



BRATHAY TRUST

ANTI - BRIBERY POLICY

POLICY & MANAGEMENT GUIDELINES

ANTI-BRIBERY POLICY

DOCUMENT MANAGEMENT RECORD

ANTI-BRIBERY & ANTI-COLLUSION POLICY & MANAGEMENT GUIDELINES

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ANTI-BRIBERY POLICY

SUMMARY POLICY STATEMENT

Brathay is committed to the practice of responsible corporate behaviour and to complying with all laws, regulations and other requirements which govern the conduct of our operations.

Brathay is fully committed to instilling a strong anti-corruption culture and is fully committed to compliance with all anti-bribery and anti-corruption legislation including, but not limited to, the Bribery Act 2010 (“the Act”) and ensures that no bribes or other corrupt payments, inducements or collusive arrangements are made, offered, sought or obtained by us or anyone working on our behalf.

The purpose of this policy is to:

- set out our responsibilities, and of those working for us, in observing and upholding our position on bribery and corruption; and
- provide information and guidance to those working for us on how to recognise and deal with bribery and corruption issues.

Brathay is involved in a wide range of activities which carry differing degrees of risk of bribery, corruption or collusion. Key areas of risk are:

- The awarding of contracts (to or by Brathay)
- Receipt of grants and donations
- Grant funding.

WHO THE POLICY APPLIES TO

This Policy applies to all employees, agents, contractors, subcontractors, consultants, business partners and any other parties including individuals, partnerships and corporate bodies associated with Brathay or any of its subsidiaries (hereafter referred to as the staff). It is made available to the above by means of the Brathay website.

It is the responsibility of all of the staff to ensure that bribery and collusion are prevented, detected and reported and all such reports should be made in accordance with Brathay’s Whistleblowing Policy or as otherwise stated in this Policy, as appropriate.

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WHAT IS BRIBERY?

Bribery is defined as the giving or promising of a financial or other advantage to another party where that advantage is intended to induce the other party to perform a particular function improperly, to reward them for the same, or where the acceptance of that advantage is in itself improper conduct.

Bribery is also deemed to take place if any party requests or agrees to receive a financial or other advantage from another party where that advantage is intended to induce that party to perform a particular function improperly, where the acceptance of that advantage is in itself improper conduct, or where that party acts improperly in anticipation of such advantage.

Bribery of a foreign official is defined as the giving or promising of a financial or other advantage which is intended to influence the official in order to obtain business or an advantage in the conduct of business unless the foreign official is required or permitted by law to be influenced by such advantage.

This policy also covers acts which may be perceived as corruption or collusion and references to bribery include corruption and collusion (unless excluded at law). A collusive practice is an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party.

EXPECTED BEHAVIOURS

No party may:

- Give or promise any financial or other advantage to another party (or use a third party to do the same) on Brathay's behalf where that advantage is intended to induce the other party to perform a particular function improperly, to reward them for the same, or where the acceptance of that advantage will in itself constitute improper conduct;
- Request or agree to receive any financial or other advantage from another party where that advantage is intended to induce the improper performance of a particular function, where the acceptance of that advantage will in itself constitute improper conduct, or where the recipient intends to act improperly in anticipation of such an advantage.
- Collude with other parties in order to achieve an improper purpose, including influencing improperly the actions of another party specifically in relation to a bid or tendering process.

Parties must:

- Be aware and alert at all times of all bribery risks as described below
- Exercise due diligence at all times when dealing with third parties on behalf of Brathay and

THE CONSEQUENCES OF BEING INVOLVED IN BRIBERY

Any individual or any organisation found guilty of bribery under the Act may face fines and/or prison terms. Bribery and corruption are punishable for individuals by up to ten years' imprisonment and if Brathay is found to have taken part in corruption we could face an unlimited fine and face damage to our reputation. In addition, high legal costs and adverse publicity are likely to result from any breach of the Act.

Individuals found guilty of bribery, corruption or collusion will face disciplinary action which may result in dismissal.

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REPORTING BRIBERY

Where a member of staff becomes aware of any inappropriate behaviour under this policy, it is their responsibility to ensure that bribery/collusion is prevented, detected and reported. All such reports should be made in accordance with Brathay's Whistleblowing and Anti-Bribery Policies.

In the case of non-employees identifying possible bribery, they should contact their normal point of contact within Brathay. If that person is implicated, they should contact a member of the Executive team (Chief Executive and Finance Director) who can be contacted via the central telephone number or email addresses on the website.

WHAT TO DO IF YOU ARE A VICTIM OF BRIBERY OR CORRUPTION

It is important that you tell your line manager as soon as possible if you are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity.

TRAINING

Brathay's Anti-Bribery Policy can be found on the intranet and is included in the induction programme.

Updates will be communicated via the Management team.

RESPONSIBILITIES

Trustees

Responsible for:

- Overall responsibility for a policy which ensures compliance with the relevant statute

Executive Team

Responsible for:

- Development and maintenance of such procedures as are necessary to ensure implementation of the policy
- Maintenance of the policy
- Reporting to Trustees

Management

Responsible for:

- Design of procedures
- Implementation of procedures
- Dissemination throughout their team
- Ensuring day to day operational compliance
- Reporting to the Executive Team

Individual Responsibility (staff)

Responsible for:

- Compliance with procedures
- Identifying potential improvements through day to day work
- Reporting to the Management Group

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APPENDIX 1

BRIBERY RISKS

Charitable donations received

As Brathay is a registered charity (Charity Registration Number: 1021586, charitable donations may be received and all charitable donations are fully recorded by the finance team. No charitable donations will be accepted in cash in excess of £1,000 without evidence to support the source of the donation. Public collections and fundraising events operate to ensure there is maximum accountability over income received.

