

# Anti-Bribery Policy and Procedures



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## Definitions

<b>Company</b>	AAA Caring Caretaker
<b>Responsible Person</b>	Alison Stephenson

### 1. Introduction, purpose and scope of the policy

The Bribery Act 2010 created a new offence which can be committed by organisations which fail to prevent persons associated with them from bribing another person on their behalf.

The Act provides:

- a general offence of bribery, which is defined as giving someone a financial or other advantage to induce them to perform their functions or activities improperly, or to reward them for having already done so.
- an offence of bribing a foreign public official in order to win business, keep business or gain a business advantage for the organisation.
- an offence relating to failure by a business to prevent a person associated with it from committing the above offences on its behalf in order to win business, keep business or gain business advantage for the organisation.

An organisation that can prove it had "adequate procedures" in place to prevent persons associated with it from bribing will have a defence. What counts as adequate will depend on the bribery risks an organisation faces and the nature and size of the organisation.

## **2. Purpose of the policy**

This policy:

2.1 outlines the measures which AAA Caring Caretaker takes to prevent bribery and the procedures that should be followed if bribery occurs. It aims to help the organisation to establish a defence under section 7 of the Bribery Act - and to minimise any operational or reputational risks associated with individuals giving or taking bribes on its behalf.

2.2 is designed to assist employees and persons associated with the organisation to understand the risks associated with bribery and to encourage them to be vigilant and effectively recognise, prevent and report any wrongdoing, whether by themselves or others.

2.3 aims to provide suitable and secure reporting and communication channels and to ensure that any information that is reported is properly and effectively dealt with.

2.4 aims to create and maintain a rigorous and effective framework for dealing with any suspected instances of bribery or corruption.

## **3. Scope of the policy**

The policy applies to all employees, subcontractors and volunteers.

## **4. Definitions**

### **4.1 Bribery and corruption**

4.1.1 It is illegal to give or receive a bribe under the Bribery Act 2010 and organisations are liable for bribes taken or given on their behalf where they do not have adequate procedures in place.

4.1.2 Bribery is the offering, promising, giving, accepting or soliciting of money, a gift or other advantage as an inducement to do something that is illegal or a breach of trust in the course of carrying out an organisation's activities.

4.1.3 Corruption is the misuse of public office or power for private gain; or misuse of private power in relation to business outside the realm of government.

## **4.2 What is a bribe?**

4.2.1 Bribes can take on many different shapes and forms, but typically they involve corrupt intent. There will usually be a 'quid pro quo' – both parties will benefit. A bribe could be the:

- Direct or indirect promise, offering, or authorisation, of anything of value
- Offer or receipt of any inducement, loan, fee, reward or other advantage
- Giving of aid, donations or voting designed to exert improper influence

4.2.2 Examples of bribery may include:

- a potential supplier offering money or a gift in order to influence a tendering process
- a job applicant offering payment in order to increase his/her chance of being offered employment

## **4.3 Facilitation payments**

Facilitation payments are payments which induce officials to perform routine functions they are otherwise obligated to perform. Facilitation payments are bribes and there is no exemption for them under the Bribery Act. Facilitation payments do not include legally required administrative fees and legitimate fast-track services.

## **4.4 Gifts and hospitality**

4.4.1 These can range from small gifts (such as diaries, flowers, vouchers, food and drink) to expensive hospitality (invitations to hosted meals, receptions and tickets for major events, holidays etc.).

4.4.2 Hospitality or promotional expenditure which is proportionate and reasonable is unlikely to qualify as a bribe. However, extravagant gifts and hospitality may be used to disguise bribes that are intended to induce improper behaviour (e.g. to fix the outcome of a tendering process).

4.4.3 Genuine hospitality or similar business expenditure that is reasonable and proportionate is not prohibited by the Act. Guidance is given under AAA Caring Caretaker's separate policy on gifts and hospitality.

## **5. Responsibilities**

### 5.1 Chief Executive

The Chief Executive is responsible for ensuring that these policies and procedures are implemented consistently and with clear lines of authority. The Chief Executive and Executive Leadership Team will actively and visibly lead AAA Caring Caretaker's anti-bribery policy and practice.

### 5.2 Managers

Managers are responsible for holding their direct reports to account. They are responsible for ensuring that the services AAA Caring Caretaker provides are properly planned and that risks are assessed and managed inline with this policy.

### 5.3 Individuals

5.3.1 Individuals are expected to safeguard and uphold AAA Caring Caretaker's core values by operating in an ethical, professional and lawful manner at all times.

Individuals are responsible for not giving or receiving bribes and challenging instances where bribery may occur.

5.3.2 They are also responsible for reporting all bribery that they are aware of via the procedures laid out in this policy.

5.3.3 To place this in context, individuals should be aware that if they engage in activities which are contrary to UK anti-bribery and corruption legislation, they could face up to 10 years in prison and/or an unlimited fine, and AAA Caring Caretaker could also be liable to an unlimited fine and Government sanction.

