

The NHS Confederation

Charity number 1090329

Company number 04358614

Anti-Bribery Policy

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Committee

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Director of People & Governance

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1.0 Purpose of this policy

This policy sets out our responsibilities, and the responsibilities of those working for us, in preventing bribery and corruption. It also provides information and guidance on how to recognise and deal with bribery and corruption issues.

The Bribery Act 2010 imposes extensive obligations on organisations to ensure they have adequate procedures in the place to prevent bribery from occurring in their organisation.

The NHS Confederation is committed to complying with the Act and this policy and guidance notes explain the steps we have put in place.

2.0 Scope

This policy applies to everyone working at or with the NHS Confederation¹. It applies to:

- all staff, including chief executives, directors, senior managers, employees (whether permanent, fixed-term or temporary), seconded staff, homeworkers, agency workers and volunteers
- consultants and contractors
- trustees and committee members.

Any employing or contracting manager must ensure that all temporary staff, consultants, or contractors are aware of this policy.

By the NHS Confederation we mean the NHS Confederation charity, any subsidiary companies and any hosted networked organisation.

The NHS Confederation has designated the Director of People & Governance as the individual who is responsible for ensuring that the NHS Confederation implements this policy.

This policy should be read in conjunction with the organisation's Anti-Fraud Policy, Conflicts of Interest Policy, Whistleblowing Policy and Gifts and Hospitality Policy.

3.0 Roles and Responsibilities

The NHS Confederation Trustees have overall responsibility for ensuring this policy complies with our legal and ethical obligations and that all those under our control

¹ Collectively referred to as workers in this policy

comply with it. Trustees are required to complete a declaration of interest form annually or more frequently as appropriate.

The Director of People & Governance has primary responsibility for implementing this policy across the NHS Confederation as a whole, and for monitoring its use and effectiveness and dealing with any queries on its interpretation. They are responsible for creating an anti-bribery culture and establishing and maintaining internal controls that support the achievement of the organisation's aims and objectives.

Directors are responsible for ensuring that adequate internal control exists within their areas of responsibility and controls operate effectively. Trustees and Directors are required to complete a declaration of interest form annually or more frequently as appropriate.

All workers must ensure that they read, understand and comply with this policy. All workers are responsible for the prevention and reporting of bribery. Where it is considered appropriate workers may be required to complete a declaration of interest form.

All Trustees, Directors, and Workers are required to undertake the mandatory training provided by the NHS Confederation which includes a module on Bribery Act and Anti-Fraud Awareness. Completion of the training is required on appointment and every 3 years after that.

4.0 Policy statement

The NHS Confederation's policy is to conduct all of our business in an honest and ethical manner. We are committed to acting with integrity in all our business dealings and relationships and to implementing effective systems to prevent bribery. We will uphold all laws relevant to countering bribery and corruption, including the Bribery Act, in everything that we do. This includes our dealings with our members, stakeholders, partners and public and private sector organisations.

In this policy, "third party" means any individual or organisation you come into contact with during the course of your work for the NHS Confederation and includes actual and potential clients, member organisations, suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisers, representatives and officials, politicians and political parties.

If the NHS Confederation is found to have taken part in any corruption we could incur an unlimited fine, and suffer incalculable damage to our reputation. Any individual found to have been involved in any bribery and/or corruption could also face up to ten year's imprisonment. We therefore take our legal responsibilities very seriously.

Senior management will deal promptly, firmly and fairly with suspicions and allegations of bribery. Each case will be considered individually, taking all the relevant facts into account and guided by professional advice, as appropriate.

All investigations will be overseen by the Director of People & Governance and incidents will be reported to the authorities as appropriate. In complex cases, the organisation may also bring in experienced individuals to ensure proper support for the investigation.

Our zero-tolerance approach to bribery must be communicated to all suppliers, contractors and other third parties with whom the organisation has dealings at the outset of our business relationship with them including a requirement for compliance in all contracts with suppliers.

