples:**

#### **Offering a bribe**

You offer a potential benefactor tickets to a major College event, but only if they agree to make a financial donation to the College.

You offer a potential business partner or client tickets to a major sporting event, on condition that they agree to do business with you/the College as a result.

These would be offences as you are making the offer to gain a commercial and contractual advantage. The College may also be found to have committed an offence because the offer has been made to obtain business for the College.

#### **Receiving a bribe**

A supplier of the College gives your nephew a job, but makes it clear that in return they expect you to use your influence to ensure the College continues to do business with them.

A wealthy alumnus arranges for his company to make a substantial donation to the College on condition that his child is offered a place on a particular course.

It is an offence for a supplier or alumni 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 College to make an additional payment to a foreign official to speed up an administrative process (such as clearing goods through customs). For example, an academic colleague on a field trip pays a sum to a customs official to avoid excessive delay in the import of field equipment.

An overseas agent responsible for recruiting students pays a bribe to an overseas education department official to be allowed access to students in a highly rated school.

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

## **5. GIFTS AND HOSPITALITY**

- 5.1 The Code of Practice for Staff on the Receipt of Gifts, Hospitality and Other Benefits does not prohibit normal and appropriate hospitality (given and received) to or from third parties. However, gifts, hospitality and political or charitable donations will be bribes if they are given or received with the intention of influencing business decisions.
- 5.2 Guidance on the College's accepted practice with regard to gifts and hospitality is set out in the College's Code of Practice for Staff on the Receipt of Gifts, Hospitality and Other Benefits which forms part of the Financial Regulations and which can be accessed on the College intranet at [http://www.bbk.ac.uk/fin/reporting/financial\\_regulations](http://www.bbk.ac.uk/fin/reporting/financial_regulations)
- 5.3 In addition, when receiving gifts and hospitality, you should consider whether the following requirements are met:
- (a) It is not made with the intention of influencing a third party to obtain or retain funding or a business advantage, or in explicit or implicit exchange for favours, benefits or funding;
  - (b) It is given in the name of the College, not in your name;
  - (c) It does not include cash or a cash equivalent (such as gift certificates or vouchers);
  - (d) It is appropriate in the circumstances. For example, in the UK it is customary for small gifts to be given at Christmas time;
  - (e) Taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time;
  - (f) It is given openly, not secretly; and
  - (g) Gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties.
- 5.4 The College appreciates that the practice of giving business gifts varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

## **6. WHAT IS NOT ACCEPTABLE?**

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, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
- (c) Accept a payment, gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a commercial advantage will be provided by the College in return;
- (d) Threaten or harass a member of staff who has refused to commit a bribery offence or who has raised concerns under this policy; or
- (e) Engage in any activity that might lead to a breach of this policy.

## **7. FACILITATION PAYMENTS**

- 7.1 The College does not make, and will not accept, facilitation payments or "kickbacks" of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action by a government official.
- 7.2 If you are asked to make a payment on behalf of the College, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment. If you have any suspicions, concerns or queries regarding a payment, you should raise these with your line manager.
- 7.3 Kickbacks are typically payments made in return for a commercial favour or advantage. All staff must avoid any activity that might lead to, or suggest that, a facilitation payment or kickback will be made or accepted by the College.

## **8. DONATIONS**

The College does not make contributions to political parties. The College supports charitable giving and charitable donations that are legal and ethical under local laws and practices. No donation must be offered, on behalf of the College or using College monies, without the prior approval of the College Secretary or his nominee.

## **9. RESPONSIBILITIES**

- 9.1 You must ensure that you read, understand and comply with this policy.
- 9.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the College or under the College's control. All staff are required to avoid any activity that might lead to, or suggest, a breach of this policy.
- 9.3 Effective risk assessment in order to evaluate and mitigate risk is an essential element of this policy. Staff must assess the vulnerability of their activities, particular overseas, on an ongoing basis.
- 9.4 You must obtain approval from the Executive Dean of your School or the Director of your Professional Services department before accepting any gift valued at more than £250, using the form at Appendix 3.
- 9.5 You must notify your line manager as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future. For example, if a client or potential client offers you something to gain a commercial advantage with the College, or indicates to you that a gift or payment is required to secure their business. Further "red flags" that may indicate bribery or corruption are set out in section 17.
- 9.6 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. The College reserves the right to terminate the contractual relationship with staff if they breach this policy.
- 9.7 The College reserves the right to terminate the contractual relationship with any contractor, supplier or agent who is believed to have breached the principles outlined in

this policy.

