

## BRIBERY AND CORRUPTION

### SUMMARY OF SUBSTANTIVE CHANGES

#### General changes

Some sections of this document have been re-ordered.

Section	
8.9	Declarations of family and close personal relationships – refer to text

(Amendments to version 02.0, UPR GV12 are shown in italics.)

#### Structure

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## Appendix I Public Interest Disclosure

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### 1 INTRODUCTION

- 1.1 The purpose of the policies and regulations set out in this document is to ensure that the University is able to comply with the Bribery Act 2010 and the HEFCE Audit Code of Practice (or equivalent document). UPR GV12 superseded UPR GV02<sup>1</sup> with effect from 1 April 2011. UPR GV12 should be read in conjunction with UPR FR05<sup>2</sup>, UPR FR04<sup>3</sup> and Appendix I, UPR GV12<sup>4</sup>.
- 1.2 The regulations and procedures set out in this document have been approved by the Board of Governors<sup>5</sup> which considers that the University's continued success is dependent upon its values and good reputation.

### 2 DEFINITIONS

- 2.1 For the purposes of this document the following definition will apply:

- 2.1.1 **'Bribery':**

the offering, promising, giving, accepting or soliciting of an advantage as an inducement for action which is illegal or a breach of trust;

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<sup>1</sup> UPR GV01 'Declaration and Registration of Interests, Benefits and Gifts'

<sup>2</sup> UPR FR05 'Travel, Expenses and Allowances'

<sup>3</sup> UPR FR04 'Fraud and Corruption – Anti-Fraud and Anti-Corruption Policy'

<sup>4</sup> UPR GV 12 Appendix I 'Public Interest Disclosure'

<sup>5</sup> **Board of Governors** Minutes 435.2, 29 June 2000; 466.1, 14 December 2000, 501, 23 October 2001; 487.2, 22 March 2011, 832, 79 July 2012, refer; **Audit Committee** minute 436, 23 September 2003, refers.

**(Note for guidance)**

- The following constitute offences under the Bribery Act 2010:
- bribing another person;
- accepting a bribe;
- bribing a foreign official;
- failing to prevent bribery within a commercial organisation.
- Offering, promising or actually giving a financial or other advantage to another person, where it is intended that the advantage should induce another person to perform improperly a relevant function or activity or to reward a person for the improper performance of such a function or activity, is an offence under the Bribery Act 2010. An individual or organisation that offers, promises or gives a financial or other advantage to another person, knowing or believing that acceptance of the advantage would itself constitute the improper performance of a relevant function or activity, is committing an offence under the Bribery Act 2010.
- In either of the above cases, it does not matter whether the advantage is offered, promised or given by an individual or organisation directly or through a third party.
- Where an act of bribery is committed overseas, it will constitute an offence under UK law. Convictions under the Bribery Act 2010 may have far-reaching consequences for individuals, and for organisations and employers.)

**2.1.2 'Corruption':**

the misuse of public office or power for private gain or the misuse of private power in relation to business outside of the realm of the government;

**2.1.3 'University':**

the University of Hertfordshire Higher Education Corporation, companies wholly-owned by the Corporation and their wholly-owned subsidiaries and companies of which the Corporation is a member or otherwise has an interest, for example, under the terms of a Shareholders Agreement;

**2.1.4 'member of the University':**

any of the individuals listed in section 3.

**3 SCOPE**

These regulations and procedures apply to:

- i all employees of the University;
- ii students of the University where they undertake work for or on behalf of the University;

**(Note for guidance)**

Examples would include, but are not limited to, the involvement of research students in work associated with consultancy contracts/applied research.)

- iii all members of the Board of Governors and committees of the Board;

- iv any Trustee of the University of Hertfordshire Charitable Trust;
- v all employees of the University's subsidiary companies including wholly-owned, technology transfer, associated and any other company in which the University has an interest;
- vi all Directors and officers of the University's subsidiary companies including wholly-owned, technology transfer, associated and any other company in which the University has an interest;
- vii any other persons associated with or contracted to provide services to the University or its subsidiary companies, including, but not limited to, consultants;
- viii third party representatives including, but not limited to, agents, managing agents, recruitment agents, distributors, consultants and Joint Venture partners.

