

The Glasgow School of Art

Anti-Bribery and Corruption Policy

1. Overview

- 1.1 The UK Bribery Act 2010 received Royal Assent in April 2010 and became law on 1 July 2011. The Act made radical changes to UK bribery and corruption law and puts UK legislation amongst the strictest in the world.
- 1.2 Because the change is so radical and far-reaching, the impact will be felt across all organisations in the UK, or with links to the UK, including those in the education sector.
- 1.3 An organisation will be guilty of an offence under the Bribery Act if an “associated person” carries out an act of bribery or corruption in connection with the organisation’s business. Most importantly, a person will be associated with the organisation where he or she performs services for, or on behalf of, that organisations; the association could be as a result of being an employee, or through another role such as a subsidiary, agent, third-party, intermediary or supplier. This can include students.
- 1.4 The introduction of this new corporate criminal offence places a burden of proof on organisations to show that they have “adequate procedures” in place to prevent bribery.

2. What is Bribery and Corruption, and what is a bribe?

- 2.1 Bribery is the offer, promise, giving, demanding or acceptance of an advantage as an inducement for an action which is illegal, unethical, a breach of trust or the improper performance of a contract. Inducements can take the form of gifts, fees, rewards, jobs, internships, examination grades, favours or other advantages. Corruption is the misuse of entrusted power for personal gain.
- 2.2 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
- 2.3 Paying Bribes – It is an offence if a person offers, promises or gives a financial or other advantage with the intention of inducing another person to perform a function or activity improperly or to reward that person for doing so. It is not necessary to prove that this person intended this consequence in all cases: it is also an offence if the person knows or believed that acceptance of the advantage by another person is in itself an improper performance of their function or activity
- 2.4 Receiving Bribes – It is an offence if a person requests, or agrees to accept, or receives a financial or other advantage intending that a function or activity should be performed improperly as a result. It does not matter that no money changed hands, or that a person received no personal benefit or enrichment.

The offence can also apply to acts of bribery that take place outside of the UK, where the person or organisation paying or receiving a bribe has a close connection to the UK.

- 2.5 Acts of bribery or corruptions are designed to influence the individual in the performance of their duty and incline them to act dishonestly. The person being bribed is generally someone who will be able to obtain, retain or direct business. This may involve activities such as buying or selling, or it may involve administrative tasks such as licences, customs, visas, fines or taxes. It does not matter when the act of bribery is committed, either before or after the activity has been undertaken.

3. Who can engage in Bribery and Corruption?

3.1 Bribery and corrupt behaviour could be committed by:

- Any member of staff
- A person acting on behalf of the School (including agents, third parties and representatives, which can include students)
- Individuals and organisations that authorise someone else to carry out these acts

3.2 Bribery and corruption will often involve public or government officials and this is a specific offence under the Act. It is important to recognise that 'government official' is widely interpreted and could include:

- A public official, whether foreign or domestic
- A political candidate, or party official
- A representative of a government-owned or majority controlled organisation
- An employee of a public international organisation

The School has identified that it has relevant international activities where it may have dealings with foreign public officials, including:

- In territories where the School has overseas offices
- In territories where it engages overseas agents for student recruitment
- In territories where members of the School undertake research or other academic activities from time to time

4. Bribery and Corruption penalties

4.1 Bribery is a criminal offence in most countries and penalties can be very severe, potentially resulting in prison sentences of up to 10 years, unlimited fines or both. There are also other consequential penalties, such as debarment from public (government) tendering.

4.2 The Bribery Act not only makes bribery illegal, but also holds organisations, such as the School, liable for failing to prevent bribery by those working for it, or on its behalf, irrespective of where the act takes place. Similar legislation is in place in many other countries.

- 4.3 It is in the interests of both the School and the individual that everyone associated with the School acts with propriety at all times. Corrupt acts committed abroad may well result in prosecution at home.
- 4.4 Failure to comply with any parts of this ABC Policy could be regarded as a disciplinary offence. Penalties could include dismissal in accordance with the School's disciplinary procedures.

5. The School's Bribery and Corruption Implementation and Action Plan

The School's Action Plan is summarised below. It should be noted that some actions are the responsibility of individual members of staff, whereas others are managed by nominated individuals and functions within the School:

5.1 Management Commitment

This Policy has been adopted by the School's Executive Group and endorsed by Audit Committee. The Executive Group has appointed The Director of Finance and Resources as the Responsible Officer with responsibility for all matters relating to bribery and corruption.

5.2 Risk Assessment

Effective risk assessment lies at the core of the success or failure of this policy as it identifies the specific areas where the School is exposed to the risk of bribery, allows those risks to be evaluated and appropriate risk mitigation to be put in place. The risk assessment will recognise that business practices around the world can vary widely and may be deeply rooted in history, attitudes, and cultures of that particular region. The School Risk Register is reviewed annually as part of the annual planning round. However, risk assessment must be a continuous process.

5.3 Gifts and Hospitality Policy

The procedures governing the acceptance of gifts and hospitality are detailed within the HR Policy and available on the VLE. They will also be included within the School Financial Regulations and Procedures.

The School Gift Register is held by the Assistant Company Secretary.

5.4 Due Diligence

A comprehensive and mandatory due diligence programme will be undertaken in respect of all parties having a business relationship with the School. This will incorporate a requirement for all new partners and suppliers to undertake, and satisfy, an initial due diligence review.

5.5 Policy for Third Parties

A version of this Policy will be provided to all third parties who could be considered "associated persons" under the Bribery Act.

5.6 Associated Persons, including Agents and Consultants

All Associated Persons, and in particular Agents and Consultants, will need an appropriate clause inserted into their contractual documents, which can be derived from this Policy under advice from the Director of Finance and Resources.

All existing and new suppliers will have a mandatory Bribery Act clause inserted into their supply contracts by the School Procurement Manager. This will be undertaken as soon as is practically possible.

5.7 Register of Interests Policy

The School Register of Interests Policy sets out the procedure to be followed in the event that a member of School staff or a School Governor is aware that he/she has any interest, financial or otherwise, which is likely or would, if publicly known, be perceived as being likely to influence the exercise of independent judgement.

6. Bribery Concerns

6.1 Raising a concern

There are several routes to raise any bribery and corruption-related concern.

In the first instance, any concern can be raised with your line manager but where this is not possible or appropriate then it can be raised directly with the Director of Finance and Resources.

The School's Whistleblowing Policy is also available, and, if required, anonymity can be requested.

6.2 If you are the victim of bribery or corruption

In the event that you are a victim of bribery or corruption (e.g. you are approached about a bribe or offered a bribe) then you should immediately notify your line manager.

Where this is not possible or appropriate then it can be raised directly with the Director of Finance and Resources.

6.3 Investigation Process

Any bribery or corruption-related investigations will be undertaken in accordance with the School's documented investigation process, as detailed in the Schools' Whistleblowing Policy. The decision to involve the police and/or other external organisations will be taken in conjunction with internal and external advisers.

6.4 Grace Period

There is no grace period. If you have any knowledge of such an act, or acts, then you should make an immediate report through the channels identified in 6.1 and 6.2

7. Monitoring and Review

- 7.1 The Executive Group will undertake periodic reviews of all aspects of bribery and corruption, as part of the wider School governance process. The Executive Group will also undertake an annual "fitness for purpose" review of the School's anti-bribery, corruption and Bribery Act capabilities in light of legislative developments and emerging best practice. In this, they will be supported by the Director of Finance and Resources, Internal Audit and the School's external auditors.