

# Policy No. 76

## ANTI-BRIBERY AND CORRUPTION POLICY

### 1. Policy Statement

The MPS Society recognises its duty to comply with the Bribery Act 2010, which came into force on 1 July 2011. The Bribery Act 2010 creates a new offence which can be committed by organisations which fail to prevent persons associated with them from bribing another person on their behalf.

The Act provides:

- A 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;
- An offence of bribing a foreign public official in order to win business, keep business or gain a business advantage for the organisation;
- An 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.

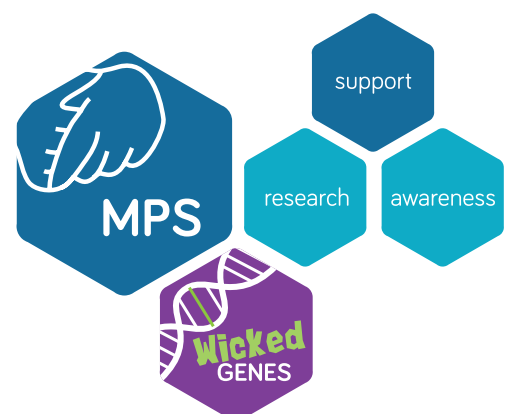
An organisation that can prove it had 'adequate procedures' in place to prevent persons associated with it from bribing will have a defence. What counts as adequate will depend on the bribery risks an organisation faces and the nature and size of the organisation.

The MPS Society attaches the utmost importance to this policy and will apply this zero-tolerance approach to acts of bribery and corruption by any of our Trustees, employees, volunteers, consultants, service suppliers or business partners working on our behalf. Any breach of this policy will be regarded as a serious matter and is likely to result in disciplinary action.

### 2. Overview

This policy outlines the measures which the MPS Society takes to prevent bribery and the procedures that should be followed if bribery occurs. It aims to help the organisation to establish a defence under Section 7 of the Bribery Act, and to minimise any operational or reputational risks associated with individuals giving or taking bribes on its behalf.

This policy is designed to assist employees and persons associated with the MPS Society to understand the risks associated with bribery and to encourage them to be vigilant and effectively recognise, prevent and report any wrongdoing, whether by themselves or others. This policy also aims to provide suitable and secure reporting and communication channels and to ensure that any information that is reported is properly and effectively dealt with, and to create and maintain a rigorous and effective framework for dealing with any suspected instances of bribery or corruption.



### 3. Definition

#### 3.1 Bribery and Corruption

It is illegal to give or receive a bribe under the Bribery Act 2010 and organisations are liable for bribes taken or given on their behalf where they do not have adequate procedures in place.

Bribery is the offering, promising, giving, accepting or soliciting of money, a gift or other advantage as an inducement to do something that is illegal or a breach of trust in the course of carrying out an organisation's activities.

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.

#### 3.2 What is a bribe?

Bribes can take on many different shapes and forms but typically they involve corrupt intent. There will usually be a 'quid pro quo' – both parties will benefit. A bribe could be the:

- Direct or indirect promise, offering or authorisation of anything of value
- Offer or receipt of any inducement, loan, fee, reward or other advantage
- Giving of aid, donations or voting designed to exert improper influence

Examples of bribery may include:

- A potential supplier offering money or a gift in order to influence a tendering process
- A job applicant offering payment in order to increase his/her chance of being offered employment

#### Facilitation payments

Facilitation payments are payments which induce officials to perform routine functions they are otherwise obligated to perform. Facilitation payments are bribes and there is no exemption for them under the Bribery Act. Facilitation payments do not include legally required administrative fees and legitimate fast-track services. Facilitation payments are particularly prevalent in certain overseas countries.

#### 3.3 Gifts and hospitality

These can range from small gifts (such as diaries, flowers, vouchers, food and drink) to expensive hospitality (invitations to hosted meals, receptions and tickets for major events, holidays etc.). Hospitality or promotional expenditure which is proportionate and reasonable is unlikely to qualify as a bribe. However, extravagant gifts and hospitality may be used to disguise bribes that are intended to induce improper behaviour (e.g. to fix the outcome of a tendering process).

