

# OR17 Anti-bribery Policy

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## Document Change Log

This document will be reviewed **Annually** or as changes in legislation dictate.

Version No	Date	Document Change
1	19 <sup>th</sup> July 2018	New Policy
2	May 2021	Full review

## Equality Statement

All customers, employees and members of the public should be treated fairly and with respect, regardless of age, disability, gender, marital status, membership or no membership of a trade union, race, religion, domestic circumstances, sexual orientation, ethnic or national origin, social & employment status, HIV status, or gender re-assignment.

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## 1. Statement

EDP conducts its business in an honest and ethical manner, adopting a zero-tolerance approach to bribery, corruption and fraud at every level. EDP are fully committed to acting professionally, transparently, fairly and with integrity in all its business dealings and relationships, wherever it operates.

EDP upholds all anti-bribery related law, and takes seriously its duty to comply with the Bribery Act 2010 (in force from the 1st July 2011) ["The Act"]. The Act includes:

- The 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;
- And a new 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 a business advantage for the organisation.

EDP recognises that bribery leads to significant punishment and penalties. If corrupt activities are found, we may be subjected to a substantial fine, be excluded from tendering for contracts, and face serious reputational damage.

## 2. Scope

This policy provides guidance on the Bribery Act 2010. However, if there are concerns about any business activity or dealing, regardless of the Act, then this should be reported immediately to the EDP management (see section 6).

The policy applies to all individuals working for/within/on behalf of EDP, including paid employees (temporary or permanent), volunteers, contractors, students, secondees and sessional staff. It also applies to all third parties that we work with, come into contact with, or who provide work on our behalf, including service users, partner organisations or subcontractors, suppliers, donors, funders/commissioners, the media, public bodies, political bodies, and representatives thereof. The policy also applies to members of the Board including Trustees.

EDP takes a zero tolerance approach to bribery. Breach of this policy, including making or taking a bribe, will be considered gross misconduct and individuals will be sanctioned accordingly.

## 3. Aims

In order to meet its moral and legal duties and responsibilities, EDP will:

- Implement and enforce adequate measures to ensure that bribery is prevented by any individual associated to the organisation

- Have clear procedures in place, to be followed if bribery/suspected bribery occurs, including confidential reporting channels
- Support individuals to understand the risks relating to bribery, to recognise a potential bribe, and feel protected to report wrongdoing
- Provide guidance to individuals regards their responsibilities in relation to bribery
- Have robust frameworks in place to investigate and address any potential cases of bribery

The purpose of this policy document is to provide guidance to individuals associated with EDP, and outline the organisation's key measures and processes in relation to the above.

## 4. Definitions

**Bribery** - A bribe is an inducement or reward offered in order to gain any commercial, contractual, regulatory or personal advantage. It is the offering, promising, giving, accepting or soliciting of money, a gift or other advantage, as an inducement to do something illegal, or a breach of trust in the course of carrying out an organisation's activities. Bribes can take on many forms but they usually involve corrupt intent, and where both parties would benefit. An example would be a potential provider offering money or gifts in order to influence a tendering process.

**Gifts and hospitality** - These can range from small gifts (such as flowers, vouchers, meals) to expensive hospitality (invitations to hosted meals, receptions and tickets for events etc.). Extravagant gifts and hospitality could be used to disguise bribes that are intended to influence or induce improper behaviour, and must not be given or received. Genuine hospitality, promotional expenditure or similar business expenditure which is proportionate and reasonable is not prohibited by the Act and unlikely to qualify as a bribe. The policy does not seek to prohibit normal and appropriate hospitality being given or received – what is acceptable is outlined further in section 6 below. Examples of usually acceptable hospitality may be: an occasional meal with someone with whom we do business, or occasional attendance at hosted events.

**Corruption** - 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.

## 5. Responsibilities

Awareness, prevention, detection and reporting of potential bribery is 'everybody's business'. All employees have a duty to protect the assets and reputation of EDP. Specific responsibilities by role include:

- a) **EDP Trustees** – will provide leadership, support implementation of this policy, and ensure that the policy and related policies are fit for purpose and complied with. Trustees will inform the CEO of any gifts or hospitality they have received within their Trustee role.

- b) **CEO** – is responsible for ensuring that the policy, prevention measures, and procedures are consistently and continually implemented, through leadership and with clear lines of authority. And is responsible for overseeing corporate risk management in relation to preventing bribery.
- c) **Director of Central Support Services and Finance** – is responsible for maintaining accurate and transparent financial records, ensuring robust internal controls, including internal and external audit, risk assessment and due diligence.
- d) **The Leadership Team** - will actively and visibly lead and implement the policy and procedures, promoting an open and anti-bribery culture.
- e) **Managers** – are responsible for ensuring effective implementation and understanding of the policies, procedures and controls by teams and individuals, and assessing risks at Service/operational level
- f) **All individuals, including front-line staff**, are responsible for:
  - Maintaining awareness of this policy, its requirements and procedures, including reading, understanding and complying with this policy, any related policies/information, and attending training
  - Upholding and promoting a zero-tolerance approach to bribery
  - Acting in an ethical, professional and lawful manner at all times
  - Not giving or receiving bribes, and avoiding any activities that could lead to breach of this policy
  - Being alert to wrong doing, and reporting any bribery or corruption; suspected, potential or future
  - Seeking advice where uncertain about a situation

## 6. Implementation and Processes

The following sets out the key **Procedures** for individuals in relation to understanding, reporting and addressing incidents of potential bribery.

