

# BRIBERY PREVENTION POLICY AND PROCEDURE

## POLICY STATEMENT

This policy sets out the BGB's commitment to the prevention of bribery associated with its business activities, in particular, compliance with **The Bribery Act 2010** (the Act). The Act, which extends to all parts of the UK received Royal Assent in 2010, coming into force on 1 July 2011. The Act is available at:  
<http://www.legislation.gov.uk/ukpga/2010/23/contents>

The Act sets out four offences:

- the general offence of paying bribes (active bribery);
- the general offence of receiving bribes (passive bribery);
- the bribery of foreign officials; and
- the failure of commercial organisations to prevent bribery

In terms of the general offences under the Act:

1. **Paying bribes:** it is an offence to offer or give a financial advantage with the intention of inducing that person to perform a "relevant function or activity" "improperly" or to reward that person for doing so.
2. **Receiving bribes:** it is an offence to receive a financial or other advantage intending that a "relevant function or activity" should be performed "improperly" as a result. "Relevant function or activity" includes any function of a public nature and any activity connected with a business. "Improper performance", as described in Guidance to the Act, "means performance which amounts to a breach of expectation that a person will act in good faith, impartially, or in accordance with a position of trust", and is judged by whether it breaches the expectation of "what a reasonable person in the UK would expect in relation to the performance of that function or activity." In terms of the Act, the function or activity need have no connection to the UK.
3. **Bribery of foreign officials:** it is an offence to offer promises or give a financial or other advantage to a foreign public official with the intention of influencing the official in the performance of his or her official functions. In creating the offence, the person offering, promising or giving the advantage must also intend to obtain or retain business or an advantage in the conduct of business by so doing.
4. **Failure of a commercial organisation to prevent bribery:** a commercial organisation will be liable to prosecution if a person associated with it bribes another person intending to obtain or retain business or an advantage in the conduct of business for that organisation. This section of The Act is applicable to the activities of companies and partnerships and applies to employees, agents or other third parties acting on the corporates' behalf.

A violation of the Act may result in some or all of the following consequences and penalties for the company:

- Criminal penalties and possible unlimited fines for the BGB;
- Members of Board could face unlimited fines themselves and/ or jail sentences of up to 10 years;

- Indefinite debarment from public procurement contracts;
- Damage to reputation.

A violation of the Act may result in some or all of the following consequences and penalties for individuals:

1. Prosecution;
2. Unlimited fines and/ or jail sentences of up to 10 years;
3. Disqualification from holding a directorship for up to 15 years.

In meeting our commitment to the business practice, the company shall:

- **ensure that the company Business:** Bribery Prevention Policy is appropriately implemented, communicated, monitored, evaluated and reviewed, and ensure that other BGB policies, which have relevance to bribery prevention and reporting, also reflect, as appropriate, the legislation and the BGB's stated bribery prevention objectives.
- ensure that the underpinning policies and procedures that the BGB has in place to prevent bribery being committed on our behalf are effective in delivering our bribery prevention objectives, and are informed by the set of six principles set out by the Government:

### **Principle 1: Proportionate procedures**

In pursuing our bribery prevention objectives, the BGB will put in place underpinning policies and procedures which are proportionate to the bribery risks associated with our business activities, as informed by appropriate regular ongoing risk assessment processes within the BGB.

### **Principle 2: Commitment of senior management**

The senior management of the BGB are committed to preventing bribery by persons associated with the BGB and are responsible to the BGB board, which has ultimate authority for ensuring that the BGB has adequate controls and procedures in place to identify and manage bribery, as well as other business associated risks.

Through the heads of departments, the management will ensure that the BGB's bribery prevention stance is communicated effectively and that any formal communications issued by the BGB carry appropriate senior management endorsement. Through the heads of departments of the BGB, the senior management will also ensure board involvement and oversight of the development, implementation, communication, monitoring, evaluation and review of the BGB: Bribery Prevention Policy and Procedures.

### **Principle 3: Risk Assessment**

The BGB shall ensure, in line with its approved risk management processes, that regular assessments are undertaken of the nature and extent of our exposure to internal and external risks of bribery, and shall ensure timely actions in response to identified risks including, as necessary, making alterations to its policies and procedures to mitigate the risks and communicating these changes.

### **Principle 4: Due diligence**

The BGB shall ensure that due diligence procedures in relation to bribery prevention are incorporated within the BGB's wider due diligence procedures. In determining whether, and the extent to which, due diligence should be undertaken as a proportionate step to mitigate bribery risks, the BGB's decisions shall be informed by the outcomes of regular processes of risk assessment. Bribery prevention objectives will be reflected in due diligence in relation to the appointment or commissioning of: agents, intermediaries, contractors, suppliers of goods, consultancy and other services, as well as appraisal of prospective business partners.

### **Principle 5: Communication and training**

The BGB shall ensure that a range of tailored communications and awareness raising activities are undertaken which take account of the nature and extent of bribery risks and which promote understanding of the BGB's bribery prevention stance both within and outwith the BGB.