Genuine hospitality or similar business expenditure that is reasonable and proportionate is not prohibited by the Act.

### 4. Responsibilities

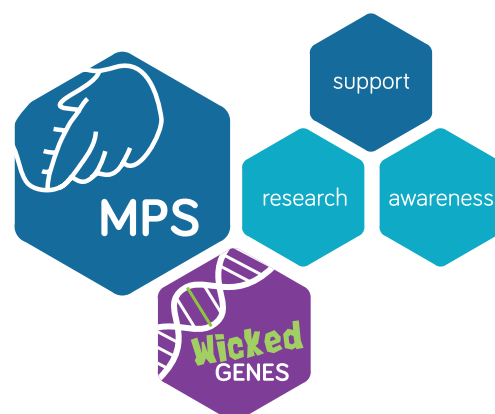
#### 4.1 The MPS Society Trustees

The Trustees will provide leadership, resources and active support for the implementation of this policy. They are responsible for ensuring that this policy and any associated policies are fit for purpose and complied with.

The Trustees are responsible for informing the Group Chief Executive Officer of any gifts or hospitality that they have received in respect of their Trustee role.

#### 4.2 Group Chief Executive Officer

The Group Chief Executive Officer is responsible for ensuring that these policies and procedures are implemented consistently and with clear lines of authority. The Group Chief Executive Officer and Senior Management Team will actively and visibly lead the organisation's anti-bribery policy and practice.



### 4.3 Managers

Managers are responsible for holding their direct reports to account. They are responsible for ensuring that the services the MPS Society provides are properly planned and that risks are assessed and managed in line with this policy.

### 4.4 Individuals

Individuals are expected to safeguard and uphold the MPS Society's core values by operating in an ethical, professional and lawful manner at all times. Individuals are responsible for not giving or receiving bribes and challenging instances where bribery may occur. They are also responsible for reporting all bribery that they are aware of via the procedures laid out in this policy.

To place this in context, individuals should be aware that if they engage in activities which are contrary to UK anti-bribery and corruption legislation, they could face up to 10 years in prison and/or an unlimited fine, and the MPS Society could also be liable to an unlimited fine and Government sanction.

Compliance with the MPS Society's policy in relation to bribery and corruption is regarded as part of an individual's contract of employment. Any member of staff found to have accepted or attempted bribery or made facilitation payments will be subject to disciplinary action, including dismissal.

Individuals must not offer money to any public officials in order to speed up service or gain improper advantage. This type of bribery is a 'facilitation payment' and is illegal. In the unlikely event that an individual is faced with a demand for a facilitation payment, such payment must be actively resisted.

## 5. Bribery Prevention

### 5.1 Organisational Commitment

The MPS Society is committed to operating with the highest standards of integrity and promoting a culture in which accountability flourishes. The MPS Society opposes bribery as it erodes free and fair competition, damages good government and harms society at large. The charity operates a zero-tolerance policy towards the giving or receiving of bribes because it is morally wrong and it is illegal in the UK. The jurisdiction outlined in the Act is global so it is illegal for UK entities wherever they are operating in the world.

The MPS Society is committed to tackling bribery at the highest level and clearly articulates its zero-tolerance policy on bribery externally on its website and internally within the Employee Handbook.

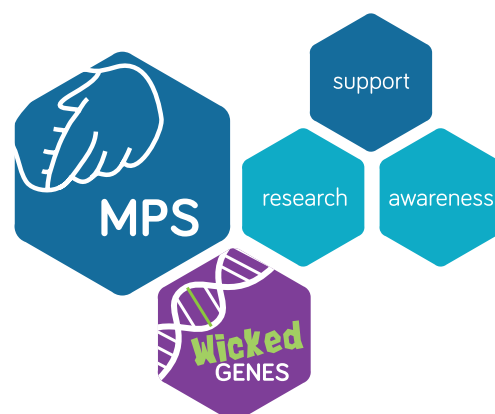
In order to prevent bribery, the MPS Society recognises that it should:

- Assess whether the charity is at risk and, if so, the level of that risk
- Put in place procedures proportionate to the risk identified
- Show a clear commitment to the prevention of bribery
- Use due diligence to assess who we deal with and who we appoint to represent us
- Communicate, train and raise awareness among employees and business partners
- Monitor and review procedures

### 5.2 Risk assessment

Effective risk assessment lies at the very core of the success or failure of this policy. Risk identification pinpoints the specific areas in which the MPS Society may face bribery and corruption risks and allows the organisation to better evaluate and mitigate these risks and thereby protect itself.

