

Policy Name	Anti-Bribery Policy
Version No.	3.1
Approval Date	November 2021
Category	Corporate
Classification	Public

ANTI BRIBERY POLICY	
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Review Frequency	3 years
Latest Review Date	October 2021
Approved By & Date	Audit & Assurance Committee (November 2021)
Next Review Date	November 2024

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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
3.1	October 2021	Minor updates with reference to role of SMT, Monitoring and relevant policies and regulation. Added examples of bribery. Expanded on reporting concerns responsibilities. Corrected minor inconsistencies in formats and job titles.	Manuela Alpaton	A&A November 2021

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1. Policy Purpose & Aim

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

2. Objectives

The objectives of this policy are to:

- Define bribery and examples of what this may look like within ExtraCare;
- 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 ExtraCare and its subsidiaries to manage ExtraCare's exposure to bribery/corruption risk, thereby upholding the charity's reputation and supporting confidence in ExtraCare's corporate integrity.

3. Scope of Policy

This policy applies to ExtraCare and its subsidiaries. The principles of this policy apply to all staff and volunteers. They also apply to all external bodies with whom ExtraCare 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	<p>The Committee has received delegated responsibility from the Board to:</p> <ul style="list-style-type: none"> • Keep the policy under review; and • Receive reports on suspected or actual cases.
Executive Leadership Team (ELT)	<ul style="list-style-type: none"> • Promote a culture of honesty and openness – supporting our ExtraCare value of Transparency.
Company Secretary	<ul style="list-style-type: none"> • Oversees annual declaration of interest process and ensure interests are declared at each Committee/Board meeting; • Review Gifts & Hospitality Register; and

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	<ul style="list-style-type: none"> Report to external bodies and regulators (as required).
Executive Director Corporate Resources (EDCR)	<ul style="list-style-type: none"> Has overall accountability for managing the risk of bribery and will take every action necessary to protect ExtraCare; Ensures that: <ul style="list-style-type: none"> A procedure is in place to enable reporting of bribery concerns; A culture of honesty and openness is promoted throughout ExtraCare; Bribery risk is considered with controls in place to prevent/detect bribery; Those engaged in countering bribery have the appropriate authority, skills and knowledge to undertake this work effectively; The appropriate investigations are carried out following a notification of alleged bribery; and Findings from bribery investigations are used to inform improvement (where necessary).
Head of Finance	<ul style="list-style-type: none"> Reviews and updates the policy.
Executive Director Governance and Compliance	<ul style="list-style-type: none"> Notifies the Executive Director Corporate Resources of any bribery allegation reported under the Whistleblowing Policy.
Head of People	<ul style="list-style-type: none"> Notifies the Executive Director Governance and Compliance of any bribery allegations identified in disciplinary or grievance processes.
Senior Management Team (SMT) and Managers	<ul style="list-style-type: none"> Ensure staff are aware of this policy; Promote a culture of honesty and openness; Prevent and detect bribery via: <ul style="list-style-type: none"> Ensuring compliance with wider policies (e.g. Procurement, Conflicts of Interest, Gifts & Hospitality) and Financial Regulations; Being mindful and vigilant for bribery risk – e.g. when awarding contracts, when allocating sales properties; and Report any concerns.
Procurement Team	<ul style="list-style-type: none"> Ensures granting of contracts follows competitive and transparent processes.
All staff/volunteers	<ul style="list-style-type: none"> Follow and comply with ExtraCare policies (e.g. Procurement, Conflicts of Interest, Gifts & Hospitality) and Financial Regulations; Report any concerns.

5. Monitoring & Review

Exceptions reports will be submitted to ELT and Audit and Assurance Committee as required in accordance with risk reporting procedures.

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This document will be subject to a full review at least every 3 years and to interim reviews when legislative and regulatory requirements make it necessary.

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

7. Statement of Commitment

As a responsible employer, registered charity, and registered provider, ExtraCare 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 ExtraCare, 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.

8.1 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

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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.

8.2 Examples and Implications of Bribery

Examples of bribery that may apply to ExtraCare

- A potential supplier offers money or gifts to staff to win a contract;
- A donation from a contractor is accepted by the Charity in exchange for success in a bid for a service contract;
- 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 bribe is received by a staff member or an intermediary engaged in negotiations for land purchases in exchange for support in achieving inflated land prices;
- A developer agrees to pay additional sums to a land owner in respect of land clearance costs, after the favourable conclusion of a land bid;
- 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"> • Damage to the ExtraCare charity brand. • Potential reduction in grants and donations. • Alienation of stakeholders – e.g. residents, potential residents and employees. 	<ul style="list-style-type: none"> • Fines and prison for officers, employees, associates. • Civil lawsuits. • Regulatory sanctions or intervention. • Debarment from government funding contracts. 	<ul style="list-style-type: none"> • Financial loss. • Diversion of Board and management time. • Dysfunctional or unsuitable activities and projects. • Loss of donors, sponsors, clients, potential residents, or contracts. • Organisational activity distorted by bribery. • Damage to the supply chain. • Cost of professional fees.

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		<ul style="list-style-type: none"> • Demotivation of staff and employees.
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8.3 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 behavior or that active or passive bribery may have occurred. Non-compliance with this policy may lead to disciplinary action in line with the ExtraCare **Disciplinary Policy**.

Staff/volunteers must not disclose or indicate their suspicions to the person(s) suspected of bribery or with anyone else. They must not seek to investigate the matter or undertake any related activity unless this has been directed by the Executive Director Corporate Resources.

8.4 Internal Escalation and Notification

Where incidents meet the definition of a whistleblowing (and the Whistleblowing Policy applies) concerns are required to be reported to the Executive Director Governance and Compliance in the first instance.

Where any allegation involves the Executive Director Governance and Compliance, then escalation should be made directly to the next appropriate level.

The Executive Director Governance and Compliance will report any whistleblowing bribery allegations to the Executive Director Corporate Resources and Head of People 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 involves the Executive Director Corporate Resources the Executive Director Governance and Compliance will report the allegation to alternative members of the Executive Team.

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

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

8.5 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) or other external stakeholders. 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.

9. Other Relevant ExtraCare Policies & Documents

General	<ul style="list-style-type: none"> • Procurement Policy • Anti-Money Laundering Policy • Anti-Fraud Policy • Whistleblowing Policy • Disciplinary Policy • Gifts and Hospitality Policy • Conflicts of Interest Policy • Expenses Policy • Trustee Code of Conduct • Charity Commission – Reporting Serious Incidents • Financial Regulations • Receipt of Fundraising Donations • Contract Management Policy • Local Authority Contract Negotiation Policy • New Village Development Scoping Policy • Planning Application and Land acquisition Policy
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	<ul style="list-style-type: none"> • Appointing Construction Contractors and Consultants Policy
Records	<ul style="list-style-type: none"> • Employment contracts • Terms & Conditions (procurement) • Gifts & Hospitality Register • Purchasing Card statements • Register of Interests • Staff Handbook
Work Instructions	None.

10. Relevant Legislative & Regulatory Requirements

Legislation	Regulation	Guidance
Bribery Act 2010	Regulator of Social housing (RoSH) Governance & Financial Viability Standard	Reporting Serious Incidents – guidance for Trustees
Fraud Act 2006	RoSH Regulatory standards published April 2015 (and subsequent updates)	
UK GDPR		
Data Protection Act 2018		