## **10. RECORD-KEEPING**

- 10.1 The College must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.
- 10.2 You must declare and keep a written record of all hospitality or gifts accepted or offered. Such written record should be kept at School/Professional Service level. All gifts and hospitality received that is valued in excess of £100 per instance must be reported to the College Secretary using the form attached as Appendix 3.
- 10.3 You must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the College's expenses policy and specifically record the reason for the expenditure.
- 10.4 All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness. No accounts or cash must be kept "off-book" to facilitate or conceal improper payments. Staff must adhere to the guidelines laid out in the Financial Regulations at all times.

## **11. HOW TO RAISE A CONCERN**

You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with your line manager in the first instance and, depending on the seriousness of the concern, the College Secretary or Director of Finance. Concerns should be reported by following the procedure set out in the College's whistle blowing policy. The whistle blowing policy can be found in the Financial Regulations and can be accessed via the intranet at [http://www.bbk.ac.uk/fin/reporting/financial\\_regulations](http://www.bbk.ac.uk/fin/reporting/financial_regulations)

## **12. WHAT TO DO IF YOU ARE A VICTIM OF BRIBERY OR CORRUPTION**

It is important that you tell your line manager, the College Secretary or Director of Finance as soon as possible if you are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity.

## **13. PROTECTION**

- 13.1 Staff who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, may be worried about possible repercussions. The College aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.
- 13.2 The College is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you

believe that you have suffered any such treatment, you should inform your line manager immediately who will deal with this matter. If the matter is not remedied, you should raise it formally using the College's Grievance Procedure, which can be found on the College intranet at [http://www.bbk.ac.uk/hr/policies\\_services/Grievance](http://www.bbk.ac.uk/hr/policies_services/Grievance)

- 13.3 If a member of staff is fearful for their safety or at risk of loss of liberty, they should not refuse the demand for a payment. In all circumstances members of staff must report any demand for facilitation payments as soon as it is safe to do so to their Executive Dean or Director of Service who should in turn refer to matter to the College Secretary or Director of Finance for expert advice and guidance.

#### **14. COMMUNICATION**

- 14.1 Our zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and business partners at the outset of our business relationship with them and as appropriate thereafter. The anti-bribery communication policy statement is attached as Appendix I.

#### **15. WHO IS RESPONSIBLE FOR THE POLICY?**

- 15.1 The Governing Body has ultimate responsibility for ensuring that this policy complies with the College's legal and ethical obligations, and that all those under the College's control comply with it. The Audit Committee provides a channel for formal reporting and appraisal of the system of managing corruption and bribery issues.
- 15.2 The College Secretary, reporting to the Master, has primary and day-to-day responsibility for implementing the policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation. Management at all levels are responsible for ensuring that those reporting to them are made aware of and understand this policy.

#### **16. MONITORING AND REVIEW**

- 16.1 The College Secretary or his nominee will monitor the effectiveness and review the implementation of this policy regularly considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular audits from the internal and external auditors to provide assurance that they are effective in countering bribery and corruption.
- 16.2 All instances of bribery or suspected bribery and the actions taken will be notified to the Audit Committee.
- 16.3 All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected wrongdoing.
- 16.4 Regular training and guidance on the Bribery Act will be provided to staff.
- 16.5 Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the College Secretary.
- 16.6 This policy does not form part of any employee's contract of employment and it may be amended at any time.

## **17. POTENTIAL RISK SCENARIOS: "RED FLAGS"**

- 17.1 The following is a list of possible red flags that may arise during the course of you working for the College and which may raise concerns under various anti-bribery and anti-corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only.
- 17.2 If you encounter any of these red flags while working for the College, you must report them promptly to your line manager, the College Secretary or the Director of Finance or by using the procedure set out in the College's Public Interest Disclosure (whistle blowing) policy:
- (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 the College, or carrying out a government function or process for the College;
  - (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 College 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 the College; and
  - (n) You are offered an unusually generous gift or offered lavish hospitality by a third party.

## Appendix I

### **Birkbeck, University of London anti-bribery policy statement for third parties performing services for or on behalf of the College.**

1. The College expects every business and individual performing services for it or on its behalf to do so in an honest and professional manner.
2. The College does not tolerate any form of bribery, whether direct or indirect, by its agents, consultants, contractors, suppliers, subsidiaries, joint venture partners and any other third parties performing services for or on behalf of the College.
3. All such third parties must comply with the College's standards with regard to bribery and with the requirements of the Bribery Act 2010, and must ensure that all their staff and sub-contractors are required to comply with those standards and requirements and receive appropriate training. The College may require a written assurance from a third party of their compliance with the College's standards and the requirements of the Act, including details of the anti-bribery measures that they have taken.
4. Under the Bribery Act, 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 official to obtain or retain business or an advantage in the conduct of business;
  - (by an organisation) fail to prevent bribery by those acting on its behalf in the UK or abroad to obtain or retain business or an advantage in the conduct of business for the organisation.