The MPS Society considers key risks facing the organisation in respect of bribery and corruption, and reviews these on an annual basis through its Risk Register. The MPS Society recognises that the threat of bribery varies across countries, areas of work, partners and transactions and that the charity must respond proportionately to those risks.



## 5.3 Due Diligence

### 5.3.1 Recruitment

The MPS Society recognises that good anti-bribery practice starts from the outset of employing an individual. It therefore ensures that the Employee Handbook prohibits the giving or receiving of bribes on behalf of the MPS Society.

### 5.3.2 Working with service suppliers and in partnerships

The MPS Society is liable under the Bribery Act if a person 'associated' with it bribes another intending to obtain or retain business or a business advantage for the MPS Society. The Act's definition of an associate is deliberately broad to include individuals, incorporated and unincorporated bodies supplying goods and services to the MPS Society (rather than just goods) or acting on the MPS Society's behalf as a partner or agent.

The MPS Society therefore requires all employees, Trustees, volunteers, consultants, service suppliers and business partners to ensure that, where appropriate:

- Key service suppliers and business partners are selected through a transparent and competitive selection process
- Due diligence is carried out on key suppliers before entering into contracts with a value of over £5,000. For contracts over £5,000 three estimations are required.
- Any conflicts of interest are declared

### 5.3.3 Charitable and political donations

A political contribution is a donation made to a politician, a political party or a political campaign. Charities are not permitted to make political donations and therefore political donations are not permitted under any circumstances.

Employees, volunteers and Trustees should ensure that any donation received or made by the MPS Society is not an incentive to conduct its business improperly.

## 5.4 Communication

All employees, volunteers and Trustees must understand and comply with the MPS Society's anti-bribery policy. To ensure that this is communicated, the MPS Society publishes this policy in the Employee Handbook and MPS Society website

## 5.5 Record-keeping

Many serious global bribery and corruption offences have been found to involve some degree of inaccurate record-keeping. The MPS Society maintains accurate records and financial reporting through the Trustees and annual audit.

## 6. Procedures

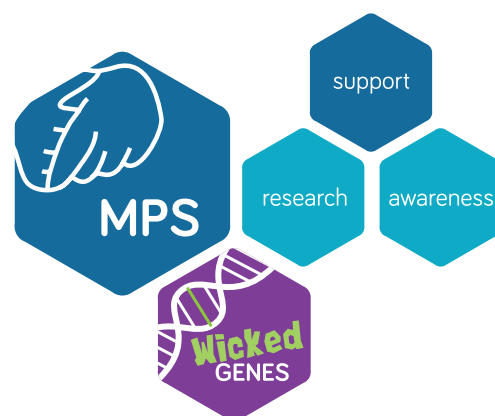
### 6.1 Action employees, volunteers and Trustees should take if they are offered or asked for a bribe.

How to evaluate what is 'acceptable':

First, take a step back and ask yourself the following:

- What is the intent – is it to build a relationship or is it something else?
- How would this look if these details were on the front of a newspaper?
- What if the situation were to be reversed – would there be a double standard?

If you find it difficult to answer one of the above questions, there may be a risk involved which could potentially damage the MPS Society's reputation and business. The action could well be unlawful.



