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# Anti-Bribery & Corruption Policy

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TARGET AUDIENCE (including temporary staff)	
People who need to know this document in detail	Company Secretary, Chief Finance Officer, Local Counter Fraud Specialist
People who need to have a broad understanding of this document	Executive Team, Executive Directors
People who need to know that this document exists	All employees and associated persons are required to comply with this procedure, in accordance with the Bribery Act 2010.

## 1. Policy Summary / Statement

The purpose of this Policy is to outline the Charity's position on preventing and prohibiting bribery and corruption, in accordance with the Bribery Act 2010.

St Andrew's Healthcare (StAH) is committed to acting with integrity in all our business dealings and relationships and to implementing effective systems to prevent bribery. Through this approach StAH aims to build and maintain public confidence in the Charity and will uphold all laws relevant to countering bribery and corruption, including the Bribery Act 2010, in every aspect of our conduct including our commercial dealings and the delivery of treatment and care to patients.

To gain assurance that St Andrew's is compliant with the Bribery Act 2010, the Charity strives to be fully compliant with the requirements of *Government Functional Standard 013 Counter Fraud* as published by the NHS Counter Fraud Authority.

The Ministry of Justice has published guidance on the Bribery Act which includes six principles that organisations are expected to consider when addressing the risk of bribery occurring within their business activities. St Andrew's Anti-Bribery & Corruption procedures are based upon these six principles which are as follows:

### **Proportionality**

The Charity has procedures in place to prevent bribery by people associated with it which are proportionate to the bribery risks faced by the Charity, and are also clear, practical, accessible, effectively implemented and enforced.

### **Top level commitment**

The Board of Directors and senior managers are committed to preventing bribery by people associated with the Charity. They foster a culture within the organisation in which bribery is never acceptable.

### **Risk Assessment**

The Charity conducts periodic assessments of the nature and extent of the internal and external bribery risks it faces.

### **Due diligence**

The Charity takes a proportionate and risk based approach to the application of due diligence, in respect of people who perform or will perform services for or on behalf of St Andrew's, in order to mitigate identified bribery risks.

### **Communication (including training)**

The Charity seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.

### **Monitoring and review**

The Charity ensures that the Anti-Bribery Policy are regularly reviewed and updated, so that improvements can be made where necessary.

## 2. Links to Procedures

The policy is supported by procedures describing the process to be followed to ensure effective implementation, delivery and maintenance of key elements which linked together will provide assurance that the Charity is compliant with the Bribery Act 2010.

Counter Fraud Procedure  
Procurement Policy and Lifetime Spend Procedures  
Declarations of Interest Procedure  
Working for Organisations outside of St Andrew's Healthcare Guidance  
Capability Policy and Procedure  
Freedom to Speak Up and Whistle Blowing Procedure  
Charity Code of Conduct

Policies and procedures available via the Policy A-Z:  
[Policies - Policies - standard-policy view \(sharepoint.com\)](#)

## 3. Scope

The general principles of this policy apply to all employees, volunteers, contractors, consultants, sub-contractors and agents engaged in Charity activities or acting on behalf of the Charity ("Associated Persons") within the UK and/or overseas.

Every employee and Associated Person acting for, or on behalf of, the Charity is responsible for maintaining the highest standards of business conduct. Any breach of this policy is likely to constitute a serious disciplinary, contractual and/or criminal matter for the individual concerned and may cause serious damage to the reputation and standing of the Charity.

The Bribery Act 2010 imposes extensive obligations on all commercial organisations, including public bodies and charities within the healthcare sector, to ensure that they have adequate procedures in place to prevent bribery from occurring within their organisation. The Charity is committed to compliance with the Act and this policy explains the steps that the Charity has put in place.

The offering or paying of a bribe to any person by a Charity employee is absolutely prohibited. This means that you will not offer, promise, reward in any way or give a financial or other advantage to any person in order to induce that person to perform their function or duty improperly. It does not matter whether the other person is a UK or foreign public official, political candidate, party official, private individual, private or public sector employee or any other person.