**(Note for guidance)**

Under the Bribery Act 2010, bribery and corrupt behaviour can be committed by an employee, officer or director; by any person acting on behalf of these individuals (a third party representative); and by individuals and organisations where they authorise someone else to carry out these acts.)

## **4 POLICY**

### **4.1 The University:**

- i is committed to the highest standards of openness, probity and accountability;
- ii will at all times act honestly and with integrity and conduct its business without the use of any corrupt, unfair or unlawful practices, such as bribery, fraud and the use of Facilitation Payments (section 5.4, refers);
- iii seeks to conduct its affairs in a responsible manner taking into account the requirements of relevant funding bodies and the standards in public life determined by the Nolan Committee;
- iv will undertake risk assessments in relation to specific areas in which it may face bribery and corruption risks;
- v regards the creation of false, misleading or inaccurate records as a breach of this policy;
- vi will maintain accurate books, records and financial reporting throughout its structures and subsidiaries and in its relationships with third party representatives;
- vii is committed to a programme of action to ensure that this policy is implemented, is effective and is brought to the attention of all members of the University, relevant third parties and, as necessary, other individuals and legal entities.

### **4.2 Disciplinary action**

The University will take disciplinary action in cases where it is alleged that this policy has been breached (UPR HR02<sup>6</sup>/UPR SA13<sup>7</sup>, refers).

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<sup>6</sup> UPR HR02 'Staff Disciplinary Policy'  
<sup>7</sup> UPR SA13 'Student Discipline'

## 5 REGULATIONS

### 5.1 All members of the University:

- i have a personal duty to act in accordance with this policy and all relevant legislation and are required to comply with the regulations set out in this document (UPR GV12);
- ii will lead by example and will act and conduct the affairs of the University honestly, fairly, legally and transparently;
- iii will ensure that this policy is drawn to the attention of:
  - a staff for whom they have responsibility;
  - b where relevant, students (section 3, ii, refers);
  - c business clients, prospective business clients;
  - d providers of goods and services; prospective providers of goods and services;
  - e third party representatives and prospective third party representatives;
  - f any other individual or organisation, as appropriate, under the terms of UPR GV12;

#### **(Note for guidance**

Although students are clients of the University, there is no requirement at present to bring this policy to their specific attention other than by means of its inclusion in the UPR series, unless section 3, ii, applies or in cases where a gift is offered by a student (section 7, refers).)

- iv will, where they are responsible for existing contracts and/or the negotiation/formation of new contracts with:
  - a business clients/prospective business clients;
  - b providers of goods and services/prospective providers of goods and services;
  - c third party representatives/prospective third party representatives or
  - d other individuals or organisations:
  - 1 at the outset of negotiations provide the other party with a copy of the document 'Anti-Bribery and Corruption' approved from time-to-time by the Secretary and Registrar and for seven (7) years maintain a record that they have done so;
  - 2 circulate annually to business clients, providers of goods and services, third party representatives and any other party with whom the University is contracted, a copy of the document 'Anti-Bribery and Corruption' approved from time-to-time by the Secretary and Registrar and for seven (7) years maintain a record that they have done so;
  - 3 ensure that contracts include appropriate clauses to provide for immediate termination where it is discovered that the conduct of a party to the contract is inconsistent with the policy and regulations set out in this document or any relevant legislation;
  - 4 when instructing third party representatives, have regard for the significant potential risks to the University of such arrangements/relationships in the event that the individuals or organisations concerned conduct University business in a manner that is inconsistent with the policy and regulations set out in this document or with relevant legislation and will, therefore, make an assessment of risk in each case prior to entering such an arrangement/relationship and prior to the renewal of any such arrangement/relationship;

#### **(Note for guidance**

In some circumstances, the University may be at risk of being held responsible for the acts of individuals working on its behalf and will not tolerate the use of bribes or any other corrupt business practices.)

- 5 maintain accurate and transparent records and financial reports which reflect each underlying transaction, concerning business activities and relationships, including relationships with third party representatives.