5.0 Guidance notes

What is bribery:

A bribe is an inducement or reward of a financial or other advantage that is offered, promised or provided to a person in order to gain any commercial, contractual, or personal advantage through the improper performance as a result of the bribe.

Providing a financial or other advantage: it is an offence for a person to offer or provide a financial or other advantage to another person, where the advantage is intended to induce a person to “perform improperly” or reward them for that improper performance.

“Financial or other advantage” means payments, gifts, hospitality or anything else that could be reasonably perceived as an “advantage” as we would understand it by normal everyday meaning

“Improper performance” means performance in breach of an expectation that a person will act in good faith, impartially, or in accordance with a position of trust

Requesting or accepting a financial or other advantage: it is an offence to request or accept a financial or other advantage, with the intention that, as a consequence, a relevant function or activity should be performed improperly.

Examples of bribes

1) Offering a bribe: a bribe would occur if:

A gift or payment was made by an NHS Confederation worker to an individual who was responsible for deciding on issues of which they had been lobbied by the NHS

Confederation and that gift or payment was given with the intention that the individual would make an improper decision about the relevant issue.

2) Receiving a bribe: a bribe would occur if:

An NHS Confederation worker received lavish hospitality from a company that was provided with the intention to induce the employee to improperly advise an NHS Confederation member to do business with the company.

3) Bribing a foreign official: a bribe would occur if:

An NHS Confederation worker gives a gift or lavish hospitality to a foreign official with the intention of influencing the foreign official in making a decision that is favourable to NHS Confederation members.

Possible Scenarios

The following is a list of possible scenarios which may raise concerns in relation to bribery. The list is not intended to be exhaustive and is for illustrative purposes only.

If you encounter any of these issues while working for us, you must report them promptly to your Line Manager or to the Director of People & Governance using the procedure set out in the organisation's Whistleblowing Policy:

- you become aware or suspect that a colleague or third party engages in, or has been accused of engaging in, improper business practices;
- you learn or suspect that a colleague or third party has a reputation for paying bribes, or requiring that bribes are paid to them;
- a colleague or third party asks for a commission or fee payment before committing to sign up to a contract with us;
- a colleague or third party requests payment in cash and/or refuses to sign a formal contract, or to provide an invoice or receipt for a payment made;
- a colleague or third party requests that payment or other benefit is provided to a person other than the expected recipient, or to a person other than the expected provider of goods and services);
- a third party requests an unexpected additional fee or commission to "facilitate" a service;
- a third party requests lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
- a colleague or third party requests that you provide employment or some other advantage to a friend or relative;
- you receive an invoice from a colleague or third party that appears to be non-standard or customised;
- you notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
- you are offered an unusually generous gift or offered lavish hospitality by a third party;
- you are asked to conceal the receipt of provision of hospitality or any other form of benefit or payment;

- a colleague or third party exerts pressure for payments to be made urgently or ahead of schedule;
- a colleague or third party insists on dealing with specific contractors him/herself;
- a colleague or third party makes unexpected or illogical decisions accepting projects or contracts;
- a colleague or third party abuses or ignores normal decision processes or delegated powers in specific cases;
- a colleague or third party agrees contracts not favourable to the NHS Confederation either with terms or time period;
- a colleague or third party demonstrates an unexplained preference for certain contractors during a tendering period;
- a colleague or third party seeks to avoid independent checks on tendering or contracting processes;
- a colleague or third party requests that normal tendering/contracting procedure is bypassed;

6.0 Raising concerns

Workers must notify their line manager or the Director of People & Governance as soon as possible if they believe or suspect that this policy or any other has or may be breached. If you are unsure whether a particular act constitutes bribery, or if you have any other queries, these should be raised with your line manager or the Director of People & Governance.

7.0 Monitoring and Review

The Director of People & Governance will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness, taking into account legal developments and changes in the organisation's business.