

Gazette Supplement



University Policy on Bribery and Fraud

Approved by Council on 8 July 2013

The following University Policy on Bribery and Fraud supersedes the Bribery and Fraud Policy (Supplement (1) to *Gazette* No 4960, 27 July 2011).

Policy on Bribery and Fraud

Summary

Policy:

- The University has no tolerance of bribery and fraud and will take appropriate action to prevent it in respect of its activities.
- Bribery and fraud by University employees or student members acting on behalf of the University will be treated as a serious disciplinary offence.

Standards:

- Staff and other associated persons who act on behalf of the University are expected to abide by the following standards:
 - no financial or other advantage shall be sought through bribery;
 - in respect of any activity carried out on behalf of the University, no form of fraud shall be engaged in;
 - the payment or acceptance of facilitation payments will not be tolerated;
 - University Gifts and Hospitality Policy must be adhered to at all times;
 - any suspicion of bribery or fraud should be reported immediately through the defined channels.

Application:

- This policy and associated guidance applies throughout the University, apart from Oxford University Press which has its own complementary policy and procedures, and includes majority and wholly owned University subsidiary companies except where alternative policies have been approved.
- This policy and associated guidance applies to all staff and associated persons acting on behalf of the University in any manner - further guidance on terms used, the scope and application of the policy is provided on the University website¹.

Risk assessment:

- Bribery and fraud risk should be regularly assessed by divisions, departments and committees.

Third parties:

- Third parties acting for or providing services to the University are expected not to commit bribery or fraud and are advised to familiarize themselves with the provisions of this policy.

Exceptions:

- The only exception to these rules is where there is an immediate threat to life, limb or liberty - such incidents must be reported through the channels defined in this policy.

1. Policy

1.1 The University is committed to conducting its activities fairly, honestly and openly, in accordance with relevant legislation, and to the highest standards of integrity. The University has no tolerance

of bribery or fraud, and believes that action against bribery and fraud is in the broader interests of society. As a charity deriving a significant proportion of its income from public funds, benefactions and charitable organisations, the University is concerned to protect its operations and reputation and its funders, donors, staff and students from the detriment associated with bribery and other corrupt activity. It is therefore committed to preventing bribery and fraud by its staff and any third party acting for or on behalf of the University.

1.2 The University will take appropriate action to prevent bribery and all forms of fraud in respect of its activities. Where bribery and fraud are shown to have occurred, the University will take firm action, which may include dismissal and legal action. Bribery and fraud by University employees or student members acting on behalf of the University will be treated as a serious disciplinary offence.

2. Standards

2.1 Staff and associated persons who act on behalf of or provide services to the University are expected to act at all times in a manner that is fair, impartial, and without favouritism or bias. In order to conduct the activities of the University to the highest standards of integrity, in accordance with relevant legislation, and to ensure that there can be no suspicion or appearance of corruption, they are expected to abide by the following standards:

2.1.1 no member of staff or person acting on behalf of or providing services for the University shall seek a financial or other advantage for the University through

¹at: www.admin.ox.ac.uk/councilsec/compliance/briberyfraud

²Fraud may be financial or property-related (including both tangible and intangible property) and may include, for example, deliberate misrepresentation of research in order to gain a benefit or cause a loss.

bribery; nor shall they offer, promise, give, request, agree to receive or accept a bribe for any purpose;

2.1.2 the University has no tolerance of fraud within its operations² and members of staff or persons acting on behalf of or providing services for the University must not engage in any form of fraud in respect of activity carried out on behalf of the University;

2.1.3 the payment or acceptance of facilitation payments is unacceptable and will not be tolerated, except where the relevant territory specifically permits such payments in its written law;

2.1.4 staff and persons acting on behalf of or providing services for the University must abide by the University Policy on Gifts and Hospitality;

2.1.5 any suspicion of bribery or fraud should be reported immediately through the channels defined by this policy, and the University will consider appropriately all such reported instances.

3. Application

3.1 Definition and scope

3.1.1 This policy applies to all staff and associated persons of the University. It shall be made generally available and published publicly via the University website³.

3.1.2 Bribery and fraud are complex legal concepts: further definition and explanatory guidance on how to interpret the legislation, this policy and terminology used is provided separately on the University website⁴.

3.1.3 This policy and associated explanatory guidance has been adopted by Council and applies throughout the University apart from Oxford University Press, which has its own complementary policy and procedures. This policy also applies in full to majority and wholly owned University subsidiary companies unless separate policies have been formally approved and adopted by the Boards of those companies and endorsed by Council's General Purposes Committee.

3.2 Responsibilities

3.2.1 The Registrar is responsible for ensuring that this policy is implemented and maintained and that appropriate explanatory guidance is provided. Heads of Division, Heads of Department⁵, and Heads of University Services (UAS and ASUC) are responsible for ensuring that staff within their divisions, departments or sections (as appropriate), affected students, and other associated persons are made aware of this policy and associated explanatory guidance.