5.2 No member of the University shall intentionally offer or receive any bribe or engage in any corrupt practice nor instruct others to do so.

### 5.3 **Conflicts with local law or custom**

5.3.1 It is recognised that the policy and regulations set out in this document may conflict with local law or custom and practice in countries outside the United Kingdom.

i Local law

Where a local law conflicts with the policy and regulations in this document or with relevant UK legislation and/or imposes stricter obligations, members of the University must comply with the local law.

ii Local custom and practice

Where a local custom or practice departs from the policy and regulations in this document or from relevant UK legislation, members of the University must comply with the policy and regulations set out in this document and with relevant legislation.

5.3.2 All members of the University will, therefore, consider the policy and regulations in this document as minimum requirements to be followed at all times.

### 5.4 **Facilitation Payments**

#### **(Notes for guidance**

#### **Facilitation payments**

- In certain countries, it is customary business practice to make payments or gifts of small value in order to speed up or facilitate a routine action or process. These are often referred to as Facilitation Payments. Facilitation Payments are usually understood as small payments made to expedite the performance of routine administrative functions to which the payer is entitled. Under UK law it is illegal to make a Facilitation Payment, either in the UK or overseas, regardless of whether such a payment is made by an employee or a third party representative.
- Facilitation payments are distinct from corporate gifts such as those which may be given by the University to another organisation (or vice versa) as a courtesy.)

5.4.1 Members of the University are forbidden from making or accepting Facilitation Payments unless the circumstances described in this section (5.4) apply.

5.4.2 Where a Facilitation Payment is being extorted from a member of the University under duress, he or she should seek immediate guidance from the Secretary and Registrar (or nominee). However, in extreme circumstances, where it is impossible or impractical to obtain advice from the Secretary and Registrar (or nominee), members of the University are authorised to make Facilitation Payments where they believe that their safety is at real risk or that there is a real risk of harm.

- 5.4.3 Where a Facilitation Payment is made by a member of the University, either on the authority of the Secretary and Registrar (or nominee) or in the extreme circumstances described in section 5.4.2, the member of the University must within ten (**10**) working days make a written report to the Secretary and Registrar setting out:
- a the circumstances of the incident and
  - b the reason why the Facilitation Payment was made and
  - c the nature of the goods or service facilitated by the Facilitation Payment and
  - d the amount of the Facilitation Payment.

- 5.4.4 This report will be noted formally by the Audit Committee of the Board of Governors at the earliest opportunity.

**(Note for guidance)**

For the purposes of section 5.4, the nominee of the Secretary and Registrar is the Director of Legal Services and University Solicitor.)

**5.5 Threats and blackmail**

Threats or blackmail, either direct or implied, must be reported, in confidence, to the Secretary and Registrar (or nominee) and, where appropriate, to the Police.

**(Note for guidance)**

For the purposes of section 5.5, the nominee of the Secretary and Registrar is the Director of Legal Services and University Solicitor.)

**5.6 Declaration and Registration of Interests, Benefits and Gifts**

All members of the University are required to comply with the regulations and procedures set out in section 6.

**5.7 Subsidiary Companies**

- 5.7.1 The Boards of Directors of the University's wholly-owned subsidiary companies and their wholly-owned subsidiaries:

- i are required to adopt the policies, regulations and procedures set out in this document and any amendments approved from time-to-time by the Board of Governors;
- ii will make a report to the Finance and Employment Committee of the Board of Governors, confirming that they have done so.

**5.8 Negotiation and formation of contracts**

**(Notes for guidance)**

- Managers with responsibility for the negotiation or formation of contracts should note the range of legal relationships and prospective legal relationships which fall within the scope of UPR GV12. Examples include, but are not limited to, purchase orders and contracts, academic agreements and contracts such as those with Partner Organisations and agency agreements, including those with recruitment agents.
- For the purposes of section 5.8, the nominee of the Secretary and Registrar is the Director of Legal Services and University Solicitor.)

