

# Anti-Corruption and Bribery Policy

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Ownership	Director of Finance
Policy approved by	Audit and Risk Committee
Policy approved	13 June 2019
Review date	May 2022

This policy will be reviewed triennially by Audit and Risk Committee, unless there is a change in the UK legislative framework that requires it to be updated and reviewed sooner. Minor updates, for example name changes, will be made periodically on the authority of the Director of Finance as required.

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# 1 Policy Statement

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- 1.1 Goldsmiths aim to conduct all of our business in an honest and ethical manner. We take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate and implementing and enforcing effective systems to counter bribery and corruption.
  - 1.2 We will uphold all laws relevant to countering bribery and corruption [in all the jurisdictions in which we operate]. However, we remain bound by UK laws, including the Bribery Act 2010, in respect of our conduct both at home and abroad.
  - 1.3 Hospitality per se is not prohibited by the Act and Goldsmiths' guidance on gifts hospitality can be found in the College Regulations.
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## 2 Definitions

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- 2.1 Bribery – Giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having done so.
  - 2.2 Corruption – The misuse of public office or power for private gain; or misuse of private power in relation to conducting day to day activity.
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## 3 About this policy

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- 3.1 The purpose of this policy is to:
  - set out our responsibilities, and of those working for and on our behalf, in observing and upholding our position on bribery and corruption; and
  - provide information and guidance to those working for and on our behalf on how to recognise, prevent and eliminate bribery and corruption issues.
- 3.2 It is a criminal offence to offer, promise, give, request, or accept a bribe. Individuals found guilty can be punished by up to ten years' imprisonment and/or a fine. As an employer if we fail to prevent bribery we can face an unlimited fine and damage to our reputation. We therefore take our legal responsibilities very seriously.

- 3.3 In this policy, third party means any individual or organisation you come into contact with during the course of your work at Goldsmiths, and includes actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.
- 3.4 This policy does not form part of any employee's contract of employment and we may amend it at any time.
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## **4 Who must comply with this policy?**

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- 4.1 The Bribery Act 2010 applies to any associated person or group of persons engaged on behalf of Goldsmiths to conduct College activity (both in the UK and abroad). In particular, this would include staff who in their normal duties commission or receive goods or provide services on behalf of the College.
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## **5 Principles**

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- 5.1 The Bribery Act requires that adequate measures are in place to prevent bribery using six guiding principles. Each of these principles are considered in light of the nature, size and complexity of Goldsmiths. Therefore, the principles of this policy are as follows:
- **Proportionality:** The policy will reflect the size of the risks particular to higher education sector.
  - **Top Level Commitment:** Council and the Senior Management Team (SMT) are aware of the Act and understand that Goldsmiths will not tolerate bribery.
  - **Risk Assessment:** A fully considered approach to assessing where there may be risks and how these may be mitigated.
  - **Due Diligence:** Ensuring that individuals representing the College are trustworthy
  - **Communication:** To ensure that staff members to whom this policy applies are fully aware of the contents and basis on which Goldsmiths conducts itself.
  - **Monitoring and Review:** Recognising that risks change over time and that the Anti-bribery & Corruption policy will need to be updated accordingly.
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## **6 What are bribery and corruption?**

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- 6.1 There are generally four forms of bribery under the Act:
- Giving or promising to give a bribe
  - Requesting or accepting a bribe
  - Bribing a foreign public official (for example to give advantage to UK HEIs in student recruitment)
  - Corporate bribery; where an employer fails to prevent bribery taking place
- 6.2 A bribe can take many forms but typically they involve corrupt intent. A bribe could, for example, take the form of:
- The offer or receipt of any kickback, loan, fee, reward or other advantage
  - The offer or receipt of a gift that goes beyond reasonable values and frequency
  - The giving of aid, donations or voting designed to exert improper influence
- 6.3 Corruption is the abuse of entrusted power or position for private gain.
- 6.4 Bribery and corrupt behaviour can be committed by
- An employee, no matter their seniority, or Council member
  - Any person or organisation acting on behalf of the University (agents or third-party representatives which may include students)
- 6.5 It is important to note that bribery does not necessarily involve money and that even if the bribe does not materialise, the acceptance of the bribe is enough to have deemed to have committed an offence under the Act.
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## **7 Goldsmiths approach and investigation of suspected offences**

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- 7.1 Staff at Goldsmiths must not receive offers, solicitations or accept any bribe or inducement that contravenes the Bribery Act 2010. Goldsmiths will identify areas of potential risk and put appropriate processes in place to mitigate them.
- 7.2 Goldsmiths has charitable status and all bribery and corruption will be reported to Office for Students as reportable event.
- 7.3 Goldsmiths considers bribery and fraud to be unethical and will treat such cases, where founded, as gross misconduct under its Disciplinary Policy.

