

Anti-bribery

Approver Senior Management

Policy Anti-Bribery, gifts and conflicts of interest

Appendices None

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Related Documents

- Gifts in Kind and Legacies
- Whistle blowing
- Finance
- Disciplinary
- Grievance
- Anti-Harassment and Anti-Bullying

Location of Copy SharePoint

Signed:

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 Chief Executive Officer

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 Human Resources Lead

Name

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Anti-bribery, gifts and conflicts of interest

Policy and procedure

Policy statement

Autism Hampshire values its reputation for ethical behaviour and for financial probity and reliability. It recognises that over and above the result of any crime committed relating to bribery, that any involvement in bribery will also adversely affect the image and reputation. Autism Hampshire's aim is to limit its exposure to bribery by the creation of this policy and the following:

- A clear Anti Bribery policy and procedure
- A clear Gifts in Kind policy and procedure
- A clear Whistle-blowing policy and procedure
- Risk assessment to assess the likely risks of bribery and/or corruption arising within Autism Hampshire's business
- Financial controls to minimise the risk and scope of corrupt acts being committed
- Awareness training for all employees and Trustees/Governors so they are vigilant and know their responsibilities in needing to raise concerns relating to any suspicion of bribery and providing them with appropriate communication channels to do so
- Ensuring that sensitive information is treated appropriately at all time with regard to any suspicion raised relating to bribery and/or corruption concerns
- Ensuring robust investigation of alleged bribery and assisting the Police and other appropriate authorities in any resultant prosecution
- Taking firm and vigorous action against any individual(s) involved in bribery

Reference

- Bribery Act 2010
- Internal Policies Whistle-blowing and Gifts in Kind and associated legislation and Codes of Practice

It is essential that management are aware and clear of the potential serious outcomes of any proven allegations which includes personal liability imposed by the Act that could ultimately result in a custodial sentence for an individual convicted of an offence of bribery of up to ten years. Whilst the commercial liability imposed by the Act, upon the organisation, to prevent bribery could ultimately result in an unlimited fine. It is therefore essential that this policy and procedure is followed by all management, employees and Trustees/Governors and due diligence should be undertaken by management, Trustees/Governors and employees throughout the course of their duties and responsibilities.

Declaration

- We will have regard for all current and relevant legislation and codes of practice.
- Our policies and procedures apply to all staff.
- Any action taken under this procedure will be recorded and placed in our records.
- It is our intention to always comply with the ACAS Code of Practice (Discipline & Grievance In The Workplace). Further information regarding training and development is available at www.acas.org.uk

Policy

Introduction

Autism Hampshire prohibits any form of corruption, fraud, bribery, any other form of unethical behaviour such as:

The offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement

To or from

Any person or company wherever they are situated and whether they are a public official or body or private person or company

By

Any individual employee, agent or other person or body acting on Autism Hampshire's behalf

In order to

Gain any commercial, contractual or regulatory advantage for Autism Hampshire in any way which is unethical

Or in order to

Gain any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.

What is Corruption?

Business Corruption tends to fall into two main categories:

Fraud which is:

- committed by outsiders upon the organisation, or
- committed internally by the organisation's employees and/or Trustees/Governors.

Deterrence

The most beneficial action to minimise corruption is deterrence. Reducing the likelihood of corruption occurring in the first place is infinitely preferable to reacting after the event. However, Autism Hampshire recognises that preventing corruption is not simply a matter of internal controls; it must be based on a process that extends throughout the culture of Autism Hampshire. It is therefore our policy to:

- value personal and corporate integrity – not simply through words but by the demonstrable actions of management in setting the tone.
- not tolerate corruption of any type
- encourage a climate where employees know that they are supported if they report suspicious or questionable activity provided they act in good faith
- require all employees to bring forward any suspicions of questionable activity that they are aware of
- Ensure that any suspicion raised in good faith by employees are investigated in a sensitive and confidential manner

Policy principles

Autism Hampshire requires that all management, staff and/or Trustees seek to abide by the following:

Conflicts of Loyalty and Interest

All employees and/or Trustees are expected to declare in writing if they find themselves in a situation where their loyalty to the organisation comes into conflict with personal interests or loyalties. For employees such a declaration should be made to their immediate line manager who should then report it to the Head of Service and/or Human Resources. For Trustees such declaration should be made to the Chair of the Board of Trustees, in their absence to the Chief Executive Officer, and/or Human Resources Department.

Gifts and Entertaining

Employees and/or Trustees will only accept or give gifts or entertainment that, are for business purposes and are not material or a frequent basis. It is a key requirement that gifts or entertaining should not be given or received on such a scale that they form an inducement to do business which may not otherwise be taken.

It is strictly forbidden for Autism Hampshire, its Trustees, its managers and employees, or anyone acting on Autism Hampshire's behalf to offer, promise, or pay anything of value to a public official to influence or reward any action by that official. Anything of value might include bribes or any other inducement.