Charitable donations given

Charitable donations are permitted only to registered (non-profit) charities and when in accordance with Brathay's own charitable objects. No charitable donations may be given to any organisation which is not a registered charity. Proof of receipt of all charitable donations must be obtained from the recipient organisation.

Under no circumstances may charitable donations be made in cash.

No charitable donation may be made at the request of any party where that donation may result in improper conduct.

Facilitation payments

We do not make, and will not accept, facilitation payments or "kickbacks" of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine action by an official. They are not commonly paid in the UK, but are common in some other jurisdictions.

If you are asked to make a payment on our behalf, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment. If you have any suspicions, concerns or queries regarding a payment, you should raise these with your line manager.

The only time you should make facilitation payments is where your safety or life is in danger. Any payment so made must be reported to the relevant person in accordance with Brathay's Whistleblowing Policy or, in the case of non-employees, their normal point of contact within Brathay, as soon as is reasonably possible and practicable.

Political Donations

Brathay does not make political donations and Brathay is not affiliated with any political party, independent candidate, or with any other organisation whose activities are primarily political.

Employees and other associated parties are free to make personal donations provided such payments are not purported to be made on behalf of Brathay and are not made to obtain any form of advantage in any business transaction.

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APPENDIX 1

GIFTS AND HOSPITALITY

Gifts and hospitality remain a legitimate part of conducting business and should be provided only in compliance with Brathay's Hospitality and Gifts Policy.

Gifts and hospitality can, when excessive, constitute a bribe and/or a conflict of interest. Care and due diligence should be exercised at all times when giving or receiving any form of gift or hospitality on behalf of Brathay.

The following general principles apply:

- Gifts and hospitality may neither be given nor received as rewards, inducements or encouragement for preferential treatment or inappropriate or dishonest conduct.
- Neither gifts nor hospitality should be actively sought or encouraged from any party, nor should the impression be given that the award of any business, custom, contract or similar will be in any way conditional on gifts or hospitality.
- Cash should be neither given nor received as a gift under any circumstances.
- Gifts and hospitality to or from relevant parties should be generally avoided at the time of contracts being tendered or awarded.
- The value of all gifts and hospitality, whether given or received, should be proportionate to the matter to which they relate and should not be unusually high or generous when compared to prevailing practices in our industry or sector.
- Certain gifts which would otherwise be in breach of this Policy and/or the Hospitality and Gifts Policy may be accepted if refusal would cause significant and/or cultural offence, however Brathay will donate any gifts accepted for such reasons to a charity of its choosing.
- All gifts and hospitality, whether given or received, must be recorded in the Hospitality & Gifts Register.

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APPENDIX 1

DUE DILIGENCE AND RISKS

The following issues are considered with care in any and all transactions, dealings with officials, and other business matters concerning third parties:

- Territorial risks, particularly the prevalence of bribery and corruption in a particular country
- Cross-border payments
- Requests for cash payment, payment through intermediaries or other unusual methods of payment
- Activities requiring Brathay and / or any associated party to obtain permits or other forms of official authorisation
- Transactions involving the import or export of goods
- In relation to the participation in a bidding or tendering process, the suggestion of action which would lead to the elimination of competition resulting in a higher price of the services.
- Examples of methods used:
 - Cover bidding: a competitor agrees to submit a non-competitive bid that is too high to be accepted or contains terms that are unacceptable to the buyer.
 - Bid suppression or withdrawal: a competitor agrees not to bid or to withdraw a bid from consideration.
 - Market sharing: a competitor agrees to submit bids only in certain geographic areas or only to certain public organisations.
 - Bid rotation: competitors agree to take turns at winning business while monitoring their market shares to ensure they all have a predetermined slice of the pie.
 - Non-conforming bids: competitors deliberately include terms and conditions they know will not be acceptable to the procuring authority.

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APPENDIX 2 - EXAMPLES OF BRIBERY

Receiving a bribe

A supplier gives your nephew a job, but makes it clear that in return they expect you to use your influence in our organisation to ensure we continue to do business with them.

It is an offence for a supplier to make such an offer. It would be an offence for **you** to accept the offer as you would be doing so to gain a personal advantage.

Bribing a foreign official

You arrange for the organisation to pay an additional payment to a foreign official to speed up an administrative process, such as clearing items through customs.

You have committed the offence of bribing a foreign public official has been committed as soon as the offer is made. This is because it is made to gain a business advantage for Brathay. **Brathay** may also be found to have committed an offence.

Offering a bribe

You offer a potential business partner tickets to a major sporting event, but only if they agree to do business with Brathay.

You have committed an offence as you are making the offer to gain a commercial and contractual advantage. **Brathay** may also be found to have committed an offence because the offer has been made to obtain business for Brathay.

It may also be an offence for the **potential client** to accept your offer.

APPENDIX 3 - OTHER RELEVANT POLICIES

Please refer to the following policies available on the intranet

- Acceptance of gifts and donations
- Conflict of interest
- Disciplinary
- Hospitality and Gifts
- Whistle Blowing