Small payments made to government officials or others to make something happen, or happen sooner (commonly called facilitation payments) are likely to be unlawful bribes.

Individuals should note that bribery is a criminal offence in the UK that may result in up to 10 years' imprisonment and/or an unlimited fine for the individual and an unlimited fine for the organisation on behalf of which the bribery offence is committed.

5. As part of its anti-bribery measures, the College allows proportionate, reasonable and bona-fide hospitality and promotional expenditure. The frequency and scale of any hospitality accepted by a third party should in general not be significantly greater than they or the College would be likely to provide in return. Any expenditure which does not comply with this principle must be authorised in advance by the appropriate College manager.
6. The College will not conduct business with third parties that do not support the College's anti-bribery objectives.
7. The College reserves the right to terminate its contractual arrangements with any third party providing services for or on behalf of the College with immediate effect and without compensation for any loss where there is reasonable evidence that they, their staff or one of their sub-contractors have committed an act of bribery. The College will include terms in its contracts with third parties requiring compliance with the College's standards and with the requirements of the Bribery Act.
8. All those providing services for or on behalf of the College are encouraged to report any suspected bribery to the appropriate College manager.

The appropriate College manager will be the senior officer who has authorised/signed the contract with the third party on behalf of the College.

## Appendix 2

### Guidance Notes on the College's Anti-Bribery and Corruption Policy

These Guidance Notes supplement the College's Anti-Bribery and Corruption Policy. They are designed to assist staff on the practical application of the Policy. In addition, they include important obligations in specific areas, which staff must adhere to.

#### I. Frequently Asked Questions about the Bribery Act

##### I.1. It is customary to provide gifts in some countries outside of the UK when visiting or meeting with public officials. Can College staff offer gifts to their counterparts at an overseas university?

The fact that something is a local custom is not a defence under the Bribery Act so a cautious approach is required to ensure that any gift or other advantage that is offered overseas is not construed as a bribe based on UK standards of conduct. Secondly, in this scenario it is possible that a member of an overseas university will be classed as a "foreign public official" under the Bribery Act. If so, it is very easy to fall foul of the law. Any financial or other advantage offered to them will be seen as a bribe if the intention is to influence the official and to obtain or retain a business advantage.

This guidance does not however preclude the College or its staff from giving small, low value gifts seen as a 'mark of respect' to other public officials.

##### I.2. Can gifts and hospitality be accepted from private sector companies with whom the College has a business relationship or may do in future? What about sponsorship?

Care has to be exercised that no gift or hospitality could be considered excessive or lavish. Normal business meals and modest entertainment is normally acceptable where there is a legitimate purpose for the hospitality - such as to foster cordial relations or for reasonable public relations. No hospitality should be accepted if it could be construed as intended to induce a member of staff to perform their functions improperly. The College's Financial Regulations include a Code of Practice for Staff on the Receipt of Gifts, Hospitality and Other Benefits which should be referred to. However, the following overarching principles in relation to gifts, entertainment and hospitality (whether given or received) are particularly important for staff to consider in the context of potential corruption risks:

- Expenditure should always be reasonable and proportionate;
- Expenditure should be in accordance with the Code of Practice for Staff on the Receipt of Gifts, Hospitality and Other Benefits;
- The recipient must always be entitled to receive the gift, entertainment or hospitality under the law of the recipient's country.

In relation to sponsorship, similar principles apply. Care should be exercised that the sponsorship does not improperly induce members of the College to perform their functions improperly. This could include where it compromises academic integrity or influences the outcome of a research project.

##### I.3. Can we engage agents to recruit international students to the College?

Yes but a number of compliance steps must be taken. The use of overseas agents involves high risks to an organisation, whether for recruitment or other purposes. The College will be liable for any corrupt acts by anyone performing services on its behalf, including sub-contractors of the agent. The risks of engaging an agent in a particular case must be assessed and enhanced due diligence undertaken about the suitability of the agent, including any sub-contractors they intend to use, and the nature of the services they are providing to the College.

**1.4. A College Department undertakes an annual research project in a jurisdiction outside of the UK with a poor reputation for corruption. The Department needs to transport equipment to the overseas location for the project, which will be checked by local customs officials. What steps should the Department consider?**

The Department should consider in advance the risk that members of staff or others acting on behalf of the College will be vulnerable to demands for corrupt payments, such as facilitation payments. Staff will need guidance in advance on strategies to resist any such demands. The Department should also consider any preventative measures that can be taken in advance, such as allowing adequate time for delays in the delivery of equipment whilst any demand for a facilitation payment is resisted.