- 5.8.1 The Head of Procurement or other member of the University with responsibility for the negotiation/formation of new contracts or the management of existing contracts, will alert the Secretary and Registrar (or nominee) in cases where a prospective or existing consultant/agent/supplier or other individual or organisation either:
- a refuses to provide information or
  - b provides, during negotiation or at any point in any subsequent relationship, information that might reasonably be deemed to conflict with the Bribery Act 2010 and would, therefore, make the establishment or continuation of the association or relationship inappropriate.
- 5.8.2 The Head of Procurement will alert the Secretary and Registrar (or nominee) in cases where purchasing consortia or other groups with which the University is involved do not have controls which are consistent with those set out in this document (UPR GV12).

#### 5.9 **Public Interest Disclosure**

Any member of the University who observes or becomes aware of practices which they reasonably believe may breach this policy, or any relevant legal obligation, should raise the matter by means of the procedures set out in Appendix I, UPR GV12<sup>4</sup>.

#### 5.10 **Compliance**

- 5.10.1 Failure by a member of the University to comply with any of the requirements set out in this document (UPR GV12) will be regarded as a breach of discipline and may result in disciplinary action being taken.
- 5.10.2 Failure by an individual or organisation to comply with any of the requirements set out in this document may result in the termination of the contract or association with the University.

### 6 **REGISTERS OF INTERESTS**

- 6.1 The Secretary and Registrar will maintain three (**3**) Registers of Interests. The purpose and scope of these is described in sections 6.3 (Register A), 6.4 (Register C) and 6.5 (Register B).

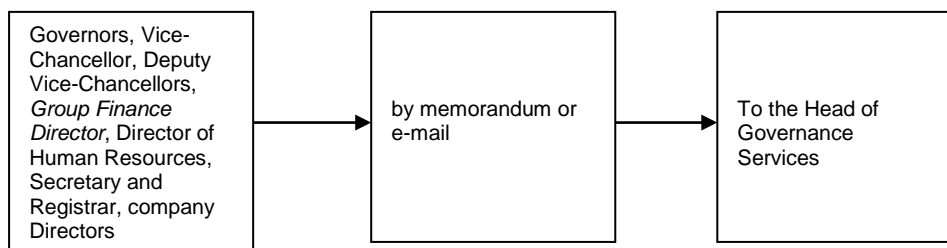
#### 6.2 **Retention, archiving and access**

- i Information will be held for the term of an individual's employment/consultancy/association with the University and for a period of seven (**7**) years following the termination of that relationship.
- ii Members of the University are permitted to examine the information recorded/held about them on any of the Registers of Interests by applying to the Secretary and Registrar and providing satisfactory proof of identity.
- iii Managers and bona fide investigating officers may seek permission from the Secretary and Registrar to review an individual's entry as part of the investigation of a complaint or disciplinary matter. Detailed information will be provided to them only with the prior written approval of the Secretary and Registrar.



### 6.3 Register of Interests A

#### How to make a declaration

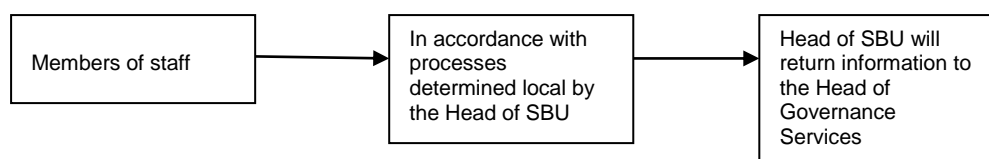


- i Register A will record matters reported by members of the Board of Governors and officers advising the Board (the Vice-Chancellor, the Deputy Vice-Chancellors, the *Group Finance Director*, the Director of Human Resources and the Secretary and Registrar) and the Directors of the University's wholly-owned subsidiary companies and their wholly-owned subsidiaries.
- ii **REPORTABLE MATTERS AND LEVEL OF ACCESS**  
The matters to be reported will include:
  - a any Directorships of which details are currently registered at Companies House;
  - b memberships of any quasi autonomous non-governmental organisations (Quangos);
- iii Declarations made in compliance with section 6.3, ii, are a matter of public record. Declarations by members of the Board of Governors of the matters referred to in section 6.3, ii, will be published on the University's open access Corporate Governance web site and will be made available in the University's Learning Resources Centre.
- iv **OTHER REPORTABLE MATTERS AND LEVEL OF ACCESS**  
In addition to the matters referred to in section 6.3, ii,
  - a members of the Board of Governors are required to make a declaration where they register as students of the University of Hertfordshire;
  - b the individuals referred to in section 6.3, i, are required to declare any other matter which falls within the scope of UPR GV12.

