

Policy Name	Anti-Bribery Policy
Version No.	3.0
Approval Date	November 2018
Category	Corporate
Classification	Public

<b>ANTI BRIBERY POLICY</b>	
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Review Frequency	3 years
Latest Review Date	October 2018
Approved By & Date	Audit & Assurance Committee (November 2018)
Next Review Date	November 2021

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### Version Control

Version	Date	Description	Updated By	Approved By
3.0	September 2018	Move to new policy format. Overhaul of content.	Angela Carpenter	ELT – October 2018
	October 2018	Shared for comments – minor amendments		A&A – November 2018

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## 1. Policy Purpose & Aim

This documents sets out the Anti-Bribery Policy for ExtraCare (ECCT) and its subsidiaries. It is illegal to offer, promise, give, request, agree, receive or accept bribes. ECCT adopts zero tolerance to bribery and corruption. This policy explains how concerns can be reported and how these will be escalated.

## 2. Objectives

The objectives of this policy are to:

- Define bribery and examples of what this may look like within ECCT;
- Confirm our zero-tolerance to bribery and corruption;
- Define responsibilities;
- Explain how concerns can be reported;
- Outline how concerns will be notified/escalated (internally and externally); and ultimately
- Increase awareness of bribery and anti-bribery responsibilities across ECCT and its subsidiaries to manage ECCT's exposure to bribery/corruption risk, thereby upholding the charity's reputation and supporting confidence in ECCT's corporate integrity.

## 3. Scope of Policy

This policy applies to ECCT and its subsidiaries. The principles of this policy apply to all staff and volunteers. They also apply to all external bodies with whom ECCT may have dealings with, including contractors, suppliers and partners. As a corporate policy all staff will be notified of the policy update.

## 4. Responsibilities

Audit & Assurance Committee	<ul style="list-style-type: none"> <li>• Keep under review the policies and procedures for bribery.</li> <li>• Receive reports on suspected or actual cases.</li> </ul>
ELT	<ul style="list-style-type: none"> <li>• Promote a culture of honesty and openness – supporting our ECCT value of Transparency.</li> </ul>
Company Secretary	<ul style="list-style-type: none"> <li>• Oversee annual declaration of interest process and ensure interests are declared at each Committee/Board meeting.</li> <li>• Review Gifts &amp; Hospitality Register.</li> <li>• Report to external bodies and regulators (as required).</li> </ul>

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Executive Director Corporate Resources	<ul style="list-style-type: none"> <li>Overall accountability for managing the risk of bribery and will take every action necessary to protect ECCT.</li> <li>Ensure that: <ul style="list-style-type: none"> <li>Bribery risk is considered with controls in place to prevent/detect bribery;</li> <li>Those engaged in countering bribery have the appropriate authority, skills and knowledge to undertake this work effectively; and</li> <li>Findings from bribery investigations are used to inform improvement (where necessary).</li> </ul> </li> </ul>
Head of Finance	<ul style="list-style-type: none"> <li>Review and update the policy.</li> </ul>
Head of People	<ul style="list-style-type: none"> <li>Notifies the Executive Director Corporate Resources and Company Secretary of any bribery allegation reported under the Whistleblowing Policy.</li> </ul>
Managers	<ul style="list-style-type: none"> <li>Promotion of a culture of honesty and openness.</li> <li>Prevention and detection of bribery via: <ul style="list-style-type: none"> <li>Ensuring compliance with wider policies (e.g. Procurement, Conflicts of Interest, Gifts &amp; Hospitality) and Financial Regulations;</li> <li>Being mindful and vigilant for bribery risk – e.g. when awarding contracts, when allocating sales properties; and</li> <li>Reporting any concerns.</li> </ul> </li> </ul>
Procurement Team	<ul style="list-style-type: none"> <li>Ensures letting of contracts follows competitive and transparent processes.</li> </ul>
All staff/ volunteers	<ul style="list-style-type: none"> <li>Follow and comply with ECCT policies (e.g. Procurement, Conflicts of Interest, Gifts &amp; Hospitality) and Financial Regulations;</li> <li>Report any concerns.</li> </ul>

## 5. Monitoring & Review

This policy will be subject to a full review at least every 3 years.

## 6. Risk Management

We recognise that the scale of our investment decisions and procurement activities (some of which are high value) present an increased risk of bribery and corruption. Key controls to manage our risks are as follows:

Awarding contracts	of	<ul style="list-style-type: none"> <li>Procurement Policy</li> <li>Competitive tendering process</li> <li>Supplier due diligence</li> </ul>
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	<ul style="list-style-type: none"> <li>• Oversight by Procurement Team</li> </ul>
Accepting or giving gifts	<ul style="list-style-type: none"> <li>• Gifts &amp; Hospitality Policy and Registers</li> <li>• Expenses Policy</li> <li>• Oversight by Governance &amp; Risk Team</li> <li>• Expenditure controls (budgets, delegated financial limits, approval for spend)</li> </ul>
Managing conflicts	<ul style="list-style-type: none"> <li>• Conflicts of Interest Policy</li> <li>• Annual declaration process</li> <li>• Oversight by Governance &amp; Risk Team</li> </ul>

## 7. Statement of Commitment

As a responsible employer, registered charity, and registered provider, ECCT is committed to maintaining an ethical culture which does not and will not tolerate any form of bribery. Any allegations will be thoroughly investigated and, if confirmed, dealt with rapidly in the strongest possible way. We will seek the strongest possible sanctions against those who seek to bribe ECCT, our staff or our residents and against any of our staff who accept bribes or seek to bribe third parties. This includes taking appropriate action against those involved which may include criminal or civil action.

