



Anti Bribery Policy

This policy sets out Cranfield University and its group companies' ("Cranfield") approach to monitoring, identifying and ultimately avoiding incidents and/or risks of bribery.

1. Introduction

Cranfield is committed to ethical standards of business conduct, and adopts a zero-tolerance approach to bribery and corruption in all jurisdictions. Cranfield will uphold relevant laws for countering bribery and corruption, in particular the Bribery Act 2010. Bribery is both illegal and unethical, and brings with it the potential for criminal liability and severe penalties at both the Corporate (University) and individual level.

2. Definitions

Corruption can be defined as dishonest or fraudulent conduct, typically involving bribery.

Bribery can be defined as offering, giving, receiving or soliciting something of value to influence the actions of an official or other person in the discharge of a public or legal duty.

3. Scope

- 3.1 This policy applies to all members of Council (and its sub-committees), all board members of Cranfield companies, Cranfield staff and students of the University.
- 3.2 This policy also applies to agency and self-employed workers undertaking work for Cranfield, and all other persons acting for Cranfield, whether directly or indirectly, such as external members of University Committees, individuals appointed as directors of any company, consultants, contractors and agents.
- 3.3 Preventing, detecting and reporting bribery in line with this policy is the responsibility of all those outlined in 3.1 and 3.2 above.
- 3.4 To the fullest extent permissible by law, this policy shall apply in all jurisdictions in which Cranfield operates ie both within and outside the UK.
- 3.5 Breach of this policy may constitute a disciplinary offence for staff and students and will be subject to investigation under Cranfield'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 section 5 below).

4. What is Bribery?

"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

4. Legal penalties

- 4.1 Individuals found guilty of a bribery offence can face fines or prison sentences of up to ten years.
- 4.2 Cranfield 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 Cranfield, are acting on its behalf. Cranfield may also find itself excluded from certain public contracts, potentially affecting its income.

5. What is not acceptable?

- 5.1 It is not acceptable for anyone to whom this policy applies to engage in bribery (whether giving or receiving) as defined in section 3 above, or otherwise engage in any activity that might lead to a breach of this policy.
- 5.2 In addition, it is not acceptable for them to fail to report any concerns which are required to be reported under this policy.

6. What steps can we take to prevent bribery?

The following steps can assist in the prevention of Bribery:

- Effective risk assessment to identify the specific areas where the University/individual does or could face bribery and corruption risks, thereby allowing plans, actions and protections to be put in place to mitigate the risk. For example

when travelling overseas be aware that the definition of “foreign public official” may differ from that in the UK.

- Effective monitoring and control of risks identified, including amending procedures to mitigate risk.
- Accurate financial records are required as many serious bribery offences involve some degree of inaccurate records. Accurate financial records of all income and expenditure connected to the University (including third parties acting on our behalf) must be properly recorded in accordance with financial procedures.

7. What do I do if I suspect bribery?

- 7.1 Any person who has reason to believe that an act of bribery has or is about to take place is required to inform the Chief Operating Officer and Internal Audit, who will then report this to the Chief Executive & Vice-Chancellor.
- 7.2 If it is suspected that the Chief Executive & Vice-Chancellor, University Secretary & Head of Executive Office or Chief Operating Officer are involved in the irregularity the matter should instead be notified to the Chair of Audit Committee.
- 7.3 Cranfield encourages everyone to speak up and report any concerns they may have about bribery activity. This is a key part of Cranfield's commitment to ethical and legal compliance. Cranfield is committed to ensuring that individuals making reports in good faith do not suffer detriment as a result.
- 7.4 If a person feels that they are not able to report their concerns through the route detailed in paragraphs 7.1 and 7.2 above, they should still consider reporting them by means of Cranfield's Whistleblowing Policy which can be found at [Whistleblowing Policies and Procedures](#)

8. Gifts and Hospitality

- 8.1 No member of Council (or its sub-committees), in his or her capacity as such, or any employee (or Director of a Cranfield company) in the course of his or her employment, may accept any gift greater than £100 otherwise than in the name of, and for the benefit of Cranfield. Gifts of money should always be refused.
- 8.2 The past, current and prospective suppliers of goods and services to Cranfield and the purchasers of goods and services from Cranfield may from time to time offer hospitality to employees of Cranfield. Hospitality offered may include meals, accommodation, travel costs, entertainment. Hospitality must not be accepted by employees of Cranfield in circumstances which may allow the employee to appear to be unduly influenced in favour of the provider of the hospitality. Every School, Service Department and Cranfield company will maintain a register of hospitality received or refused by members of staff within the Department with an estimated value in excess of £100, which shall record the nature, name of provider and estimated value of the hospitality. A register will be maintained by the Chief Operating Officer for members of the Executive and Directors of Professional Service Units. Registers will be reviewed by Internal Audit as part of their annual work programme.
- 8.3 Hospitality can amount to bribery. The key point is the need for great care, transparency and proper processes when dealing with hospitality. This applies equally where hospitality is given (or proposed to be given) and where it is received (or offered).