Declarations made in compliance with section 6.3, iv, will normally remain confidential unless the circumstances described in section 6.5, apply.
- v The Secretary and Registrar must be advised within twenty (**20**) working days of any significant change to an individual's declaration.

### 6.4 Register of Interests C

#### How to make a declaration



- i Register C will record all matters/declarations other than those to be recorded in Register A.

- ii **ACCESS TO REGISTER C**  
With the exception of the University's auditors and the Secretary and Registrar (or nominee), who may have unrestricted access to it, Register C will be regarded as a confidential record.

## 6.5 **Register of Interests B**

- i Register B will record information which could reasonably be expected to have direct relevance for the commercial activities of the University. The declarations recorded in Register B would normally include but are not limited to interests, potential conflicts of interest and private work.
- ii Any declaration made to Register A or C which is considered by the Secretary and Registrar to have direct relevance for the commercial activities of the University will be recorded in Register B.
- iii **ACCESS TO REGISTER B**  
Access to the information contained in Register B will be restricted. The information will be released on a confidential 'need-to-know' basis, on the written authority of the Secretary and Registrar only for the proper management of the University and conduct of its business in compliance with the requirements of UPR GV12.

## 7 **DECLARATION AND REGISTRATION OF INTERESTS, BENEFITS AND GIFTS**

### 7.1 **Reporting of information**

- 7.1.1 Each member of the University is personally responsible for reporting full information concerning any matters that fall within the scope of this policy and/or which the Board of Governors has directed must be recorded in the University's Register of Interests and will, therefore, comply with the regulations and procedures set out in the section (7).

#### **(Note for guidance**

*For the purposes of section 7.1.1, the nominee of the Secretary and Registrar is the Head of Governance Services.)*

- 7.1.2 The matters to be reported in compliance with UPR GV12 include, but are not necessarily limited to:
  - i personal gifts (including scholarly works), (section 8.2, refers);
  - ii corporate gifts (section 8.3, refers);
  - iii interests and potential conflicts of interest including conflicts of interest in relation to research (section 8.4, refers);
  - iv hospitality (section 8.5, refers);
  - v travel, accommodation and subsistence (section 8.6, refers);
  - vi private work, including private consultancies, directorships and paid memberships of external committees (section 8.7, refers);
  - vii any other reportable item/matter which falls within the scope of UPR GV12 including, but not limited to, privileges, favours, services or benefits (section 8.8, refers).
  - viii family and close personal relationships (section 8.9, refers);

- 7.1.3 All declarations should be made immediately the member of the University concerned is aware that a conflict may arise or that a matter is such that it should be reported under the provisions of UPR GV12<sup>2</sup>.

**(Note for guidance)**

In cases where they are unsure whether or not a report should be made to the Secretary and Registrar (or nominee) for inclusion in the appropriate Register of Interests, members of the University should, in the first instance, seek advice from their line managers or from the individual who would normally approve their expenses claims. Where the position remains unclear, advice must be sought from the Secretary and Registrar or Head of Governance Services.)

7.1.4 **Reportable items/matters**

Section 8, refers.

**8 REPORTABLE ITEMS/MATTERS**

**(Note for guidance)**

- *The regulations applying to loans of equipment and materials have been withdrawn and have been superseded, with effect from 12 April 2014 by a new regulation that prohibits the lending of equipment of materials that are the property of the University (as defined in section 2.1.3 of this document) to Members of the University for personal use.*
- *The regulations that apply to the removal of equipment and materials from University premises for bona fide business use are set out in UPR FR06. Loans of equipment and materials approved on this basis need not be declared under the provisions of UPR GV12 )*

- 8.1 The following are reportable items under the terms of the policy and regulations set out in this document (UPR GV12).