## 8. Definition of Bribery

**Bribery** is defined as “The offering, promising, giving, accepting or soliciting of an advantage as an inducement to do something which is illegal or a breach of trust.” The Bribery Act also notes that the purpose of the bribe is to ‘induce a person to perform improperly a relevant function or activity’ or to ‘reward a person for the improper performance of such a function or activity’.

Bribes can be given or received, promised or expected. They can take many forms and be of any size, including both payments and in-kind benefits. Bribes that are **given** are known as ‘**active bribery**’ and bribes **received** are known as ‘**passive bribery**’. A bribe can be given before or after the breach of trust takes place e.g. following the award of a contract.

## 9. Examples and Implications of Bribery

### Examples of bribery that may apply to ECCT

- A potential supplier offers money or gifts to win a contract;

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- Job applicants bribe a recruiting manager to secure employment;
- A bribe is paid to an official to gain planning permission for a new village development;
- A family offer money to Sales staff to secure a specific apartment in one of our locations for their relative.

### Potential implications

Reputational damage	Legal and Regulatory	Operational
<ul style="list-style-type: none"> <li>• Damage to the ECCT charity brand.</li> <li>• Potential reduction in grants and donations.</li> <li>• Alienation of stakeholders – e.g. residents, potential residents and employees.</li> </ul>	<ul style="list-style-type: none"> <li>• Fines and prison for officers, employees, associates.</li> <li>• Civil lawsuits.</li> <li>• Regulatory sanctions or intervention.</li> <li>• Debarment from government funding contracts.</li> </ul>	<ul style="list-style-type: none"> <li>• Diversion of Board and management time.</li> <li>• Dysfunctional or unsuitable activities and projects.</li> <li>• Loss of donors, sponsors, clients, potential residents, or contracts.</li> <li>• Organisational activity distorted by bribery.</li> <li>• Damage to the supply chain.</li> <li>• Cost of professional fees.</li> <li>• Demotivation of staff and employees.</li> </ul>

## 10. Reporting Concerns

It is important that staff/volunteers are able to report concerns without fear of reprisal or victimisation. The **Whistleblowing Policy** should be followed in the event of a concern. This confirms our commitment to supporting those who may raise a concern and outlines the approach that will be taken in the event of a disclosure being made.

Staff/volunteers should report concerns **immediately** if they suspect that there is evidence of irregular or improper behaviour or that active or passive bribery may have occurred.

## 11. Internal Escalation and Notification

In accordance with the **Whistleblowing Policy**, any concerns are reported to HR. The Head of People will report any allegations to the Company Secretary and Executive Director Corporate Resources as soon as the report is received in order to review, consider and determine internal and external reporting and escalation requirements. In the event that an allegation may involve these officers, the Head of People will report the allegation to alternative members of the Executive Team.

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In exceptional circumstances (e.g. where an allegation relates to the entire Executive Team), the Head of People will report the allegation to the Senior Independent Director (a member of the Board of Trustees)

<b>Investigations</b>	Any investigation will be undertaken in accordance with the process as outlined in the <b>Anti-Fraud Policy</b> .
<b>Reporting</b>	Allegations will be reported to Audit & Assurance Committee (in accordance with the <b>Whistleblowing Policy</b> ) and may be reported to Trustees in advance of these meetings by the Company Secretary depending upon the nature/severity of any allegation made
<b>Sanction &amp; Redress</b>	The <b>Disciplinary Policy</b> will be adopted for any matters concerning staff. ECCT will take appropriate steps, including legal action if necessary, to recover any losses arising from bribery – this may include civil proceedings.

## 12. External Reporting

Bribery is a potential criminal offence and may be reported to the police. External reporting may also include to the Charity Commission and the Regulator of Social Housing (RoSH). Responsibility for reporting bribery allegations/concerns is that of the Company Secretary.

Any instances of reports made to external bodies will be notified to Trustees by the Company Secretary.

## 13. Other Relevant ECCT Policies & Documents

<b>General</b>	<ul style="list-style-type: none"> <li>• Procurement Policy</li> <li>• Anti-Money Laundering Policy</li> <li>• Anti-Fraud Policy</li> <li>• Whistleblowing Policy</li> <li>• Disciplinary Policy</li> <li>• Gifts and Hospitality Policy</li> <li>• Conflicts of Interest Policy</li> <li>• Expenses Policy</li> <li>• Trustee Code of Conduct</li> <li>• Charity Commission – Reporting Serious Incidents</li> <li>• Financial Regulations</li> </ul>
<b>Records</b>	<ul style="list-style-type: none"> <li>• Employment contracts</li> <li>• Terms &amp; Conditions (procurement)</li> </ul>

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	<ul style="list-style-type: none"> <li>• Gifts &amp; Hospitality Register</li> <li>• Purchasing Card statements</li> <li>• Register of Interests</li> <li>• Staff Handbook</li> </ul>
<b>Work Instructions</b>	None.

## 14. Relevant Legislative & Regulatory Requirements

Legislation	Regulation	Guidance
Bribery Act 2010	RoSH Governance & Financial Viability Standard	Reporting Serious Incidents – guidance for Trustees
Fraud Act 2006	Homes and Communities Agency Regulatory Framework for Social Housing in England from April 2012 (as amended from April 2015)	