

The UK Bribery Act 2010 and How it Affects You

What is Bribery?

Bribery is generally defined as giving someone a financial or other advantage (not necessarily cash, and not necessarily of significant value) to encourage or influence that person to perform their functions or activities improperly or to reward that person for having already done so.

UK Bribery Act 2010

The Bribery Act 2010 ("the Act") came into force on 1 July 2011 and applies to the whole of the UK. Corporate bodies, including NHS organisations, are liable to prosecution and may suffer reputational damage if a person/organisation **associated** with them bribes another person/organisation intending to obtain or retain business for them or an advantage in the conduct of business. This is why we need to brief all suppliers, agencies and contacts associated with us about the Act, our expectations of their conduct and the implications if these standards are not met.

Our Approach and Policies

The Trust is committed to the highest standards of openness, integrity and accountability. It has always been the Trust'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. We have a Counter Fraud and Corruption Policy and Response Plan and a Gifts, Hospitality and Conflicts of Interest Policy which set out our expectations of our own staff and we also expect all organisations and individuals we work with to abide by the same terms.

Our Freedom to Speak Up: Raising and Responding to Concerns Policy and Standing Financial Instructions also support our commitment to preventing bribery.

Offences under the Bribery Act 2010

The Act specifies three criminal offences which can be committed by organisations or individuals:

1. Paying or offering a bribe;
2. Accepting or requesting a bribe; and
3. Bribing a foreign public official.

There is also a fourth offence which can only be committed by an organisation:

4. Failing to prevent bribery by persons associated with the organisation.

The Defence

The Act provides organisations with a defence against a prosecution for the fourth offence if they can demonstrate that they have robust and effective anti-bribery systems. We have put procedures in place, in a risk-based and proportionate manner, to seek to prevent bribery by our own employees and by anyone associated with us.

The measures put in place include;

- Top level commitment for anti-bribery work.
- An annual Bribery Risk Assessment
- Training on the Bribery Act for new employees and existing staff

- Relevant policies and procedures updated to take account of the Bribery Act 2010.
- Anti-bribery clauses in contracts with external organisations

Gifts and Hospitality

Normal hospitality and gifts which are reasonable and proportionate are not prohibited by the Act, however the Trust has a clear policy on what gifts and hospitality our staff can accept. This dictates what gifts and hospitality our staff can receive from or give to you.

With the exception of promotional aids valued at under £6, our staff must decline gifts from suppliers or contractors doing business, or likely to do business, with The Trust, regardless of value. Hospitality from actual or potential suppliers or contractors can be accepted by our staff if modest and reasonable but senior pre-approval must be obtained and the hospitality declared.

Hospitality can only be accepted by our staff where there is a legitimate business reason and it is proportionate to the nature and purpose of the event.

Our staff declare all gifts received and these are published on a register that goes to the audit committee.

Penalties and Consequences

The penalty for any organisation found to have committed a bribery offence under UK law is an unlimited fine. Individuals could face a ten-year prison sentence and an unlimited fine. The Trust also risks serious reputational damage if we, any of our staff or any supplier, agency or contact we work with were to be accused or found guilty of bribery or corruption.

Our Expectations

We ask that you take reasonable steps to prevent your directors, employees, officers, agents, affiliates or subsidiaries engaging in corrupt practices. We also ask that you please take an appropriate anti-bribery approach with any sub-contractors (usually by including a suitable anti-bribery clause in the contract) and oblige them to adopt the same approach with the next party down the supply chain and so on.

Our Position

You will see from this briefing that the Trust takes the issues of bribery and corruption extremely seriously, and we hope you will share our belief that corrupt practices must be stamped out.

Please note that The Trust will consider any act, offer, acceptance or omission which would constitute a breach of the UK Bribery Act 2010 or of our policies as a ground to terminate our contract with your organisation/stop using your organisation's services.

The Trust's Counter Fraud and Corruption Policy and Response Plan can be found on the website: <https://www.nelft.nhs.uk/download.cfm?ver=12406>