8.2 **Gifts (including scholarly works)**

Unless the circumstances referred to in sections 8.2.1 and 8.2.2 apply, no member of the University may accept a gift. Any offer of a gift must be declared.

8.2.1 **Scholarly works**

- i Members of the University are permitted to accept gifts of scholarly works provided that they make a declaration in accordance with the requirements of UPR GV12.
- ii For the purposes of these regulations scholarly works are defined as text or reference works (printed or in digital form) received by members of the University for academic and/or professional purposes.

8.2.2 **Personal gifts**

- i With the exception of scholarly works (section 8.2.1, refers) and items with a very small intrinsic value, not exceeding **£20**, such as business diaries or calendars, members of the University must not accept personal gifts, including gifts in kind.
- ii A personal gift with a value of less than **£20** may be accepted provided that the circumstances in which the personal gift is being given do not conflict with the principles of the Bribery Act 2010 nor UPR GV12. Such personal gifts need not be declared.

- iii For the avoidance of doubt, where a personal gift is offered which has a value of more than **£20** or a personal gift of any value is offered which could reasonably be deemed to constitute a conflict of interests, the gift must be declined and a declaration made.

**(Note for guidance)**

Birthday or other gifts exchanged between members of the University by virtue of a personal friendship would not normally be subject to this restriction. However, this restriction would apply to gifts associated with the conduct of the University's business, for example, a gift from a student to a member of staff.)

- iv **PERSONAL GIFTS FROM SUPERVISORS OR MANAGERS TO MEMBERS OF STAFF**  
Members of staff may accept personal gifts from their supervisors or managers without declaring them provided that:
  - a the personal gift is not in the form cash;
  - b the circumstances in which the personal gift is being given do not conflict with the principles of the Bribery Act 2010 nor UPR GV12;
  - c the value of the personal gift does not conflict with the principles of the Bribery Act 2010 nor UPR GV12.

### **8.3 Corporate gifts**

- 8.3.1 Any gift received/accepted that falls outside the scope of section 8.2 will be regarded as a corporate gift and where accepted must be declared.

**(Note for guidance)**

From time-to-time members of staff may receive gifts from students and it is often difficult to decline these without causing offence. Unless the value is less than **£20**, in which case the regulations in section 8.2 apply, all such gifts will be considered corporate gifts. Where accepted, it must be made clear that they are accepted on that basis.)

- 8.3.2 Where a corporate gift has been accepted but is not to be retained for the use of the area which has received it, the gift must be lodged with the Secretary and Registrar.

### **8.4 Interests and potential conflicts of interest, including conflicts of interest in relation to research**

**(Notes for guidance)**

- It is acknowledged that the declaration of an interest does not pre-suppose a conflict of interests.
- Where an interest is financial, there is no requirement to register the sum involved.)

#### **8.4.1 Conflicts of interest in relation to research**

Members of the University engaged in research ('researchers') are required to declare any circumstances where the commitments and obligations owed by them to the University or to other bodies, for example funding bodies, are likely to be compromised by that person's personal gain. Such conflicts/potential conflicts of interest would include, but are not limited to, financial or non-financial or both, may relate to conflicts between the private interests of a research organisation and those of the researcher, and conflicts between the interests of the researcher and the interests of research participants.

## **8.5 Hospitality**

8.5.1 Members of the University are not normally permitted to accept hospitality with a value in excess of **£80** unless:

- i prior written approval has been given by their line manager or Head of Strategic Business Unit (SBU), and
- ii a declaration has been made.

8.5.2 It is recognised that in some exceptional cases it may not be possible to anticipate value nor obtain the prior approval referred to in section 8.5.1, i. In these circumstances the member of the University will make a declaration and a report to his or her Head of SBU within three **(3)** working days of having accepted the hospitality. The Head of SBU will determine whether the acceptance was appropriate and determine any course of action to be taken. It should be noted that such cases will be regarded as exceptional.

8.5.3 Where hospitality with a value in excess of **£80** has been declined, a declaration must, nevertheless, be made by the member of the University to whom the offer was made.