**1.5. The family of a student who is applying to the College offers to provide the College with a substantial donation to its development fund in return for a place at the College being offered to the student. Is this caught by the Bribery Act?**

Yes. This situation clearly involves a financial advantage being offered to the College, which is intended by the family to induce the admissions department to perform their functions improperly. It does not matter what decision is in fact reached over offering the student a place or not. The donation should be refused because of the basis on which it was offered. Donations can be bribes in other less obvious circumstances. The College's due diligence procedures should always be followed to ensure a donation does not involve someone misusing their position or being induced to do so.

## **2. Charitable and Political Donations by the College**

- 2.1 All charitable donations should be recorded accurately in the College's financial records and accounts including gifts of a non-monetary nature such as equipment.
- 2.2 Requests for charitable donations can sometimes mask corrupt activity by others. No charitable donations should be made if these could be construed as improperly influencing another party with whom the College has a business relationship. Should a member of staff have any ethical concerns about a proposed charitable donation, this should be reported immediately to their Executive Dean/School Manager.
- 2.3 The College does not under any circumstances make donations to political parties.

## **3. Philanthropic Giving**

- 3.1 All donations, including non-monetary gifts, made to the College by benefactors or others wishing to support the College's activities must be considered in the light of the Bribery Act. All donations should be recorded accurately in the College's financial records and accounts.

- 3.2 Donations of this kind can sometimes mask corrupt activity. No donations should be accepted without due diligence procedures being followed in respect of the purpose of the donation and the background of the donor, amongst other steps. The level of due diligence required will be proportionate to any potential corruption risk identified.
- 3.3 No donation should be accepted if it could be construed as improperly influencing the College or another person. Should a member of staff have any ethical concerns about a proposed donation, this should be reported immediately to their Executive Dean/School Manager.

#### **4. Facilitation Payments**

- 4.1 Facilitation payments are typically small unofficial payments paid to speed up an administrative process or secure a routine government action by an official. They are more common in certain overseas jurisdictions but it is possible that they could arise in the UK.
- 4.2 Facilitation payments are treated as bribes by the Bribery Act and are prohibited by this Policy.

Examples of when such payments may be requested include:

- To obtain or expedite a permit, licence or other official document or approval;
  - At border controls or crossings to allow safe or prompt entry or exit from a jurisdiction;
  - To avoid unwarranted delays when goods are held by a customs official;
  - To ensure personal security or preservation of property from law enforcement officials.
- 4.3 Facilitation payments should be contrasted with official, lawful payments (typically to an organisation rather than an individual) to expedite certain functions (e.g. where there is an official system to choose a premium fast track service to obtain a passport). Sometimes demands for facilitation payments are forms of extortion (e.g. unless the demand is met, a person's safety or liberty is placed in jeopardy). However, identifying when a payment is a lawful, official payment and when it is a facilitation payment and a bribe is not always easy. In these cases, it is important for staff to seek confirmation wherever possible of the lawfulness of the payment from an independent source, and seek additional guidance from their Executive Dean/School Manager, the College Secretary or the Director of Finance.
- 4.4 If it is not possible to undertake the above steps and if a member of staff is unsure as to the validity of an official's request for a payment, the steps below should be followed as far as they are applicable and as far as it is possible to do so:

The member of staff should:

- Contact their line manager;
- Ask the official for proof of the validity of the fee;
- Request that a receipt be provided confirming the validity of the payment;
- If no proof of validity will be provided, politely decline to make the payment and explain they cannot make the payment because of the College's policy and anti-bribery laws;
- If possible ask to see the official's supervisor;
- Make a full note of the request, the circumstances and the parties involved;

- At all times remain calm, respectful and polite.

4.5 The College policy is that it strictly prohibits any kind of facilitation payments made by members of staff or third parties acting on its behalf. However, if a member of staff is fearful for their safety or at risk of loss of liberty, they should not refuse to pay. In all circumstances members of staff must report any demand for facilitation payments, and any payments made, as soon as it is safe to do so to their Executive Dean or Director of Service who should in turn refer the matter to the College Secretary or Director of Finance.

### Appendix 3:

#### Report of acceptance of a gift or hospitality valued at £100 or more

School or Professional Service	Choose an item.
Date	Click here to enter a date.

Description of item	Click here to enter text.
Estimated value	£
Donor name	Click here to enter text.
Donor organisation	Click here to enter text.
Recipient name	Click here to enter text.
Date of receipt	Click here to enter a date.
Approved by (Executive Dean / Director approval is required for receipt of gifts valued at £250 or more)	Click here to enter text.
Date of approval	Click here to enter a date.
Location of gift	Click here to enter text.
Notes (optional)	Click here to enter text.

Please email to ..... using GIFT ACCEPTANCE as the subject line.