*Never acceptable*

Circumstances which are never permissible include examples that involve:

- A 'quid pro quo' (offered for something in return)
- Gifts in the form of cash/or cash equivalent vouchers

*Usually acceptable*

Possible circumstances that are usually acceptable include:

- Modest/occasional meals with someone with whom we do business
- Occasional (i.e. no more than twice per year) attendance at ordinary sports, theatre and other cultural events
- Gifts of nominal value, such as pens, or small promotional items

Individuals must reject demands for or offers of bribes and the MPS Society's anti-bribery stance should be made clear. Employees should report any such approaches immediately to their line manager. If for some reason it is not possible to speak to the line manager, please report it to another senior manager or email the Group Chief Executive Officer confidentially at [c.lavery@mpssociety.org.uk](mailto:c.lavery@mpssociety.org.uk)

## **6.2 Where bribery is suspected or where it occurs**

To enable proper investigation, employees, volunteers and Trustees should record the details of any bribery or requested or attempted bribery, as soon as possible after the event. Any instances of actual or potential bribery should be properly and promptly investigated by the Group Chief Executive Officer and/or Chair of Trustees.

The objectives of an investigation should be to:

- Confirm whether or not a bribe has taken place, and to identify who was responsible
- Confirm whether internal controls and anti-bribery procedures have worked in practice
- Identify any improvements required to anti-bribery procedures

Depending on the findings of the investigation, subsequent action will be determined. This may involve disciplinary action against employee/s involved or external reporting to:

- A senior official or director of another organisation, if the person making the bribe is from that organisation
- Local police/law enforcement agencies (if deemed appropriate)
- Serious Fraud Office (in the UK, the SFO has primary responsibility for the UK Bribery Act)
- Relevant government department where the bribe took place
- The Charity Commission, if the matter is considered a 'serious incident'

## **7. Monitoring and Review**

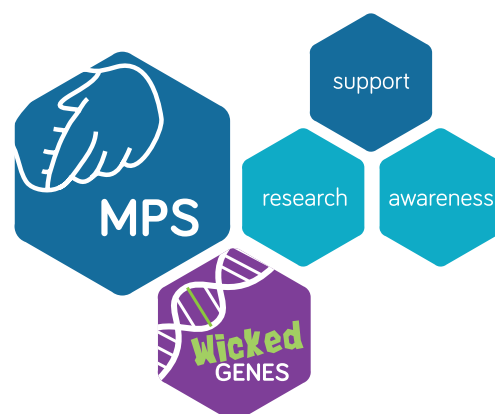
This policy will be reviewed if the Bribery Act changes or annually or after a significant change in operations or a significant incident, whichever is sooner.

## **8. Related Policies**

- Staff expenses policy
- Conflicts of interest policy
- Whistleblowing policy
- Disciplinary policy
- Gifts and Hospitality policy

Policy Adopted: February 2016

Next Trustee Review date: February 2017



## Appendix A: Corruption indicators

Taken from the Serious Fraud Office website, 31 August 2011

This list is not exhaustive and the ingenuity of those involved in corruption knows no bounds! You should beware of:

1. Abnormal cash payments
2. Pressure exerted for payments to be made urgently or ahead of schedule
3. Payments being made through 3rd party country, e.g. goods or services supplied to country 'A' but payment is being made, usually to shelf company in country 'B'
4. Abnormally high commission percentage being paid to a particular agency. This may be split into 2 accounts for the same agent, often in different jurisdictions
5. Private meetings with public contractors or companies hoping to tender for contracts
6. Lavish gifts being received
7. Individual never takes time off even if ill, or holidays, or insists on dealing with specific contractors him/herself
8. Making unexpected or illogical decisions accepting projects or contracts
9. Unusually smooth process of cases where individual does not have the expected level of knowledge or expertise
10. Abusing decision process or delegated powers in specific cases
11. Agreeing contracts not favourable to the organisation either with terms or time period
12. Unexplained preference for certain contractors during tendering period
13. Avoidance of independent checks on tendering or contracting processes
14. Raising barriers around specific roles or departments which are key in the tendering/contracting process
15. Bypassing normal tendering/contractors procedure
16. Invoices being agreed in excess of contract without reasonable explanation
17. Missing documents or records regarding meetings or decisions
18. Company procedures or guidelines not being followed
19. The payment of, or making funds available for high value expenses or school fees etc. on behalf of others