Bribery and corruption are punishable for individuals by up to ten years' imprisonment and if the Charity is found to have taken part in corruption it could face an unlimited fine, and damage to its reputation. The Charity therefore takes its legal responsibilities very seriously.

## 4. Background

The Charity will be guilty of an offence under the Bribery Act 2010 where an employee or associated person (as previously described) offers a bribe to another person with the intention of retaining business or obtaining a business advantage for the Charity. The Charity does not need to have knowledge that the bribe has been offered. The Charity may have a defence to the act of bribery if it can show that it has in place

adequate procedures in place to prevent bribery by its employees or associated persons.

The existence of this policy and the knowledge and compliance with it by all employees and associated persons is essential in establishing this defence. All employees and associated persons are therefore required to comply with this policy, in accordance with the Bribery Act 2010.

## 5. Definitions

<b>Bribe</b>	The offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages (taxes, services, donations, etc.).
<b>Corruption</b>	The abuse of entrusted power or position for private gain.
<b>Bribery Act or Bribery Act 2010</b>	Means the enacted Government legislation.
<b>Associated Person</b>	Means a person who performs services for or on behalf of St Andrew's and includes contractors, sub-contractors, consultants, agents and representatives.
<b>Gift and Hospitality Register</b>	Means the electronic register available to all employees on which any gifts or hospitality received in connection with their employment at St Andrew's should be logged.
<b>Decision making employees</b>	Some employees are more likely than others to have a decision making influence on the use of Charity money, because of the requirements of their role. For the purposes of this guidance these people are referred to as 'decision making employees.'  Decision making employees in St Andrew's are: <ul style="list-style-type: none"> <li>• Employees at Career Levels B, C, D and E</li> <li>• Non-executive Directors</li> <li>• Employees in the Strategy &amp; Partnerships and Procurement teams</li> <li>• Any employee that has budget authority to commit to spend on behalf of the Charity.</li> </ul>

## 6. Key Requirements

The Charity may face criminal liability and/or be barred from tendering for public procurement contracts where either it or its employees or associated persons are involved in actions which are offences under the Bribery Act 2010. All employees and associated persons are required to familiarise themselves and comply with this policy, including any future updates that may be issued from time to time.

Bribery is a particular type of fraud so the Charity's Counter Fraud Procedures will also apply.

GOOD FAITH - The policy will apply to all employees in a consistent manner and without discrimination.

FAIRNESS - Issues arising will be dealt with in line with this policy and any other relevant policy and/or procedure to ensure fairness and consistency.

CONFIDENTIALITY – Information obtained through following this policy will only be shared with individuals who have a need to know.

PROTECTION – Application of and adherence to the policy should ensure the Charity, individual employees and the general public alike are protected from allegations of bribery or corruption.

### 6.1 Bribery Act 2010

An individual will commit an offence under the Bribery Act 2010 if that individual promises, gives, requests, receives or agrees to receive bribes; or offers, promises or gives a bribe to a foreign public official with the intention of influencing that official in the performance of his/her duties (where local law does not permit or require such influence).

The Charity prohibits employees or associated persons from offering, promising, giving, soliciting or accepting any bribe, in whatever form and for whatever improper purpose. This prohibition also applies to indirect contributions, payments or gifts made in any manner as an inducement or reward for improper performance. It does not, however, prohibit corporate entertainment, gifts, hospitality or promotional expenditure undertaken in accordance with the Charity's Gifts and Hospitality Procedures.

### 6.2 Records

Employees and, where applicable, associated persons, are required to take particular care to ensure that all Charity records are accurately maintained and particularly in relation to any contracts or business activities, including financial invoices and all payment transactions with customers, clients, suppliers and public officials.

Due diligence should be undertaken by employees and associated persons prior to entering into any contract, arrangement or relationship with a potential supplier of services, agent, consultant or representative in accordance with the Charity's Procurement Policy and Procedures.

Employees and associated persons are required to keep accurate, detailed and up-to-date records of all corporate hospitality, entertainment or gifts accepted or offered via the Gift & Hospitality Register.