3.2.2 The Boards of Directors of majority and wholly owned subsidiary companies of the University are responsible for ensuring that this policy, or an alternate policy that is approved by Council's General Purposes Committee, is implemented and maintained within those companies and that staff and other associated persons are made aware of the policy and associated explanatory guidance.

3.2.3 Every member of staff and associated person who acts on behalf of or provides services to the University is responsible for ensuring that they comply at all times with this policy and guard against the commission of bribery or fraud.

3.2.4 The Registrar, or a nominated delegate, is responsible for monitoring the effectiveness of this policy, keeping it under regular review, and proposing any amendments in the policy to Council as appropriate and necessary. To this end, he or she will:

- (a) ensure that appropriate levels of explanatory guidance and training are provided to support this policy and that they are kept up to date;
- (b) ensure that any standard University documents and procedures (including procurement terms and procedures, fundraising documentation, and terms and conditions of sale, hire and employment) reflect the requirements of this policy;
- (c) ensure that procedures are in place to deal with suspected instances of bribery and fraud and to coordinate the University's response to any investigation or charge under anti-bribery or fraud legislation;

(d) ensure that procedures are in place to communicate this policy to all staff and others who act on behalf of or provide services for the University and, where appropriate, to arrange for the provision of further guidance and training;

(e) compile an annual report for the Audit and Scrutiny Committee on the implementation of this policy, including the outcomes of any relevant risk assessments and due diligence and any reported incidents of suspected bribery and fraud.

3.3 Suspected instances of bribery and fraud

3.3.1. The Registrar will publish 'Procedures For Dealing with Suspected Instances of Bribery and Fraud'⁶. These will include the following provisions:

- (a) individuals who suspect that bribery or fraud has occurred are required to report their concerns immediately to the Director of Finance or the Registrar;
- (b) all disclosures are to be made in accordance with the University's Public Interest Disclosure Code of Practice;
- (c) the University will consider and deal appropriately with all reported instances of bribery and fraud;
- (d) the Registrar will ensure that a register of reported incidents of bribery and fraud is maintained.

3.4 Interaction with other policies, procedures and regulation

3.4.1 This policy interacts and overlaps with a number of other University policies and procedures:

- Financial Regulations and supporting Financial Processes
- Policy on Conflict of Interest
- Gifts and Hospitality Policy
- Code of Practice on Academic Integrity in Research
- Procedures for the Admission of Graduate and Undergraduate students
- Public Interest Disclosure Code of Practice.

³at: www.admin.ox.ac.uk/councilsec/compliance/briberyfraud

⁴at: www.admin.ox.ac.uk/councilsec/compliance/briberyfraud/definitionsinterpretations

⁵including faculty board chairs

⁶at: www.admin.ox.ac.uk/councilsec/compliance/briberyfraud/procedures

3.4.2 This policy also takes account of the University's wider legislative obligations and provisions pertaining to bribery, fraud and associated behaviour as set out in but not limited to:

- The Bribery Act, 2010
- The Fraud Act, 2006
- The Terrorism Act, 2006
- The Proceeds of Crime Act, 2002
- The Computer Misuse Act, 1990.

4. Risk assessment

4.1 Bribery and fraud risk should be regularly assessed as a specific part of the wider risk assessment and management performed by divisions, departments and committees. Significant transactions – those that are of high value, or high risk⁷, or high profile – should always be subject to a specific bribery and fraud risk assessment. Proportionate preventative and detective controls should be identified and implemented, together with regular reviews to determine their efficacy.

4.2 Where risk assessments indicate a significant risk that bribery or fraud might occur appropriate due diligence must be conducted prior to proceeding with the relevant transaction.

4.3 The University provides specific guidance⁸ to aid the completion of risk assessments and on the conduct of appropriate due diligence into significant transactions that may be subject to heightened risk.

5. Third parties

5.1 The University expects third parties acting for or providing services to the University not to commit bribery or fraud and will take appropriate measures and action should it discover that third parties are engaging in bribery and fraud.

5.2 Third parties are advised, therefore, to make themselves fully aware of the provisions of this policy and, in particular, the Standards relating to bribery and fraud. Where appropriate, the University will include contractual obligations in respect of adherence to this policy in its agreements with third parties.

6. Exceptions

6.1 The University recognizes that exceptional instances might arise in which a bribe or facilitation payment is demanded of a member of staff or person acting for or providing services to the University where refusal may cause immediate personal danger to that individual. In such circumstances, where there is a real and immediate threat to life, limb or liberty, payment is permitted but must be reported, in accordance with the Procedures set out at section 3.3, either when the event occurs or as soon as possible thereafter.

7. Further guidance

Further guidance, including explanation, interpretation and definition of terminology used, is provided separately on the University website⁹.

⁷ie significantly increased risk due to the nature of the transaction, third party, territory, opportunity or sector

⁸at: www.admin.ox.ac.uk/councilsec/compliance/briberyfraud/riskawarenesstoolkit

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