## **8.6 Travel, accommodation and subsistence**

8.6.1 Members of the University are:

- i not normally permitted to accept offers of travel, accommodation or subsistence from external organisations or individuals and where offered and declined must make a declaration (section 8.6.2, refers);
- ii are required to make a declaration where a period of annual leave will be associated with a business journey either in the UK or overseas, for which an expenses claim will be made against the University in respect of costs associated with the journey or part of the journey.

8.6.2 Exceptions to section 8.6.1, i, may be permitted with the prior written consent of the relevant Head of SBU in specific circumstances where acceptance could not reasonably be construed as an inducement or conflict of interest.

### **(Note for guidance)**

Examples would include cases where a member of the University is invited to present at a conference and the invitation includes the payment of reasonable travel and subsistence costs at rates consistent with the regulations of the other party.)

## **8.7 Private work, including private consultancies, directorships and paid memberships of external committees**

All such matters must be declared.

## **8.8 Any other reportable item/matter which falls within the scope of UPR GV12 offered and declined**

### **(Notes for guidance)**

- o Examples would include benefits, offers of hospitality or invitations to events (which might include travel, accommodation or subsistence) taking place outside normal working hours and/or during periods of annual leave and for which no expenses claim or other claim, for example, time off to attend, would be made against the University.

- *Benefits might result directly from (or could reasonably be inferred to have resulted directly from) an individual's employment or association with the University.*
- Where the situation is unclear, the individual concerned should, in the first instance, seek advice from his or her line manager or from the individual who would normally approve his or her expenses claims. Where the position remains unclear, advice must be sought from the Secretary and Registrar (or nominee.)

## **8.9 Family and close personal relationships**

*The declaration of a family or close personal relationship by an individual family member/party will be assumed to have been made on behalf of all members of the family/parties to the relationship who are associated with the University or otherwise fall within the scope of UPR GV12.*

### **8.9.1 Family and close personal relationships that may affect students or the student experience**

Any family or close personal relationship that affects or could reasonably be expected to affect the student experience or the relationship with students must be declared on confidential a basis.

#### **(Note for guidance**

The declaration of information concerning personal relationships with students required under the provisions of these regulations (UPR GV12) is additional to the University's requirements, set out in UPR AS14<sup>8</sup>, concerning the declarations which staff are required to make to their Deans of School and to Chairmen of Programme Boards of Examiners.)

### **8.9.2 Other family and close personal relationships**

Where 8.9.1 does not apply, members of the University, as defined in section 3, are required to declare to the Secretary and Registrar (or nominee) any family relationship or where there is a conflict of interests or potential conflict of interests, any close personal relationship with another member of the University which exists either at the time of their employment/the commencement of their association with the University or any such family or close personal relationship that may arise and/or cease thereafter during the period of their employment/association.

## **9 ROLES AND RESPONSIBILITIES**

### **9.1 Board of Governors**

#### **9.1.1 The Board of Governors:**

- i will determine University policy and regulation in relation to Bribery, Corruption and related matters, including the regulations relating to the declaration and registration of interests, benefits and gifts and the University's Registers of Interests;
- ii retains overall responsibility for the effective operation of the policy and regulations set out in this document (UPR GV12) and for their review and revision;

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<sup>8</sup> UPR AS14 'Structure and Assessment Regulations – Undergraduate and Taught Postgraduate Programmes'

- iii will ensure that appropriate processes are in place such that all suspected irregularities (financial or otherwise) are reported, as appropriate, in accordance with UPR GV12 and, in cases where the irregularity is of sufficient seriousness, to the Accounting Officer of HEFCE, in compliance with the HEFCE Code of Practice.

## 9.2 **Audit Committee**

9.2.1 The Board of Governors has delegated responsibility to the Audit Committee for:

- i monitoring compliance with the policies and regulations set out in this document;
- ii reviewing the effectiveness of internal control processes and procedures;
- iii providing assurance to the Board;
- iv reviewing this policy and supporting regulations and recommending revisions for approval by the Board;
- v annually, reviewing the value limits that apply to the declaration and registration of matters to be reported in compliance with this policy and its supporting regulations.

## 9.3 **Vice-Chancellor**

9.3.1 The Board has delegated responsibility to the Vice-Chancellor for the day-to-day implementation and operation of the policy and regulations set out in this document and for ensuring compliance.