- 7.4 Where you have a genuine concern, you should refer to the Goldsmiths Whistleblowing policy which can be found at [www.gold.ac.uk/governance/policies/whistleblowing](http://www.gold.ac.uk/governance/policies/whistleblowing). Goldsmiths will ensure that the individual who raises the concern will not suffer any detrimental treatment as a result, even if they turn out to be mistaken.
- 7.5 As outlined in the Whistleblowing Policy, concerns should be raised with the Whistleblowing Officer, the Director of Legal and Governance Services. In incidents of bribery and corruption, concerns can also be raised with the Director of Finance.
- 7.6 Once a concern has been reported, an investigating officer will be agreed. The Investigating Officer will either be the Director of Finance or the Director of Legal and Governance Services. The investigating Officer will seek to:
- Establish and secure evidence
  - Notify necessary individuals, committees etc
  - Attempt to recover loss and/or prevent further loss
  - Prevent any further bribery
- 7.7 The Investigating Officer will also determine whether to investigate the suspected incident as part of the Goldsmiths Disciplinary policy in addition to the stages detailed in this policy.
- 7.8 If the Investigating Officer believes the claim is substantiated, they will arrange an incident panel which will comprise the following members (unless any of them are directly implicated in the allegations).
- Director of Finance (when not the Investigating Officer)
  - Director of Legal and Governance Services (when not the Investigating Officer)
  - Deputy Director of Finance
  - Academic Registrar
  - Director of Human Resources
  - An academic Head of Department (Not from the School of department affected by the suspected incident)

The incident panel may meet individually or as a group and their role is to advise the Registrar and Secretary and Warden on the necessary measures to address the suspected or actual fraud, bribery or corruption.

This will take the form of a report which will include the findings of any investigation, will normally include advice from external auditors and solicitors, and an action plan including clear timescales and accountabilities.

## 7.9 Action Plan

The action plan should include how Goldsmiths intends to prevent further loss and/or recover any actual losses; how the suspected individuals have been dealt with under Goldsmiths disciplinary procedure; any systems or procedural changes which are required as a result of the investigation; whether students are involved and any such involvements may be handled and if any media scrutiny is likely and what has been put in place to address this.

## 7.10 Notification of fraud, bribery and corruption involving Council Members, the Warden or the Senior Management Team

7.11 All actual or suspected incidents that concern Council members or a member of the SMT must be brought to the attention of the Registrar and Secretary. Where the Registrar and Secretary is suspected, then concerns must be brought to the attention of the Warden and vice versa. In this event and where appropriate, external auditors would be commissioned to carry out the investigation.

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# 8 General Responsibilities

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8.1 Representatives and staff of Goldsmiths should understand this policy and procedure in addition to the following.

8.2 Managers are asked to:

- Complete a bribery risk assessment where appropriate and ensure these are maintained and reviewed as and when necessary. Part of the risk assessment is to consider when next to review the particular risk and mitigation. The maximum length of time for the review should be 2 years.
- Communicate to their staff and new starters to ensuring they are familiar with this policy
- Communicate this policy to contractors, suppliers and temporary workers and where they may be in a position which is vulnerable to bribery ensure references are received and satisfactory and due diligence to ensure the individuals' trustworthiness are in place.
- Provide support to staff who raise a genuine concern in an appropriate manner

8.3 Members of staff / representatives of Goldsmiths are asked to:

- Notify their manager as soon as possible if there is any suspicion of bribery or corruption.

8.4 Governance and Legal / Human Resources will:

- Monitor and review this policy
  - Advise and support Managers
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## **9 Due Diligence**

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- 9.1 The Act requires that Goldsmiths ensures those conducting business on behalf of the College are trustworthy.
- 9.2 Goldsmiths has an admissions policy which is followed in the assessment of candidate suitability for courses and programmes. Staff in admissions receive ongoing training and the policy provides further procedures for particular applicant groups, such as international applicants.
- 9.3 The activities followed in the Goldsmiths Recruitment and Selection procedure for staff is normally sufficient to meet this.
- 9.4 Where a contractor is employed, the manager of the post will need to evaluate the individual's background and experience by undertaking the following:
- Understand the employment history and identify any potential conflicts with the services to be provided
  - Monitor and check their transactions are appropriate
  - Be clear about the methods of payment and compensation to be paid
  - Ensure they have read and understand the need to be compliant with this policy