

NCIUL ANTI-BRIBERY AND CORRUPTION POLICY

ADM-ABCP 119

CONTENTS

INTRODUCTION 3

DEFINITION OF BRIBERY AND CORRUPTION 3

PRINCIPLES 4

PROPORTIONATE PROCEDURES 5

RISK ASSESSMENT 5

DUE DILIGENCE 5

COMMUNICATION 5

REVIEW PROCESS 6

INTRODUCTION

NCIUL is committed to conducting business in a legal and ethical manner. We operate a zero-tolerance attitude to bribery and corruption.

All members of staff, students and other associated persons or group acting on the behalf of NCIUL, are individually responsible for acting honestly and with integrity at all times. Every individual associated with NCIUL is required to ensure that their activities, interests and behaviours do not conflict with the obligation to act honestly and with integrity, regardless of their seniority.

All members of staff, students and other associated persons or group acting on the behalf of NCIUL are required to report all reasonable suspicions of bribery and corruption.

NCIUL adheres to a clear and fair investigation procedure in case of suspected, attempted or actual bribery or corruption. We will investigate all instances of actual, attempted and suspected bribery and corruption committed by staff, students, consultants, suppliers and other third parties. According to the results of our investigation, perpetrators will be subject to disciplinary and/or legal action.

This policy is based on the anti-bribery legislation (the Bribery Act 2010), and requires that staff must not either directly or indirectly:

- Offer, give, solicit or accept any bribe, either in cash or any other form of inducement, to or from any person or company, wherever they are located and whether they are a public official or body, or private person or company.
- Gain or retain any commercial, contractual or regulatory advantage through unethical or illegal means when conducting business on behalf of NCIUL or its subsidiaries.

Staff and associated persons must understand and strictly comply with the UK anti-bribery laws in all countries of the world.

The purpose of this policy is to provide a definition of bribery and corruption and define authority levels, responsibilities for action, and reporting lines in the event of suspected, attempted or actual bribery or corruption perpetrated by an individual against NCIUL.

DEFINITION OF BRIBERY AND CORRUPTION

NCIUL has a clear definition of fraud, underpinned by national and statutory regulations, OU regulations and other relevant regulations. The Bribery Act 2010 provides a framework of potential areas within which an individual may be found guilty of bribery or corruption if in breach.

Bribery is defined as the offer, promise, giving, demanding or accepting of an advantage as an inducement for an action which is illegal, unethical, a breach of trust or the improper performance of a contract.

Inducement can take the form of gifts, hospitality, fees, rewards, jobs, internships, examination grades, favours or other advantages. It does not matter whether the bribe is given or received directly or through a third party or whether it is for the benefit of the recipient or some other person.

Corruption is defined as the misuse of entrusted power for personal gain.

An associated person provides services to NCIUL or acts on NCIUL's behalf and could be an employee of any type, consultants, agents and other forms of intermediaries and subsidiaries. Research students are likely to be considered as associated persons in respect of the conduct of their research and for activities such as fieldwork. Furthermore, undergraduate and postgraduate students are not normally considered as associated persons unless they are themselves contracted by NCIUL to provide a service.

A foreign or government official could include a public official, whether foreign or domestic; a political candidate or party official; a representative of government owned or majority controlled organisation; or an employee of a public international organisation.

Facilitation payments are unofficial financial payments or other advantages (either directly or indirectly) made to secure or expedite the performance of a routine or necessary action to which the payer of the facilitation payment has legal or other entitlement.

PRINCIPLES

This policy is universal, therefore it applies to all of NCIUL's activities and operations and to all of its dealings and negotiations with third parties in all countries in which its employees, agents, partners and associates operate. All employees and individuals working on behalf of, under contract from or in collaboration with any part of NCIUL or with its employees are required to comply with this policy. This includes research students as appropriate.

NCIUL has a zero tolerance approach to bribery and corruption and as such, all forms of bribery and corruption are prohibited. Furthermore, just promising to give or agreeing to receive a bribe is prohibited.

NCIUL will address risks of bribery by ensuring adequate and proportionate measures are developed and implemented to mitigate them.

Arrangements with third parties will be subject to clear contractual terms, including specific provisions requiring them to comply with minimum standards and procedures relating to bribery and corruption. NCIUL will not engage, or continue business with, any individual or third party who we know or reasonably suspect of engaging in bribery or corruption.

No staff member or associated person will suffer penalty or other adverse consequences for refusing to pay bribes even if a refusal may result in loss of business or a delay in proceedings.

The prevention, detection and reporting of bribery are the responsibility of all staff. They should raise any concerns or allegations of bribery or corrupt activity with their Associate Dean or report any such concerns to members of the Executive Board. Where staff feel they are not able to report in this way, they should report them through NCIUL's Public Interest Disclosure (Whistleblowing) Policy.

NCIUL will ensure it takes appropriate action in response to any reported incidents of bribery or corruption. Investigations of bribery or corrupt activity will follow the principles and procedures set out in the Anti-Fraud Policy. Failure to comply with this Policy will lead to disciplinary action and proven allegations will lead to disciplinary action resulting in summary dismissal. In relevant cases the police and the Serious Fraud Office (SFO) will be informed as certain offences carry criminal liability for individuals concerned and sanctions include significant fines and/or imprisonment.

PROPORTIONATE PROCEDURES

NCIUL will ensure it has procedures in place to prevent bribery by staff and other persons associated with it, including research students as appropriate, which are proportionate to the bribery risks it faces and to the nature, scale and complexity of NCIUL's activities.

RISK ASSESSMENT

Associate Deans or their nominees are responsible for ensuring risks are assessed and appropriate action taken to comply with this Policy.

DUE DILIGENCE

NCIUL will apply due diligence procedures, taking a proportionate and risk-based approach, in respect of persons and organisations that perform or will perform services for or on behalf of NCIUL in order to mitigate identified bribery risks.

Where appropriate, Associate Deans or their nominees will complete sufficient due diligence when entering into arrangements with others to ensure they are not acting corruptly and to periodically monitor their performance to ensure ongoing compliance. They will take appropriate action in response to any information uncovered as a result of due diligence which gives rise to concern and report any such actions to the Executive Board.

COMMUNICATION

NCIUL ensures that its bribery prevention and associated policies and procedures are embedded and understood throughout the organisation through internal and external communication.

The HR Officer is responsible for ensuring the communication of NCIUL's Anti-Bribery and Corruption Policy and other relevant policies to associated person(s). They will also monitor and review their procedures and action plans to ensure their suitability, adequacy and effectiveness in relation to this Policy and implement improvements as appropriate.

REVIEW PROCESS

This Policy is reviewed annually to ensure fitness for purpose by the HR Officer and the Committee of Equality and Diversity.

External Sources:

1. Bribery Act Guidance published by the Ministry of Justice
(<http://webarchive.nationalarchives.gov.uk/+http://www.justice.gov.uk/guidance/docs/bribery-act-2010-guidance.pdf>)
2. For those with authority to place orders or issue contracts to suppliers or other third parties: The Chartered Institute of Purchasing and Supply (CIPS) Corporate Code of Ethics.
3. For staff who are members of professional bodies, see their own codes of ethics.

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