5.3.4 Compliance with AAA Caring Caretaker's policy in relation to bribery and corruption is regarded as part of an individual's contract of employment. Any member of staff found to have accepted or attempted bribery or made facilitation payments will be subject to disciplinary action, including dismissal.

5.3.5 Individuals must not offer money to any public officials in order to speed up service or gain improper advantage. This type of bribery is a "facilitation payment" and is illegal. In the unlikely event that an individual is faced with a demand for a facilitation payment, such payment must be actively resisted.

## **6. Bribery prevention**

### 6.1 Organisational commitment

6.1.1 AAA Caring Caretaker is committed to operating with the highest standards of integrity and promoting a culture in which accountability flourishes. AAA Caring Caretaker opposes bribery as it erodes free and fair competition, damages good government and harms society at large.

6.1.2 The company operates a zero-tolerance policy towards the giving or receiving of bribes because it is morally wrong and it is illegal in the UK. The jurisdiction outlined in the act is global, so it is illegal for UK entities wherever they are operating in the world.

6.1.3 AAA Caring Caretaker is committed to tackling bribery at the highest level and clearly articulates its zero-tolerance policy on its website and internally within the intranet.

6.1.4 In order to prevent bribery, AAA Caring Caretaker recognises that it should:

- assess whether the charity is at risk and, if so, the level of that risk
- put in place procedures proportionate to the risk identified
- show a clear commitment to the prevention of bribery
- use due diligence to assess who we deal with and who we appoint to represent us
- communicate, train and raise awareness among employees and business partner

## **7. Recruitment**

AAA Caring Caretaker recognises that good anti-bribery practice starts from the outset of employing an individual. It therefore ensures that all employment contracts prohibit the giving or receiving of bribes on behalf of AAA Caring Caretaker.

## **8. Working with service suppliers and in partnerships**

8.1 AAA Caring Caretaker is liable under the Bribery Act if a person “associated” with it bribes another intending to obtain or retain business or a business advantage for AAA Caring Caretaker.

8.2 The Act's definition of an associate is deliberately broad to include individuals, incorporated and unincorporated bodies supplying goods and services to AAA Caring Caretaker (rather than just goods) or acting on AAA Caring Caretaker's behalf as a partner or agent.

8.3 AAA Caring Caretaker therefore requires all staff, suppliers and partners to ensure that, where appropriate:

- Key service suppliers and partners are selected through a transparent and competitive selection process.
- Due diligence is carried out on partners and key suppliers before entering into contracts in accordance with the procurement policy.

## **9. Record-Keeping**

9.1 Many serious global bribery and corruption offences have been found to involve some degree of inaccurate record-keeping.

9.2 We must ensure that we maintain accurate records and financial reporting within AAA Caring Caretaker and for significant business partners working on our behalf.

9.3 Our records and overall financial reporting must also be transparent. That is, they must accurately reflect each of the underlying transactions.

## **10. Procedures**

10.1 Action to take if offered or asked for a bribe

10.2 How to evaluate what is 'acceptable':

10.3 First, take a step back and ask yourself the following:

- What is the intent – is it to build a relationship or is it something else?
- How would this look if these details were on the front of a newspaper?
- What if the situation were to be reversed – would there be a double standard?

10.4 If you find it difficult to answer one of the above questions, there may a risk involved which could potentially damage AAA Caring Caretaker's reputation and business.

10.5 The action could well be unlawful.

## **11. Never acceptable**

Circumstances which are never permissible include examples that involve:

- A "quid pro quo" (offered for something in return)
- Gifts in the form of cash/or cash equivalent vouchers

## **12. Usually acceptable**

12.1 Possible circumstances that are usually acceptable include:

- Modest/occasional meals with someone with whom we do business
- Occasional attendance at cultural or similar events
- Gifts of nominal value, such as pens, or small promotional items

12.2 Individuals should reject demands for or offers of bribes and AAA Caring Caretaker's anti-bribery stance should be made clear. Staff should report any such approaches immediately to their line manager.

12.3 If for some reason it is not possible to speak to the line manager, please report it to another senior manager, or email to the CEO confidentially.

### **13. Actions to take.**

13.1 Where bribery is suspected or where it occurs, to enable proper investigation, you should record the details of any bribery or requested or attempted bribery, as soon as possible after the event.

13.2 Any instances of actual or potential bribery should be properly and promptly investigated by an Executive Director.

The objectives of an investigation should be to:

- Confirm whether or not a bribe has taken place, and to identify who was responsible.
- Confirm whether internal controls and anti-bribery procedures have worked in practice.
- Identify any improvements required to anti-bribery procedures.

13.3 Depending on the findings of the investigation, subsequent action will be determined. This may involve disciplinary action against staff involved or external reporting to:

- A senior official or director of another organisation, if the person making the bribe is from that organisation
- Local police/ law enforcement agencies (if deemed appropriate)
- Serious Fraud Office (in the UK, the SFO has primary responsibility for the UK Bribery Act)