### 6.3 Facilitation Payments

Payments made to individuals in order to obtain the services of public officials or to enable the progress of goods or materials through official channels commonly called "facilitation payments" **are not permitted** in any circumstances.

Facilitation payments are typically small, unofficial payments made to secure or expedite a routine or necessary action (i.e. by a government official). These kinds of payments are not commonly paid in the UK, but the Charity's employees must be aware that these types of payments **are strictly prohibited**.

This policy does not prohibit the use of any recognised fast-track process that is publicly available on payment of a fee. Any such practices must be proportionate, reasonable and made in good faith. Clear records of such practices must be kept.

#### 6.4 Risk Management

Principle - The Charity has established risk management procedures to prevent, detect and prohibit bribery, fraud and corruption. The Charity will conduct periodic risk assessments for each of its key business activities and services and, where relevant, will identify employees or officers of the Charity who are in positions where they may be exposed to bribery.

Procedure - The Charity will identify high-risk areas, for example tenders for work and those working on high-value projects. The Charity will:

- Regularly review and audit internal control mechanisms, such as accounting and record keeping practices, to mitigate the risk of bribery (or fraud and corruption), and demonstrate that such activity is subject to sufficient levels of scrutiny;
- Regularly monitor “at risk” employees and associated persons;
- Regularly communicate with “at risk” employees and associated persons;
- Undertake extensive due diligence of third parties and associated persons; and
- Communicate its zero-tolerance approach to bribery to employees, third parties, including actual and prospective customers, suppliers and joint-venture partners.

#### 6.5 Reporting suspected bribery

The Charity depends on its employees and associated persons to ensure that the highest standards of ethical conduct are maintained in all its business dealings. Employees and associated persons are requested to assist the Charity and to remain vigilant in preventing, detecting and reporting bribery.

You should report any concerns that you have to the Charity’s Local Counter Fraud Specialist ([counterfraud@standrew.co.uk](mailto:counterfraud@standrew.co.uk)), Company Secretary or the Chief Finance Officer as soon as possible. Issues that should be reported include:

- Any suspected or actual attempts at bribery;
- Concerns that other employees or associated persons may be being bribed; or
- Concerns that other employees or associated persons may be bribing third parties, such as clients or government officials.

Any such reports will be thoroughly and promptly investigated by the Local Counter Fraud Specialist (LCFS) or other nominated individual. In the event of widespread or senior corruption, concerns can be reported using the Freedom to Speak Up and Whistle Blowing Procedure, or reported in confidence to one of the Charity’s ‘Freedom to Speak Up’ Guardians ([freedomToSpeakUp@standrew.co.uk](mailto:freedomToSpeakUp@standrew.co.uk)) or by using Safecall (Tel: 0800 915 1571), the Charity’s independent confidential “whistle blowing” service.

Employees or associated persons who report instances of bribery in good faith will be supported by the Charity which will ensure that they are not subjected to detrimental treatment as a consequence of their report. Any instances of detrimental treatment by a fellow employee because an employee has made a report will be treated as a disciplinary offence.

An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to their line manager, the LCFS, Company Secretary or if not appropriate, then use Safecall or discuss with the 'Freedom to Speak Up' Guardian.

## 6.6 Action by the Charity

The Charity will fully investigate any instances of alleged or suspected bribery. Employees suspected of bribery may be suspended from their duties while the investigation is being carried out. The Charity will invoke its disciplinary procedures where any employee is suspected of bribery, and proven allegations may result in a finding of gross misconduct and immediate dismissal. The Charity may terminate the contracts of any associated persons, including consultants, contractors or other workers who act for, or on behalf of, the Charity who are found to have breached this policy.

The Charity may also report any matter to the relevant authorities, including the Director of Public Prosecutions, Serious Fraud Office, Revenue and Customs Prosecutions Office and the police. The Charity will provide all necessary assistance to the relevant authorities in any subsequent prosecution.

Failure to comply with this policy could result in the application of disciplinary, civil, criminal or regulatory sanctions.