### **Principle 6: Monitoring and review**

The BGB shall ensure that regular processes of monitoring, evaluation and review of the effectiveness of its Ethical Business: Bribery Prevention Policy and Procedures are in place. These processes, and any required adaptation of the Policy and Procedures, will be informed by any future changes to bribery prevention legislation, the external environment in which we conduct our business, best practice guidance and the outcomes of the BGB's regular risk assessments.

## **2 PRINCIPAL POLICY OBJECTIVES**

The BGB prohibits any action which is intended to bring about gain of any commercial, contractual or other advantage for the BGB in a way which is unethical, or which is intended to bring about gain, financial or otherwise, to an individual operating for or on behalf of the BGB or anyone connected with that individual, in a way which is unethical.

The BGB shall rigorously investigate instances of alleged bribery and shall assist the police and other relevant authorities in any resulting prosecution.

### **The BGB prohibits:**

1. the offering or giving of any direct or channelled bribe, whether this be a financial or other inducement by any individual employee, agent or other person or body acting on behalf of the BGB,
2. the solicitation or acceptance of any direct or channelled bribe, whether this be a financial or other inducement received or receivable by any individual employee, agent or other person or body acting on behalf of the BGB, from any individual or company, whether they are situated in the UK or overseas, whether the individual is operating in an official capacity (e.g. a public official or employee of an organisation), or in an individual capacity.
3. the offering or giving of any direct or channelled bribe to a foreign public official, whether this be a financial or other inducement by any individual employee, agent or other person or body acting on behalf of the BGB. A foreign public official includes officials, elected or appointed who hold a legislative, administrative or judicial position of any kind, whether appointed or elected, of a country or territory outside of the UK.

The BGB is committed, within the scope of its bribery prevention objectives, to act with the aim of reducing, as far as possible, the risk that an individual or body associated with the BGB engages in bribery. Under the terms of the Bribery Act, a commercial organisation may be acting illegally if it fails to prevent bribery by a person associated with it who intends to obtain or retain business or an advantage in the conduct of business for that organisation. This part of the legislation applies to the following commercial activities of the BGB:

- consultancy (both academic and professional service);
- contract research;
- wholly-owned subsidiary companies of the BGB;
- joint ventures, partnerships, strategic alliances and technology licences;
- arrangements for collaborative, joint, dual degrees and articulations;
- commercial leases and construction contracts;
- relationships with recruitment agents; and
- procurement

For the purposes of the Act, the “associated” person includes individuals or an incorporated or unincorporated body. This includes employees of the BGB, agents, intermediaries’ subsidiaries, contractors, suppliers and other party in a joint venture where that party is performing services for the BGB and the bribe is paid with the intention of benefiting the BGB.

## **2 SPECIFIC POLICY OBJECTIVES**

The following policy objectives apply to each member of staff and all other individuals who are operating for and on behalf of the BGB.

### **2.1 Gifts and hospitality**

The BGB will only give and accept gifts or hospitality for business purposes. Permissible hospitality and gifts will include, for example, ceremonial or promotional gifts, mementos or relatively low value gifts which are proportionate to circumstances and not of a scale or frequency that these might reasonably be judged inducements to undertake business or to influence business decisions.

The BGB recognises that what is considered customary and appropriate may vary significantly from country to country and from one area of BGB business activity to another. The recipient must always be entitled to receive the gift or hospitality under the law of the recipient’s country.

All members of staff who accept or offer hospitality or a gift in the course of their duties are required to provide a written record of such exchanges in the approved form. A record of hospitality and gifts will be maintained by the management which will be reported annually to the board.

### **2.2 Expenses**

The BGB will only pay expenses to cover costs of legitimate business activities, in accordance with the BGB Travel and Expenses Policy. For the purposes of this policy, legitimate business activities extend to include routine business courtesies which accord with the recognised, reasonable and proportionate norms established within the BGB. Where a member of staff, or other individual acting for on behalf of the BGB, is in doubt

they must seek the advice and approval of the relevant management or Professional Service.

### **2.3. Political and charitable donations**

The BGB forbids the giving of any political or charitable contribution or donation on its behalf, either financial or in kind. This policy does not apply to charitable funds set up by the BGB.

The BGB aims to ensure that the reputations of all parties, i.e. donors and all parts of the BGB are wholly protected from any real or perceived impropriety in the relationship that is established through the offer and receipt of a charitable gift. Charitable donations and gifts include but are not limited to cash or cheques, property, shares or bonds, tangible personal property (gifts in kind), legacy gifts, corporate sponsorship and charitable foundation gifts.

### **2.4. Facilitation payments**

The BGB forbids the offering or giving of any facilitation payment, recognising that such payments are illegal under the terms of the Bribery Act. A facilitation payment is defined as an unofficial payment made to a public official in order to secure or expedite an action (See payments to foreign public officials below).

This policy is not intended to prohibit the use of any recognised fast-track process which is available to all on payment of a fee, or to prohibit a reasonable and proportionate offer of resources to assist efficient decision making, provided that these resources are supplied for that purpose only.

Where a member of staff, or other individual acting for on behalf of the BGB, is in doubt they must seek the advice of the relevant management or Professional Service.