- 8.4 There is no 'cut off' point at which gifts and hospitality are considered too small to amount to bribery because the purpose behind the hospitality is always important.
- 8.5 The gift or receipt of hospitality which is aimed at securing an improper business or other advantage, or which may affect the recipient's independence, is not permissible under this policy. However, normal and proportionate hospitality given or received as part of Cranfield's wider student, commercial, promotional and marketing activities, which is genuinely aimed at building a good business relationship or improving the profile of Cranfield, is allowable.
- 8.6 The overall value of hospitality should be considered. This should be taken as the aggregate of any hospitality that an individual is offered by **the same** third party (or any parties related to them) within a three month period.
- 8.7 Caution should be exercised in relation to hospitality. If in doubt about the propriety of hospitality, do not offer or receive it.
- 8.8 Do not hesitate to take advice before accepting hospitality. The Chief Operating Officer is able to offer advice when appropriate. The timing of hospitality in relation to any potential conflict may be key in deciding its appropriateness.

9. Facilitation payments

- 9.1 Facilitation payments are 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 additional personal payment to issue a visa. Similarly individuals within an official overseas regulatory authority may require an improper payment to issue regulatory approval for joint educational arrangements Cranfield 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.
- 9.2 Cranfield does not offer or make, and shall not demand or accept, facilitation payments of any kind anywhere in the world by those specified in 3.1 and 3.2 above.
- 9.3 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.
- 9.4 If members of Cranfield 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 section 6 above.
- 9.5 Cranfield 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. Common sense must be used in deciding whether to make a payment in such circumstances. Cranfield will not penalise payments made in such

circumstances. Where the circumstances set out in this paragraph apply, members of Cranfield must as soon as possible report the circumstances using one of the processes under section 6 above.

10. Overseas Jurisdiction

- 10.1 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. The index can be found at [Corruption Perceptions Index: Transparency International](#)
- 10.2 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.

11. High risk areas

- 11.1 The provisions of this policy clearly state that Cranfield 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 (section 8), facilitation payments (section 9) and certain overseas jurisdictions (section 10). Such 'high risk' areas will change over time as circumstances dictate.
- 11.2 However, for a Higher Education Institution such as Cranfield 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 10 above);
 - Joint Ventures and consultancies, where Cranfield could be held liable for any bribery or corruption committed by a third party with whom Cranfield 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 Cranfield.

12. Related Policy and Procedures

Whistleblowing policy and procedure

https://intranet.cranfield.ac.uk/finance/PolicyProcedures/Anti_bribery_policy.pdf

Financial Manual (not published on intranet);

<https://intranet.cranfield.ac.uk/finance/fm/FinancialManual.pdf>

Modern Slavery and Human Trafficking Statement: <https://www.cranfield.ac.uk/about/governance-and-policies/policies-and-regulations>

Document title	Anti-Bribery Policy
Originator name/document owner	Director of Finance
Professional Service Unit/Department	Finance
Implementation/effective date	28 March 2012
Approval by and date	Executive, 7 th December 2016
Date of last review and version number	November 2016
Date of next review	November 2019

Appendix 1

Guidance on bribery incidences

An Agent/third party that you are dealing with wishes to receive some commission up front.

- All business transactions have to be entered into in accordance with the University policies. Requests for payments not in accordance with the contract could be bribery.

An individual has approached you and indicated that in return for promising his child a place on your course he could make a donation/put business the University's way.

- This is bribery. The child must be treated as any other candidate and this position must be put in writing to the individual.

On an overseas trip you are given an envelope of money for no apparent reason (ie it is not to pay a university invoice or reimburse your flight costs).

- If you cannot safely decline the envelope, you should contact Internal Audit and the Chief Operating Officer (section 7) and on your return to the University the envelope should be handover to the Chief Operating Officer and or the Head of Internal Audit.

The payment does not have to be cash; someone you are developing a business relationship with for Cranfield offers you use of their holiday home free of charge.

- This could be construed as a bribe and should be refused.

A supplier would like to take you out to lunch and discuss their services to you

- You may go without reporting it, as long as your share of the bill paid by the third party will not exceed £100. However if the services that the supplier provides are in the process of being tendered (or will be in the near future) then the lunch should be refused as this could be interpreted as an attempt to influence the University's actions in the tendering process

I am working overseas and a customs official has said that if I pay extra I can get my equipment cleared quicker.

- This could be a facilitation payment or constitute bribing a foreign official.

How can I tell the difference between bribery and extortion?

- You need to consider the business ethics of the country in which the party you are dealing with is based (<http://www.transparency.org>), are there known "under the table" practices operating, what Government rules are in place. The line between bribery and extortion can be complex and difficult to evidence eg implied threats. Staff should fully brief themselves before travel and seek advice if unclear.

Bribing a foreign public official

- An employee is recruiting overseas students and through an overseas agent makes arrangements to pay a goodwill payment to a government official so that the University can have preferential access to schools where there are high quality students who wish to undertake study in the UK. 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 business advantage for the Worker and the University.

A third party expects a substantial part of payment in cash.

- The University policy is not to agree to any requests to pay substantial sums in cash.