

Oxford University Press (United Kingdom)

Case ID:

ST-297

Case Cluster :

Oxford University Press

Jurisdiction of Settlement:

United Kingdom

Jurisdiction of Settlement / Enforcement Agency:

Serious Fraud Office

Jurisdiction of Foreign Public Official(s) :

Unspecified sub-Saharan African countries (acts by Kenyan and Tanzanian subsidiaries whose geographical region included Kenya, Burundi, Malawi, Rwanda, Sudan, Uganda, Tanzania, Zanzibar archipelago)

Year of Settlement:

2012

Month/Day of Settlement (or Notes):

07/03

Other Jurisdictions of Settlement:

World Bank

Settlement with Individual or Legal Person?:

Legal Person

Type of Settlement:

Civil

Legal Form of Settlement:

Civil Recovery Order (Proceeds of Crime Act)

Monetary Sanctions (Types):

Civil Recovery Order, Legal Costs, Voluntary Payment

Total Monetary Sanctions (US\$):

\$6,126,115.10

Civil Disgorgement of Profits (US\$) :

\$0

Civil Prejudgment Interest (US\$) :

\$0

Civil Fine / Penalty (US\$):

\$2,971,300

Other Civil Monetary Sanctions (US\$):

\$3

154

815

Monetary Sanctions Returned / Ordered Returned (US\$):

\$3,135,220

Monetary Sanctions Returned / Ordered Returned (Explanation):

Voluntary payment to non-profit organizations

UNCAC Articles(s) Implicated:

Art.16

Art.26

OECD Anti-Bribery Convention Articles Implicated:

Art. 1, Art. 2

Offenses - Alleged:

Irregularities in tender bidding; revenues derived from unlawful conduct (bribery and/or corruption)

Offenses - Settled:

Irregularities in tender bidding; revenues derived from unlawful conduct (bribery and/or corruption)

Public Procurement Contract / SOE Involved?:

Yes

Summary:

According to the UK Serious Fraud Office press release, "OPL is a wholly owned subsidiary of Oxford University Press (OUP), which pursues its mission through five publishing divisions, including the International Division. [] Oxford University Press East Africa (OUPEA) is based in Kenya but covers a geographical region which includes Kenya, Burundi, Malawi, Rwanda, Sudan and Uganda. Oxford University Press Tanzania (OUPT) is based in mainland Tanzania but also has responsibility for the semi-autonomous Zanzibar archipelago. Both OUPT and OUPEA are wholly owned subsidiaries of OPL and part of the International Division of OUP. [] In 2011, OUP became aware of the possibility of irregular tendering practices involving its education business in East Africa. OUP acted immediately to investigate the matter, instructing independent lawyers and forensic accountants to undertake a detailed investigation. As a result of the investigation, in November 2011 OUP voluntarily reported certain concerns in relation to contracts arising from a number of tenders which its Kenyan and Tanzanian subsidiaries, OUPEA and OUPT, entered into between the years 2007 and 2010. [] The product of [the company's self investigation] led the SFO and the World Bank to believe that OUPEA and OUPT had offered and made payments, directly and through agents, intended to induce the recipients to award competitive tenders and/or publishing contracts for schoolbooks to OUPEA and OUPT. [] The value of the Order made by the High Court is £1,895,435 []. OPL will also pay the SFO costs of pursuing the order which amount to £12,500. [] In addition to the property recovered under the civil recovery order, OUP unilaterally offered to contribute £1,000,000 to not-for-profit organisations for teacher training and other educational purposes in sub-Saharan Africa. This was a reflection of the seriousness with which OUP views the course of events that were subject to the investigation and a wish to acknowledge that the conduct of OUPEA and OUPT fell short of that expected within its wider organisation. The contribution would benefit the people within the affected region and be consistent with the overall mission of OUP. The offer also confirmed that the funds would not be used so as to provide OUP with a commercial advantage. Although the benefits to the people of the affected region are acknowledged by the SFO, the SFO decided that the offer should not be included in the terms of the court order as the SFO considers it is not its function to become involved in voluntary payments of this kind. However, the SFO welcomes OUP's commitment to make this contribution and to work with a range of not-for-profit organisations in sub-Saharan Africa to achieve the above objectives." (Source: UK Serious Fraud Office press release, "Oxford Publishing Ltd to pay almost ?.9 million as settlement after admitting unlawful conduct in its East African operations," July 3, 2012.)

Sources :

UK Serious Fraud Office press release, "Oxford Publishing Ltd to pay almost £1.9 million as settlement after admitting unlawful conduct in its East African operations," July 3, 2012, accessed at <http://www.sfo.gov.uk/press-room/latest-press-releases/press-releases-2012/oxford-publishing-ltd-to-pay-almost-19-million-as-settlement-after-admitting-unlawful-conduct-in-its-east-african-operations.aspx>; Consent Order (July 2, 2012), accessed at

http://www.sfo.gov.uk/media/215466/sealed_consent_order.pdf; Claim Form, accessed at http://www.sfo.gov.uk/media/215458/part_8_claim_form_n208.pdf; Application Notice Form, accessed at http://www.sfo.gov.uk/media/215462/application_notice_form_n244.pdf

Documents:

Attachment	Size
 Oxford_Univ_Press_Settlement_SFO_Press_Release_Jul_3_2012.pdf	144.19 KB