







# BRIBERY AND CORRUPTION

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<b>REVIEWED BY</b>	<b>Mariana Philipova</b>	
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## THE POLICY IN BRIEF:

-  **INTRODUCTION:** Bribery is a criminal offence. The home prohibits any form of bribery. We require compliance, from everyone connected with our business, with the highest ethical standards and anti-bribery laws applicable. Integrity and transparency are of utmost importance to us and we have a zero-tolerance attitude towards corrupt activities of any kind, whether committed by employees or by third parties acting for or on behalf of the home.
-  **POLICY:** It is prohibited, directly or indirectly, for any employee or person working on our behalf to offer, give, request or accept any bribe i.e. gift, loan, payment, reward or advantage, either in cash or any other form of inducement, to or from any person or company in order to gain commercial, contractual or regulatory advantage for the home, or in order to gain any personal advantage for an individual or anyone connected with the individual in a way that is unethical.
-  **SUSPICION:** If we suspect that you have committed an act of bribery or attempted bribery, an investigation will be carried out and, in line with our disciplinary procedure where appropriate, action may be taken against you which may result in your dismissal, or the cessation of our business arrangement with you.
-  **REPORTING:** If you, as an employee or person working on our behalf, suspect that an act of bribery or attempted bribery has taken place, even if you are not personally involved, you are expected to report this to the Registered Manager. You may be asked to give a written account of events. Staff are reminded of the home's Whistleblowing Policy.
-  **GIFTS AND HOSPITALITY:** No gift or offer of hospitality should be accepted by an employee or anyone working on our behalf.

## 1. Policy Statement

The *Bribery Act 2010* came into force on 1<sup>st</sup> July 2011. The Act is concerned only with Bribery within the context of commercial corporate governance. This organisation sets out below its understanding of the scope of the Act and its response in terms of management responsibilities and reporting duties.

## 2. The Policy

Through this policy Registered Manager and the senior management team will be aware of their role in mitigating any corporate risk to the company by failing to adhere to the guidance below.

### a) Definition(s) of Bribery

- i. **"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 already done so."**
- ii. **"A form of corruption, an act of implying money or gift given that alters the behaviour of the recipient."**
- iii. **"The offering, giving, receiving or soliciting of any item of value to influence the action of an official or other person in charge of a public or legal duty"**
- iv. **The "bribe" is the gift bestowed to influence the recipients conduct. It may be any money, goods, property, preferment, privilege, emolument, object of value, advantage or merely a promise or undertaking to induce or influence the action, vote or influence of a person in an official or public capacity.**

b) Principles

- ✓ *Proportionate Procedures*
- ✓ *Top-level Commitment*
- ✓ *Risk Assessment*
- ✓ *Due Diligence*
- ✓ *Communication (Including Training)*
- ✓ *Monitoring and Review*

- i. **Proportionate Procedures:** The actions undertaken must be proportionate to the size, scope and aligned to the commercial activity of the business, e.g. foreign contractual arrangements where it could be that bribery is known to be commonplace. Such foreign contracts would greatly increase the risk of the company to exposure of the *Bribery Act 2010*.
- ii. **Top-level Commitment:** This organisation is fully committed to a zero-tolerance response to bribery in any form. The Directors and the Registered Manager, have responsibility to ensure that a culture of integrity is fostered in order to make bribery unacceptable. A firm anti-bribery stance is expected from management including adherence to the formal statement on anti-bribery culture.
- iii. **Risk Assessment:** Any anti-bribery risk assessment should take account of the following factors, categorised as internal or external:

EXTERNAL	INTERNAL
Country Risk	Employee Training
Sectional Risk	Bonus Culture
Transaction Risk	Absence of Audit / Financial Controls
Business Opportunity Risk	Management / Leadership
Business Partnership Risk	

- iv. **Due Diligence:** This is a well-established element within the corporate governance overview of the senior management team. It is particularly relevant where third party intermediaries are used, e.g. where local law or convention dictates the use of local agents.
- v. **Communication (Including Training):** Internal and external communication may vary in tone and context dependent upon the relationships and the bribery risks involved. Internal communications should convey a “tone from the top” regarding financial control, hospitality, promotional expenditure, charitable or political donations, and penalties for breach of rules. An important aspect is the establishment of a secure confidential and accessible means for internal or external to raise concerns about bribery on the part of the associated parties. All staff must be made aware of the above via training, and it should be incorporated into the whistleblowing policy.
- vi. **Monitoring and Review:** The importance of a good monitoring and review system within the organisation is vital. These already exist, but the new Act may change the reporting of such audits or reviews.

c) The Future

Management will undertake a risk assessment, and procedures, including a formal statement, will then be agreed and communicated to all staff. The legislation is new and complex. The Serious Fraud Office (SFO) will be responsible for any criminal investigations, and like all new legislation, the press reporting and interpretation of what the Act could mean has focussed on hospitality and dining. The SFO and the Ministry of Justice are remaining unclear on this part of the Act.

The director of the SFO, Richard Alderman, gave the following speech in April 2011: *“Let me start by talking about hospitality. I have to say that I found some of the coverage over the last few months about this issue to be difficult to understand. The notion that the SFO would be interested in the extra bottle of wine or the opportunity to watch a match at*

*Twickenham seemed to me to be greatly exaggerated. It was significant though that these views were genuinely held. Clearly there was much misapprehension about the effect of the Act and what the SFO might do in implementing it. By and large I think this issue has now died down as a result of the sensible guidance that has been given. Normal corporate hospitality is a part of business and is a part of building up relationships that are needed in order to make business work. This is not a problem. Buying meals and putting foreign public officials up for reasonable accommodation is not a problem. Nor is flying a group of foreign public officials across the world to see one of your sites so that they can get the best possible view of what you are doing and whether they should offer you a contract. Normal business. This is to be encouraged. Companies in my view are generally comfortable with this because after all they need to justify this in terms of shareholder funds. They know as well that the 'all expenses paid holiday' at the company's private island for a foreign public official and their family with lots of expenses for one month is totally unacceptable. In my view, therefore, we seemed to have reached a balance."*





This sets the "proportionate" response in context. As a care sector provider there will be very little identified risks, except perhaps in the contractual relationship between our local authority or NHS partners. Our Gifts and Legacies Policy should be robust enough but will be reviewed as part of our assessment of risk principle and actions.

PricewaterhouseCoopers (PwC) have issued this guidance:

**i. Acceptable:**

- ✓ **Calendars**
- ✓ **Mouse mats**
- ✓ **Drink mats**
- ✓ **Company logo branded low-cost merchandise (umbrellas, sports bag, pens, stress balls etc.)**
- ✓ **Invite to modest Christmas party or lunch.**
- ✓ **Reasonable socialising such as UK sports events with the host present**

**ii. Be Careful:**

-  **Any alcohol above a bottle of wine**
-  **Overseas sporting events and entertainment**
-  **Expensive gifts such as gold fountain pen**
-  **Portable eBook reader**

**iii. Not Acceptable**

- ✗ **Lavish hamper**
- ✗ **Case of champagne**
- ✗ **Invitation to any sporting event where the host is not present**
- ✗ **Anything delivered to a home address**
- ✗ **Tablet computer**

**Related Policies**  
*Duty of Candour*  
*Financial Irregularities*  
*Financial Procedures*  
*Premises and Resources*