Expenses

Expenses will only be paid in relation to costs incurred in the course of legitimate business. Expenses should be claimed in accordance with the organisation's Travel and Expenses procedures. It is a minimum requirement that such expenditure be supported by receipts and be approved by the claimant's manager. The claimant should further declare why any business was made, or entertainment given.

Responsibilities

Compliance

Responsibility for the compliance with this policy lies ultimately with the Chief Executive Officer and Board of Trustees.

Implementation

Responsibility for the implementation of the policy and its requirements lies with the senior management team and service managers.

Reporting

All Employees and/or Trustees have a responsibility to support the prevention, detection and reporting of bribery. Suitable channels of communication by which employees can report confidentially any suspicion of bribery will be maintained via line management and/or Human Resources. The communication channels for Trustees are either the Chair of the Board of Trustees, Chief Executive Officer and/or the Head of Human Resources.

Confidentiality

Autism Hampshire will do its best to protect an employee and/or Trustee when they raise a concern and do not want their names disclosed. A breach of confidentiality without good cause will be regarded as gross misconduct. If the situation arises where the organisation is not able to resolve the concern without revealing the person's identity for instance because evidence is required in Court and/or if the matter cannot be appropriately resolved then the organisation will discuss it with the person on how best to proceed.

Anonymous Concerns

This Policy hopes to encourage employees and/or Trustees to put their name to their concern. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the organisation. In exercising the discretion, the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the concern from other sources.

Disclosure of Third Party Information

Employees and/or Trustees who have raised a concern or who raise matters publically should try not to raise confidential information relating to third parties.

Press and Media

Concerns should not be raised through the Press and/or Media & Internet sites. This could not only prejudice an investigation and any subsequent action but could run the risk of libel proceedings against the person if the concerns are proved unfounded.

Malicious or vexatious complaints

If an employee and/or Trustee raises a concern in good faith, but it is not confirmed by the investigation, no action will be taken. Autism Hampshire recognises that service users, employees and Trustees must be reasonably protected from false allegations made against them. Malicious or vexatious complaints could therefore lead to disciplinary action and could, in some circumstance, be regarded as gross misconduct or an offence which it is considered needs to be referred to the Police. The anonymity of a person making a malicious or vexatious complaint will not necessarily be protected.

Further clarification

This Policy is not meant to prohibit the following practices providing they are customary in a particular market, are proportionate and are properly recorded:

- Normal and appropriate hospitality
- The giving of a ceremonial gift on a festival or at another special time
- The giving of a gift to recognise internal hard work and/or personal/group achievement
- The use of any recognised fast track process which is available on payment of a fee
- The offer of resources to assist the person or body within a fundraising capacity and/or pro bono basis provided that no personal gain or advantage is obtained by those agreeing to such offer of resources, or by those related to, or in association with those in agreement.

Inevitably, decisions as to what is acceptable may not always be easy. If anyone is in doubt as to whether a potential act constitutes bribery the matter should be referred to the senior management responsible. If necessary, guidance will be sought from Human Resources and/or Chief Executive Officer.

Procedure

If an allegation and/or suspicion are raised by either an employee, Trustee, or other persons, the organisation will undertake an investigation on a confidential and sensitive manner. Autism Hampshire will follow its disciplinary policy and procedure process to investigate any alleged act of bribery and/or corruption before a disciplinary sanction is imposed. For matters relating to allegations regarding an external individual/organisation the matter will be reported to the Police.

Training

All staff and Trustees will be given access to a copy of this Policy to raise their awareness of both Autism Hampshire's expectations and the legal requirements relating to Anti Bribery.

It is the responsibility of line management to ensure that their staff members have received the appropriate policy and training as identified. Failure to ensure this requirement may result in disciplinary action.

It is the responsibility of staff to read Autism Hampshire's policy and to attend and adhere to training provided. Failure to do so may result in disciplinary action.

Review of Policy and Procedure

All of Autism Hampshire's policies and procedures aim to ensure that employees are aware of, and confident that, the employer is complying with current legislation and is protecting the interests of both the needs of the business and the employee. In this respect, it may be appropriate to modify existing policies and/or procedures from time to time to reflect changes as appropriate, and this policy will be reviewed as necessary by the Senior Management Team and/or by personnel as designated by the Senior Management Team.

Equality impact assessment

Equality Impact Assessment – initial screening – Relevant Equality Area	Does the Policy or its implementation:			Does Autism Hampshire need to proceed to full EIA if in doubt then progress to full screening)
	Breach Equalities Legislation?	Affect different groups in different ways (both positive and negative)	Promote equality/good relations?	
Gender	No	No	Yes	No
Race	No	No	Yes	No
Disability	No	No	Yes	No
Sexual Orientation	No	No	Yes	No
Religion and Beliefs	No	No	Yes	No