Northern School of Contemporary Dance

Anti-Bribery Policy

Policy owner:	Northern School of Contemporary Dance – Leadership Team
Lead contact:	Director of Governance
Audience:	Northern School of Contemporary Dance staff & students
Approving body:	Audit Committee
Date approved:	April 2025
Policy Implementation date:	April 2025
Supersedes:	N/A
Review cycle:	3 yearly
Next review due date:	April 2028
Related Statutes, Ordinances, General Regulations	N/A
Related Policies, procedures and Guidance:	N/A
Equality and Diversity Considerations:	Policy can be available in accessible format on request
Further information: For queries relating to this policy please contact info@nscd.ac.uk	

Northern School of Contemporary Dance

ANTI-BRIBERY POLICY

1. INTRODUCTION

1.1 The Bribery Act 2010 makes it an offence for an individual or organisation to give, promise or offer any financial or other advantage which is intended to induce or reward improper performance of a public function or business activity. The activities of the Northern School of Contemporary Dance mean that its risk of staff, or agents acting on its behalf, engaging in illegal bribery is low, however the School is committed to the highest standards of honesty and integrity and therefore operates a zero-tolerance approach to the making or receiving of bribes or corrupt payments, in any form.

2. WHO MUST COMPLY WITH THIS POLICY?

2.1 The Anti-Bribery policy applies to all employees, students and governors of the School and any intermediaries, consultants, sub-contractors, suppliers and agents working on the School's behalf anywhere in the world.

3. WHAT ARE THE KEY RISK AREAS FOR THE SCHOOL AND THE CONTROLS IN PLACE TO PREVENT THEM?

3.1 The School's key risk areas for potential bribery relate to recruitment, grades and bursary payments. For example students offering a bribe to receive a place, a higher mark or secure a bursary. The School operates internationally and as market practice varies across the world, what is normal and accepted in some countries could contravene UK law.

3.2 The School has strong control mechanisms in place which are outlined in the Financial Regulations and it is unlikely that instances of inappropriate practice would not be picked up through normal mechanisms. However all staff at the School have a duty to guard against improper conduct, this policy provides advice on what you should do if you suspect that improper practice may be taking place.

4. GIFTS AND HOSPITALITY

4.1 Bona fide hospitality and promotional activity which seeks to improve the image of the School is recognised as an established and important part of doing business and it is not the intention of the Bribery Act 2010 to criminalise such behaviour as long as it is reasonable, proportionate and properly recorded. All employees and governors must ensure that they follow the School's rules on Gifts, Hospitality and Entertainment which can be found in the Financial Regulations.

5. REPORTING BRIBERY

5.1 Any employee or associate concerned about any form of malpractice, improper action, or wrongdoing by the School, its employees or other stakeholders are encouraged to report the matter. This should be done through your line manager in the first instance or through the procedure set out in the School's Whistle- Blowing Policy. The prevention, detection and reporting of bribery in any form is the responsibility of all employees.

Northern School of Contemporary Dance

APPENDIX 1 TO ANTI-BRIBERY POLICY

Supporting Information

1. WHAT WOULD CONSTITUTE UNLAWFUL ACTIVITY UNDER THE BRIBERY ACT 2010?

1.1 Section 3 outlines the potential offences under the Act. If you are ever in any doubt as to whether any conduct could amount to bribery, you should raise the matter with your line manager immediately.

1.2 The following are examples of a range of UK and overseas activities which, depending on the circumstances, could lead to breaches of the Act by individuals or the School. Other activities could carry similar risks.

1.2.1 Procurement

A company is desperate to win a major contract with the School and offers to make a car available on a long term loan to a staff member who can influence the award of the contract.

1.2.2 Alumni / charitable donations

A wealthy alumnus arranges for his company to make a substantial donation to the HEI to ensure that his child is awarded a place.

1.2.3 Overseas recruitment

An agent responsible for recruiting students pays a small bribe to an official to be allowed access to students in a highly rated dance school.