9.3.2 The Vice-Chancellor:

- i will authorise any necessary investigations required in cases where non-compliance is suspected or has been alleged and, in particular, will sign all necessary authorities for surveillance to be undertaken;
- ii will initiate the relevant disciplinary procedure where the findings of an audit investigation indicate dishonest behaviour;
- iii will contact the Police where there is evidence that a criminal offence may have been committed;
- iv will liaise with the Police and the Crown Prosecution Service concerning whether any prosecution will take place;
- v will ensure that Registers of Interest are maintained;
- vi may, in accordance with the provisions of the Financial Regulations (UPR FR06<sup>9</sup>), delegate some or all of these responsibilities to the *Group Finance Director* and the Secretary and Registrar.

## 9.4 **Secretary and Registrar**

9.4.1 The Secretary and Registrar (or nominee) will:

- i (normally on a case-by-case basis), provide guidance and, where necessary, determine whether and how the policy and regulations set out in this document are to be interpreted/applied;

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<sup>9</sup> UPR FR06 'Corporate Governance and Financial Regulations'

**(Note for guidance:**

For the purposes of section 9.4, the nominees of the Secretary and Registrar are the Director of Legal Services and University Solicitor and the Head of Governance Services.)

- ii report annually to the Audit Committee of the Board of Governors the number and type of declarations made to the Registers of Interest;
- iii at the earliest opportunity, alert the Audit Committee, the Vice-Chancellor and the University's auditors to any serious conflict of interest which has arisen and the name of the individual who has declared it and the nature of the conflict;
- iv alert the appropriate officer or body where there is evidence of under-reporting by any member of the University.

**9.5 Heads of SBU**

In addition to the responsibilities listed in section 9.6, to receive declarations from members of staff to Register C and forward them to the Head of Governance Services.

**9.6 Managers (including Heads of SBU and line managers)**

**9.6.1 All managers will:**

- i comply with the policy and regulations set out in this document;
- ii ensure that members of staff and students for whom they have management responsibility comply with the policy and regulations set out in this document;
- iii promote and uphold the standards of conduct required by this policy and its supporting regulations;
- iv ensure that risk assessments are made in relation to specific areas in which the University may face bribery and corruption risks;
- v ensure that appropriate steps are taken to mitigate the risks identified (section 9.6.1, iv, refers), to protect the University and to address any risks of non-compliance in each of the geographic territories within which the University operates;
- vi ensure that accurate and transparent records and financial reports, which reflect each underlying transaction, are created and maintained concerning business activities and relationships with third party representatives and that these records are retained for seven (7) years;
- vii take appropriate action where there is evidence of under-reporting in relation to the declaration of interests, benefits and gifts.

**9.6.2** In approving any proposed expenses claim against the University, or by giving approval for some other reason, for example, time off to attend, the manager with responsibility for giving the necessary approval will be deemed to have sanctioned the acceptance by the member of the University making the request/claim relating to the hospitality or other reportable item/matter concerned.



**9.7 Members of the University**

9.7.1 All members of the University are required to:

- i familiarise themselves with, to comply with and at all times to act in accordance with, the policy and regulations set out in this document;
- ii ensure that the assets of the University are safeguarded;
- iii declare any interests, benefits, gifts or other items/matters that fall within the scope of UPR GV12 in accordance with the requirements of University policy and regulation;
- iv report suspected irregularities, financial or otherwise, as follows:

<b>Where the matters concerns:</b>	<b>Report to be made to:</b>
Governor (other than the Chairman of the Audit Committee) or Vice-Chancellor:	Chairman of the Audit Committee <i>and</i> <i>Head of Internal Audit</i>
Chairman of the Audit Committee:	Chairman of the Board <i>and</i> <i>Head of Internal Audit</i>
Deputy Vice-Chancellors, <i>Group Finance Director</i> , Secretary and Registrar, any other members of the University:	Vice-Chancellor <i>and</i> <i>Head of Internal Audit</i>

Mrs S C Grant  
Secretary and Registrar  
Signed: **22 April 2014**