

**Procedure Group:** Corporate  
**Version no.:** 1.0  
**Date of issue:** August 2020  
**Approved by:** Job Title / Group Name

## Anti-Bribery & Corruption Procedure

### 1. Procedure purpose

The purpose of this procedure 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.

### 2. Links to Policy

Anti-Bribery & Corruption Policy  
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  
Capability 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 procedure 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 procedure 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 procedure 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. 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 procedure, 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 procedure will apply to all employees in a consistent manner and without discrimination.

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

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

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

##### 4.1 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 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 procedure 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 procedure, in accordance with the Bribery Act 2010.

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.

#### 4.2 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.

#### 4.3 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 procedure 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.

#### 4.4 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.

#### 4.5 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 one of the 'Freedom to Speak Up' Guardians.



#### 4.6 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 procedure.

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 procedure could result in the application of disciplinary, civil, criminal or regulatory sanctions.

### 5. Monitoring and Oversight

The Company Secretary is responsible for:

- Ensuring that the guidelines within the Anti-Bribery & Corruption Procedure 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 procedure.

The Charity Executive Committee are responsible for ensuring implementation of the procedure and reviewing any circumstances of bribery reported under the 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 HR team 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.

### 6. Training

The Charity will communicate its anti-bribery measures to employees and associated persons via the procedure which is included in the list of Mandatory Policies and Procedures referred to in Induction.



The Charity reserves the right to amend and update this procedure as required and awareness of this procedure is mandatory for all employees. Managers are responsible for ensuring their employees are aware of the procedure. There are no specific training needs in relation to this procedure, although a counter Fraud, Bribery and Conduct e-learning module is available on SAP, which decision making employees and senior managers are required to complete on an annual basis.

## 7. References to Legislation and Best Practice –

Bribery Act 2010

<http://www.legislation.gov.uk/ukpga/2010/23/contents>

Ministry of Justice Guidance

<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

<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>

## 8. How to request a change or an exception to this procedure

Please refer to either the [Policy and Procedure Update Application Link](#)

Or the exception process [Policy and Procedure Exception Application Link](#)

## 9. 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> </ul>



	<ul style="list-style-type: none"> <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>
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**10. Key changes** - please state key changes from the previous version of the procedure

Version Number	Date	Revisions from previous issue
V1	August 2020	Replaces HR 36 Anti-Bribery Policy and Procedure v5.4. Re-write after the Governance Review in 2018.