

# ***Anti-Bribery Policy***



*Collective Acting Studio - November 2022*



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## Overview

Bribery can be defined as the offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal or a breach of trust.

The Studio prohibits the offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement:

- to or from any person or company, whether a public official or public body, or a private person or company, wherever situated;
- by any individual employee, agent or other person or company acting on the Studio's behalf;
- in order to gain any commercial, contractual or regulatory advantage for the Studio in a way which is unethical;
- in order to gain any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.
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## Scope

This policy applies to all Studio staff, whether permanent or temporary, to students, members of the Board of Directors, contractors and others directly involved in delivering Studio business activities or acting on the Studio's behalf.

## Introduction

It is the Studio's policy to conduct its business in an honest way and to reject the use of corrupt practices or acts of bribery to obtain an unfair advantage.

The Studio is committed to the highest standards of ethical practice and governance, setting high standards of impartiality, integrity and objectivity in relation to the stewardship of public and private funds for which it is responsible, and for the management of its activities. This commitment will be reflected in every aspect of the way in which it operates, not only because it is a legal requirement, but on the basis of it being a cultural commitment on the part of the Studio.

## Statutory Background

The UK Bribery Act 2010 sets out four general bribery offences. These relate to:

1. Circumstances involving bribing another;
2. Circumstances involving being bribed;
3. A failure by a commercial organisation to prevent bribery;
4. Bribery of foreign public officials.

A briefing paper produced by the UK HE International Unit, titled 'A Legal Guide to UK Anti-Bribery and Corruption', provides further guidance on these provisions.

Active bribery, that is bribing another, 'is the giving, promising or offering of a bribe with intent to induce improper conduct by the recipient of the bribe. This extends to both cash and non-cash benefits.'

Passive bribery, that is being bribed, 'is the requesting, accepting or agreeing to receive a payment or other advantage in return for the improper performance of a function or activity. The offence is committed even if the person requesting the bribe does not benefit personally.'

In relation to the offence around failure to prevent bribery in a commercial organisation, the briefing paper states that:

'This offence is one of strict liability meaning that, if the HEI fails to prevent an Associated Person from paying a bribe for its benefit (active bribery only), the offence is committed regardless of knowledge or intention. It is irrelevant that the HEI was unaware of the bribe being paid. This offence does not include any notion of improper conduct. It simply requires a payment or other advantage for the winning or retention of business.'

There is a defence available where the University can demonstrate that there were adequate procedures in place to minimise the risk of bribery occurring.

The offence concerning foreign public officials requires that the HEI or third party intermediary actively bribes a foreign public official in their capacity as such with the intention of retaining or creating business for the HEI.

### Penalties for Committing an Offence

While the Studio's disciplinary procedures will be invoked as necessary, there are substantial legal penalties for failing to comply with legislation:

- The offences of bribing another person, being bribed and bribing a foreign public official are punishable on indictment either by an unlimited fine, imprisonment of up to ten years, or both.
- The corporate offence of failure to prevent bribery is punishable on indictment by an unlimited fine.
- Businesses that have been convicted of corruption could find themselves permanently debarred from tendering for public-sector contracts.



- A business may also be damaged by adverse publicity if it is prosecuted for an offence.

Ignorance of the legislation is not an excuse.

### Application

The UK Bribery Act 2010 applies to all activities, no matter where they are carried out in the world. It is the responsibility of each staff member, Board member, contractor and others directly involved in delivering the Studio's business activities, or acting on the Studio's behalf, to:

- comply with all relevant legislation countering bribery and corruption, in particular the Bribery Act 2010;
- take all action and comply with all prohibitions required by this policy and its associated procedures;
- identify and report bribery situations where there is a suspicion or risk of bribery;
- consider their related duties to make appropriate disclosures.

### Purpose

The purpose of this Policy is to set out the measures the Studio has put in place to mitigate its exposure to bribery by:

- Setting out a clear anti-bribery policy.
- Ensuring that formal anti-bribery risk assessments are carried out periodically, and that the results are shared with all staff and with the Board.
- Training all staff so that they can recognise and avoid the use of bribery by themselves and others.
- Encouraging staff to be vigilant and to report any suspicion of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately.
- Investigating instances of alleged bribery.
- Taking firm action against any individual(s) involved in bribery.
- Monitoring the implementation of the policy.
- Reviewing the policy annually or in the event of legislative changes or changes in the Studio's business.



Compliance with this policy is mandatory, as endorsed for Studio -wide adoption by the SLT and the Board. Any breach of this policy will be regarded as a serious matter by the SLT, and could result in disciplinary action.

### Role of SLT

SLT should ensure all of their members of staff are aware of this policy and of their responsibilities to act in accordance with its procedures.

### Implementation

Implementing, promoting and embedding this anti-bribery policy throughout the institution is a key part of protecting the Studio from liability under the Bribery Act 2010. The Studio will act to ensure that staff, members of the Board and those organisations that work on the Studio's behalf are made aware of this policy. An e-learning module on the Bribery Act 2010 is available for all staff, and training records maintained and reviewed regularly.

The implementation strategy comprises the following steps:

- All staff and external bodies, including agents, contractors and suppliers working on the Studio's behalf, will be made aware of the Anti-Bribery Policy.
- The Anti-Bribery Policy will be published on the Studio's website.
- To comply with the Anti-Bribery Policy, employees will carry out appropriate due diligence checks before engaging agents, suppliers and other third parties. Examples of relevant evidence will include negative news reports, warnings or sanctions involving the potential business partner, as well as any association with politically exposed persons, which may present an increased risk of bribery and corruption.
- Additional due diligence will be exercised for high-risk third parties, including agents, external-facing consultants, distributors, third parties interacting with government officials and those operating in high-risk markets.
- SLT is responsible for ensuring that properly documented due diligence is undertaken. General oversight after the contract is signed must also be undertaken.