### 6.1 What is and what is not acceptable?

Gifts and hospitality will normally be deemed to be acceptable if they meet the following requirements; if the gift:

- Is not made with the intention of influencing the party to whom it is being given, to obtain or reward the retention of a business or a business advantage, or as an explicit or implicit exchange for favours or benefits
- Is not made with the suggestion that a return favour is expected
- Is in compliance with local law
- Is given in the name of the company, not in an individual's name
- Does not include cash or cash equivalent (e.g. a voucher or gift certificate)
- Is appropriate for the circumstances (e.g. giving small gifts at celebration times or as a small thank you to a company for helping with a large project upon completion)
- Is of an appropriate type and value, and given at an appropriate time, taking into account the reason for the gift
- Is given/received openly, not secretly
- Is not selectively given to a key, influential person, with the intention of directly influencing them
- Not of an excessive value, in excess of £50
- Not an offer to, or accepted from, a government or public body official or representative, or politician or political party, without the prior approval of the CEO.

**The following procedures should be followed when being offered or receiving a gift:**

- Reject/decline any offer of a gift or other bribe that does not meet the above requirements
- Where it is insensitive/inappropriate to decline the offer of a gift, e.g. if from an individual of a certain culture/region who may take offence, the gift can be accepted and then declared to the Director of Central Support Services and Finance for further assessment (via your line manager)
- All gifts received and given, from any individual or third party, should be disclosed to the Director of Central Support Services and Finance (via your line manager)
- Where gifts are received to an office, is it best practice to share the gift amongst colleagues/volunteers
- Always consider the intention of a gift, and if uncertain seek advice
- See also EDP's Code of Business Conduct and Professional Behaviour Policy on guidance around gifts and hospitality section.

Political contributions - EDP, and its representatives, will not make any form of political contribution (cash, kind, other) to support political parties or campaigns, recognising that this may be perceived as a way to gain improper business advantage.

Charitable contributions – EDP accepts the act of donating to charities – offering donations and receiving donations through services, time or cash. Individuals must, however, be vigilant to ensure that contributions are not used as an incentive to conduct business improperly or to conceal acts of bribery. All charitable contributions will be agreed with the Director of Central Support Services and Finance, and be legal, disclosed, explained and recorded.

Facilitation payments – are small payments made to secure or expedite performance of a routine action, such as issuing licences or permits, installation of a telephone line, to which the payer has a legal or other entitlement. Such payments are not prohibited under the Bribery Act like any other form of bribe.

**It is never acceptable to:**

- Give, receive or accept a bribe, with the expectation or hope of any business advantage, or something in return, by either party.
- Threaten, intimidate or retaliate against an individual who has refused to commit an bribery offence, or who has raised concerns
- Hold off the book accounts or falsify financial entries

## 6.2 Raising concerns and protection

If you suspect that bribery or corruption is taking place, may take place, or has taken place, then you must report this immediately to your line manager, a Director, the CEO or Chair of Trustees, as appropriate.

The details of the bribery/attempted bribery should be recorded, with management support, as soon as possible after the event

If you are uncertain whether the circumstance is bribery, seek advice from the Director of Central Support Services and Finance, supported by your line manager.

If you think you may be a victim of bribery or corruption, then report this immediately, i.e. if you have been offered a bribe, have been asked to make a bribe, if you suspect you may be bribed in the future, or if you believe you are a victim of any other improper activity.

All EDP staff should be familiar with the Whistleblowing policy and procedure, to ensure that concerns are raised confidentially and promptly. The policy refers to the Public Interest Disclosure Act 1998.

EDP understands that individuals who refuse to participate in a bribe, or who raise concerns about others, may feel anxious about their involvement or repercussions. EDP encourages openness and offers protection by supporting individuals who report matters in good faith, and ensuring that they do not receive

any detrimental treatment. If you feel you have been treated unfairly, you may wish to follow the Grievance procedure.

Staff should, under no circumstances, discuss potential bribery situations with the media (press, social media etc) – please refer to EDP’s Media policy.

### 6.3 Investigating potential bribery

Any instances of actual or potential bribery will be properly and fully investigated by the CEO and/or Chair of Trustees, or other agreed person/s.

Individuals should not attempt to investigate allegations/ situations themselves

Any anonymous concerns received should be acted upon

The investigation will seek to: confirm whether or not a bribe has taken place, and identify who was responsible/involved; confirm whether internal procedures, controls and anti-bribery measures have worked in practice; and identify lessons learned and areas for improvement of anti-bribery procedures.