### **2.5. Payments to foreign public officials**

The BGB forbids any member of staff, or person acting for and on behalf of the BGB, to make any kind of direct or channelled payment, including a bribe or other inducement to a foreign public official, or at the official's request or assent, to another individual, in order to influence or reward any action by that public official. Prohibited payments include any facilitation payment or payment made to expedite action with the purpose of securing proper performance of the official's duties.

Where a member of staff, or other individual acting for on behalf of the BGB, is in doubt they must seek the advice of the relevant management or Professional Service.

### **2.6. Finance, procurement and contracting**

The BGB will ensure that our commitment to the prevention of bribery is reflected in appropriate and effective policies, policy procedures and Financial Regulations in relation to our sales, procurement and financial/accounting and contracting practices.

### **2.7. Disclosure of known or suspected unethical business practice**

Employees of the BGB are required to report to the Secretary of the BGB any knowledge or suspicions they have of unethical business practice. The BGB is committed to ensure

that employees in this position know that their disclosure will be treated appropriately, in confidence and that they will be supported, provided that they are acting in good faith.

The BGB's Policy on Public Interest Disclosure will make appropriate explicit provision for any individual with a concern to make a disclosure about an instance of actual or suspected bribery.

### **3 SCOPE OF THIS POLICY**

It is the policy of BGB that all members of staff shall actively avoid and prevent incidents of bribery involving the BGB, its staff, and any persons or organizations associated with it or acting on the BGB's behalf. This policy has as its objectives:

1. Ensuring the BGB's compliance with all applicable laws and guidance, including but not exclusively the Bribery Act 2010, and requirements of the BGB's supervisory body;
2. Protecting the BGB, its principals, and all its staff as individuals from the risks associated with breaches of the law, guidance and supervisory requirements;
3. Preserving the good name of the BGB against the risk of reputational damage presented by implication in bribery and corrupt practices;
4. Making a positive contribution to the elimination of bribery and corrupt practices within the sphere of the BGB's operations;
5. Monitoring our compliance with legal and regulatory bribery prevention requirements, and conduct an annual bribery prevention compliance review, the findings of which are to be reported to the BGB's Senior Management together with appropriate recommendations for action;
6. BGB's Senior Management shall provide the necessary authority and resources for the ongoing implementation of a compliant bribery prevention regime.

To achieve these objectives, it is the policy of this BGB that:

1. Every member of staff shall meet their personal obligations on bribery prevention as appropriate to their role and position in the BGB, and breaches of these policies and procedures may lead to action under the BGB's disciplinary procedures;
2. BGB Board shall appoint a Bribery Prevention Officer, and a deputy to cover in his or her absence, and they shall be afforded every assistance and cooperation by all members of staff in carrying out the duties of their appointment
3. All members of staff shall refer issues involving potential bribery offences to the BGB's Bribery Prevention Officer, including any knowledge or substantiated suspicion of bribery offences arrived at in the course of their work, whether or not the BGB is directly involved;
4. Commercial considerations shall never be permitted to take precedence over the BGB's anti-bribery and corruption commitment;
5. The BGB's Bribery Prevention Officer shall monitor continuously all aspects of the BGB's bribery prevention policies and procedures;
6. Any deficiencies in bribery prevention compliance requiring urgent rectification will be dealt with immediately by the BGB's Bribery Prevention Officer, who will report such incidents to the relevant Senior Management when appropriate and request any support that may be required.

7. The BGB's Bribery Prevention Officer shall conduct an annual review of the BGB's bribery prevention compliance, and report its findings to the BGB's Senior Management.

This report will include:

1. A summary of the BGB's bribery risk profile and vulnerabilities, together with information on ways in which these are changing and evolving;
2. A summary of any changes in the regulatory environment(s) in which the BGB operates;
3. A summary of bribery prevention activities within the BGB;
4. Details of any compliance deficiencies on which action has already been taken, together with reports of the outcomes;
5. Details of any compliance deficiencies on which action needs to be taken, together with recommended actions and management support required;
6. An outline of plans for the continuous development of the bribery prevention regime, including ongoing training and awareness raising activities for all staff.

This procedure should be reviewed at least once a year to ensure its relevance and compliance with the changes in regulations and standards or activities of the BGB's.

The Bribery Prevention Officer is Mrs. Marina Randall

#### **4 MONITORING AND EVALUTATION**

This policy will be reviewed every two years.

1. The procedures associated with this policy will be reviewed annually in the light of the outcomes of the BGB's risk assessments.
2. The BGB's record of hospitality and gifts, signed off, as required, by the management/Professional Service, will be reviewed annually.
3. A report will be submitted to the BGB Board annually which provides monitoring and review evidence of the effectiveness of the Business: Bribery Prevention Policy in meeting bribery prevention aims and objectives.

#### **5 IMPLEMENTATION**

The management of the BGB is responsible for ensuring the effective implementation of this policy and the associated policy procedures.

The BGB will ensure that implementation of this policy is supported by effective procedures guidance and appropriate generic and role-based communications, training and awareness-raising measures, applicable to all individuals and bodies.