## 7. Roles and Responsibilities

**Chief Finance Officer:** The Chief Finance Officer (CFO) is the member of the Board of Directors responsible for overseeing counter fraud, bribery and corruption work and is ultimately responsible for overseeing and providing strategic management and support for work to tackle economic crime.

**Company Secretary:** The Company Secretary will ensure that there are adequate and effective processes, procedures and controls in place to ensure that compliance with the Bribery Act 2010 is maintained.

**Local Counter Fraud Specialist (LCFS):** The LCFS will promote awareness of anti-bribery processes within the Charity, respond to identified system weaknesses and where appropriate investigate allegations of bribery and corruption.

**Audit & Risk Committee:** The Audit & Risk Committee shall review the Charity's systems and controls for the prevention of bribery, and compliance with competition laws and regulations and receive reports on non-compliance.

## 8. Monitoring and Oversight

The Company Secretary is responsible for:

- Ensuring that the guidelines within the Anti-Bribery & Corruption Policy are brought to the attention of all employees and associated persons;
- Ensuring that the procedures are put in place for ensuring that they are effectively implemented and monitored.

Line Managers are responsible for ensuring all employees are aware of the policy.

The Executive Team are responsible for ensuring implementation of the policy and reviewing any circumstances of bribery reported under the Freedom to Speak Up and Whistle Blowing Procedure.

All referrals received by Human Resources (HR) that have an element of suspected bribery or corruption will be reported to the LCFS and/or Company Secretary. The HR team will liaise closely with, and provide information to the LCFS in support of investigations into suspected cases of bribery or corruption.

The relevant senior manager/ Executive will instigate the necessary disciplinary action against those who fail to comply with the Charity's policies, procedures and processes, and ensure that appropriate sanctions are applied.

## 9. Diversity and Inclusion

St Andrew's Healthcare is committed to *Inclusive Healthcare*. This means providing patient outcomes and employment opportunities that embrace diversity and promote equality of opportunity, and not tolerating discrimination for any reason

Our goal is to ensure that *Inclusive Healthcare* is reinforced by our values, and is embedded in our day-to-day working practices. All of our policies and procedures are analysed in line with these principles to ensure fairness and consistency for all those who use them. If you have any questions on inclusion and diversity please email the inclusion team at [DiversityAndInclusion@standrew.co.uk](mailto:DiversityAndInclusion@standrew.co.uk).

## 10. Training

An e-learning module including Fraud, Bribery and Conduct (and incorporating a conflict of interest statement) is available via SAP and all employees are encouraged to complete this. All employees with SAP approval, are required to complete the training and conflict of interest statement on an annual basis. Training and guidance can also be provided by the Company Secretary or Local Counter Fraud Specialist upon request.

## 11. References to Legislation and Best Practice

Bribery Act 2010

Legislation.gov.uk. (2010). *Bribery Act 2010*. [online] Available at: <http://www.legislation.gov.uk/ukpga/2010/23/contents>.

Ministry of Justice Guidance

Ministry of Justice (2011). *The Bribery Act 2010 - Guidance*. [online] Available at: <http://www.justice.gov.uk/downloads/legislation/bribery-act-2010-guidance.pdf>.

NMC code of conduct: Standards of conduct, performance and ethics for nurses, midwives and nursing associates

NMC (2018). *The Code: Professional Standards of Practice and Behaviour for nurses, Midwives and Nursing Associates*. [online] NMC. Available at:

<https://www.nmc.org.uk/standards/code/>.

GMC's Guidance on good Medical Practice for doctors and consultants

<https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/good-medical-practice>

## 12. Exception Process

There will be no exceptions to this policy.

## 13. Key changes

Version Number	Date	Revisions from previous issue
1.0	August 2020	Replaces HR 36 Anti-Bribery Policy and Procedure v5.4. Re-write after the Governance Review in 2018.
2.0	September 2023	Policy reviewed and updated with no key changes to the content. Moved onto new template and combined the policy and procedure to make up a singular policy.