1.2.4 Overseas development

The School seeks to expand into the Middle East and a staff member exchanges valuable gifts with local leaders on the basis that this is expected practice in the country.

1.2.5 Research

A member of staff conducting research in a specialist area is asked to give an overly positive peer review in exchange for a similar review of their own work.

2. WHAT ARE THE POTENTIAL CONSEQUENCES OF COMMITTING AN OFFENCE?

2.1 For Individuals:

Any act of bribery, in whatever form is unacceptable. The School will consider taking disciplinary action against anyone who fails to comply with the anti- bribery policy up to and including dismissal. Failure to comply with this policy may also leave you open to a criminal prosecution under the Act. An offence under the Act can result in a fine and/or up to a maximum of 10 years imprisonment.

2.2 For the School:

A breach of this Policy by an employee or associate could result in the School breaching the Act. An offence under the Act can result in the organisation being fined and would likely lead to negative publicity and serious damage to the reputation of the School.

3. OFFENCES UNDER THE BRIBERY ACT 2010

3.1 Active bribery

3.1.1 An offence is committed where an individual or the School gives, promises or offers any financial or other advantage which is intended to induce or reward the improper performance of a public function or business activity or is made in knowledge or belief that acceptance of that financial or other advantage will itself amount to improper performance.

3.1.2 It does not matter whether the financial or other advantage is given, promised or offered directly or through a third party.

3.1.3 The financial or other advantage does not actually have to be given – the offer is sufficient to commit the offence.

3.1.4 Reasonable and proportionate corporate hospitality should not be caught by the Act. However, entertaining which is disproportionate, lavish or beyond what would be reasonably necessary to ‘cement good relations’ may be evidence of intent to induce or reward improper performance.

3.2 Passive bribery

3.2.1 An offence is committed where an individual or the School requests, accepts or agrees to receive a financial or other advantage which is intended to induce or reward the improper performance of a public function or business activity.

3.2.2 It does not matter whether the financial or other advantage is requested, accepted or agreed directly or through a third party.

3.2.3 The financial or other advantage does not actually have to be received – requesting or agreeing to accept it is sufficient to commit the offence.

3.2.4 Reasonable and proportionate corporate hospitality should not be caught by the Act. However, entertaining which is disproportionate, lavish or beyond what would be reasonably necessary to 'cement good relations' may be evidence of intent to induce or reward improper performance.

3.2.5 It does not matter who pays the bribe, e.g. if a director pays a bribe to ensure that his company is awarded a contract, that is still caught by the Act.

3.3 Bribing a foreign official

3.3.1 An offence is committed where an individual or the School gives, promises or offers any financial or other advantage to a foreign official which is intended to:

3.3.1.1 influence that foreign official in the performance of his/her official functions; and

3.3.1.2 secure business or an advantage for the University.

3.3.2 It is only a bribe if the financial or other advantage is not required or permitted under local laws.

3.3.3 A belief that local practice permits the payment is not a defence.

3.3.4 There is no exception for facilitation payments (small bribes paid to facilitate routine Government action).

3.4 Corporate offence

3.4.1 The offence is committed where the School fails to prevent any employee or other "associated person" (see below) from committing "active bribery" or bribery of a foreign official on the School's behalf.

3.4.2 "Associated person" is someone who is providing the School with services so includes employees, agents, consultants, contractors and external partner organisations.

3.4.3 The bribe is caught even if it takes place outside the UK.

3.4.4 The bribe must be intended to induce or reward the improper performance of a public function or business activity.

3.4.5 The bribe must also be intended to secure business or other advantage for the School.

3.4.6 Knowledge of the bribe by the School is irrelevant.

3.4.7 The School is automatically liable for the bribery unless it can show that it had "adequate procedures" to prevent the bribery.

3.4.8 If the School is a member of a company (e.g. joint venture or spin- out) the School is only liable for the corporate offence in respect of bribes paid by that company if that company is providing services to the School and the bribes are paid for the benefit of the School rather than the company itself.