Depending on the investigation outcome, subsequent action will be agreed, which may include disciplinary procedures, legal action, recovery of losses, and/or external reporting.

External reporting may be required to one or more of the following bodies as relevant:

- A senior representative of another organisation, where the person making the bribe is from that organisation
- The police
- Serious Fraud Office (responsible for the Bribery Act)
- The Charity Commission, if there is a ‘serious incident’

The following sections set out EDP’s proactive **Prevention measures** in relation to bribery.

### 6.4 Commitment

EDP is fully committed to preventing and tackling bribery at every level. We are transparent about our commitment, and articulate our zero-tolerance approach and anti-bribery policy externally, via our website, and internally via our related policies. In addition, we have robust risk, diligence, recruitment, communication, training, recording and review processes that demonstrate and strengthen our commitment to anti-bribery prevention, as follows.

## 6.5 Risk assessment and management

Effective risk assessment is integral to the success of this policy. Risk identification will determine any areas in which the organisation may be at risk of bribery or corruption risk. This will enable the organisation to evaluate the nature and level of risk, mitigate the risks by putting on place procedures proportionate to the risk, and thus protect itself.

EDP, through Board meetings, will review any risks it faces in relation to bribery, on an annual basis. These will be documented on the Corporate Risk Register, with rolling review through quarterly Board meetings. Risks will vary between areas of work, partners and transactions, and any responses will be proportionate. Refer also to EDP's Risk Management policy (OR11).

## 6.6 Partner and supplier due diligence

EDP will be liable under the Act if any person associated with it commits a bribe in an attempt to gain business advantage for EDP. Associates will include organisations that EDP partner with as subcontractors, as well as key service suppliers.

Our due diligence process for partners and suppliers includes:

- Suppliers and partners are selected through a competitive process
- Due diligence is carried out in advance on suppliers over £5000, and on partners before entering into contracts valued at over £40,000
- For contracts over £2000, three estimates/quotes will be received
- Conflicts of interest will be shared

Suppliers will be bound by comprehensive Terms of Agreement and/or SLAs. Subcontracted partners will be bound by detailed sub-contracts and formal review processes. Both types of agreement will explicitly state the requirement for the organisation to have and supply a copy of their anti-bribery policy, and to comply with anti-bribery standards and procedures.

## 6.7 Recruitment

Promoting our anti-bribery practice starts at recruitment. Our Employee Handbook makes it clear that giving or receiving gifts is not permitted and must be reported (Gifts and Gratuities section). This is also reiterated in our policy on Code of Business Conduct and Professional Behaviour (Gifts and Hospitality section). Our job descriptions also include the requirement to adhere to anti-bribery law and policies. New employees also receive policy training at induction (see below).

## 6.8 Training and communication

All staff will receive training on this policy and its procedures on their induction. They will be asked to formally sign to say that they have read, understood and are committed to its implementation. This should be reviewed annually. Line managers will provide further support to staff to ensure their understanding and application of the policy, as part of the CPD process.

EDP will provide anti-bribery training to staff where they feel anti-bribery knowledge needs to be enhanced, particularly where risks have been identified. As a minimum this should include all managers, the Leadership Team and Trustees. Training will also be provided to individuals that specifically ask for additional training, who have been victims/potential victims of bribery, or who have raised concerns. Any training completed will be recorded.

EDP's anti-bribery policy is communicated through EDP's external website, and for staff via the internal SharePoint system.

EDP's anti-bribery approach/commitment will be clearly communicated to all suppliers, business partners and other third parties at the outset of business arrangements, and thereafter.

## 6.9 Record keeping

Accurate record-keeping is an essential measure and control in the prevention of anti-bribery and corruption. Accurate records and financial reporting will be maintained through the Trustees and the Finance Department. This will include evidence of all payments made and received, including the amounts, and the reason for any payments, gifts or hospitality, with regular review. Financial records are subject to managerial review at any time.

An external annual audit will take place, to examine prevention and detection of fraud, corruption and financial irregularity. It will review EDP's financial position, corporate governance arrangements, systems of internal control, and will highlight any areas/existing control systems that need strengthening.

EDP's Finance and Audit Sub-Committee provides further assurance, by scrutinising and approving key financial information on behalf of the Board.

Record retention should be in line with relevant standards, laws and regulations.

## 6.10 Monitoring, reporting and audit

The Director of Central Support Services and Finance is responsible for monitoring the effectiveness and implementation of this policy, including suitability, adequacy and effectiveness.

Internal controls and measures designed to prevent anti-bribery are subject to regular internal review, as well as external audit and inspection.

Any recommendations for improvement following a review, audit or incident should be implemented as soon as possible through a documented action plan process.

Reports and reporting take place at various levels, including individual, Service-level, Leadership Team, financial, Board, external audits, and the Finance and Audit Committee.

Certain incidents of bribery/potential bribery may need to be reported through EDP's Incident reporting policy and framework.

## 7. Policy review

This policy will be reviewed annually.

The policy will also be reviewed at any time following changes to legislation, the implementation processes outlined, the key personnel/responsibilities outline, or following an incident.