

The NHS Confederation

Charity number 1090329

Company number 04358614

Anti-Financial Corruption Policy

Including Anti-Bribery, Anti-Fraud and Anti-Money Laundering

Owner of policy	Director of People & Governance
Date of policy review	May 2025
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Approved by CEO	
Agreed with Joint Negotiating Committee	N/A
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Approved by Board of Trustees	July 2025

Version Control Table

Version	Date	Revisions
1	May 2022	New Policy
2	May 2025	Minor additions in response to Economic Crime and Corporate Transparency Act 2023

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Introduction

1.0 Purpose

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

The Economic Crime and Corporate Transparency Act 2023, the Fraud Act 2006 and Bribery Act 2010 imposes extensive obligations on organisations to ensure they have adequate procedures in the place to prevent fraud and bribery from occurring in their organisation.

The laws on anti-money laundering in the UK are set out below. This legislation imposes obligations on organisations to ensure they have adequate procedures in the place to prevent money laundering from occurring in their organisation.

1. the Proceeds of Crime Act 2002 (POCA) (as amended by the Serious Organised Crime and Police Act 2005 (SOCPA)),
2. the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (MLR 2017), and
3. the Terrorism Act 2000 (TA 2000) (as amended by the Anti-Terrorism, Crime and Security Act 2001 (ATCSA 2001) and the Terrorism Act 2006 (TA 2006)

The NHS Confederation is committed to complying with the all legislation and for the prevention of fraud, bribery and money laundering. This policy and guidance notes explain the steps we have put in place. Reference should also be made to NHS Confederation's Fraud Prevention Statement.

2.0 Scope

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

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

¹ Collectively referred to as workers in this policy

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 Fraud Prevention Statement, Conflicts of Interest Policy, Procurement 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 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.

Directors are responsible for ensuring that adequate internal control exists within their areas of responsibility, upholding the values of the organisation, this policy and our approach to preventing financial corruption. This includes ensuring staff within their teams are familiar with this policy and the organisation's financial practices. 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, fraud, money laundering and corruption. All workers have a duty to remain vigilant for inappropriate financial behaviour. 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

As part of our ethical principles, The NHS Confederation's is committed to conducting all of our business in an honest and ethical manner with the highest standards of governance. We are committed to acting with integrity and transparency in all our business dealings and relationships and to implementing effective systems to actively prevent bribery, fraud and money laundering. We will uphold all laws relevant to countering bribery, fraud, money laundering and corruption, in everything that we do. This includes our dealings with our members, stakeholders, partners and public and private sector organisations.

We recognise the significant impact of fraud, bribery and money laundering on individuals as well as the significant legal and reputational ramifications for individuals and the NHS Confederation. We therefore take our legal responsibilities very seriously. On an ongoing basis, we actively review and assess and reduce or eliminate risks relating to fraud, bribery or money laundering.

As part of this commitment we recognise the importance of robust and transparent policies and measures to prevent fraud, bribery and money laundering. We are committed to operating a zero tolerance approach to any forms of financial corruption or fraud and any instances will be thoroughly investigated and appropriate action taken, guided by professional advice where needed. Investigations will be overseen by the Director of People & Governance and will be reported to the authorities as appropriate, including the policy. Instances will be used to inform and strengthen policy and processes to help ensure we are proactive in preventing future potential risks of financial wrong-doing.

Staff will be supported through guidance and training to understand and prevent different types of financial corruption and how to raise concerns effectively.

Our zero-tolerance approach to any financial wrong-doing is 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.

Money laundering

The Home Office and HM Treasury National Risk Assessment (2020) confirms that the charity sector remains a low risk for money laundering and funding of terrorism, particularly for organisations that do not receive cash donations or work close to war zones or countries in crisis.

The NHS Confederation adopts a risk based approach to anti money laundering and conducting due diligence. Whilst much of our financial activities could be considered very low risk from the prospect of money laundering, all staff need to be vigilant against crime and fraud risks the organisation faces. As such the NHS Confederation assesses risks relevant to our operations and puts in place appropriate processes and procedures that we deem necessary to mitigate these risks.

5.0 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, fraud or money laundering, or if you have any other queries, these should be raised with your line manager or the Director of People & Governance.

Staff may also wish to refer to the Whistleblowing policy.

6.0 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.

Annex 1 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.

Scenarios where bribery could occur

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/opportunity 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;

What is fraud?

The term fraud is usually used to describe depriving someone of something by deceit. This might either be straightforward theft, misuse of funds or other resources, or more complicated crimes like false accounting and the supply of false information.

Fraudulent acts include: deception; bribery; forgery; extortion; corruption; theft; conspiracy; embezzlement; misappropriation; concealment of material facts; and collusion. It can also include presenting false facts or claims.

The Fraud Act 2006 gives a statutory definition of the criminal offence of fraud, defining it in three classes - fraud by false representation; fraud by failing to disclose information; and fraud by abuse of position. A person found guilty of fraud is liable for a fine or imprisonment. Under the Economic Crime and Corporate Transparency Act 2023, organisations are under legal duty to actively prevent fraud and failure to do so can result in the organisation being prosecuted for their failure in preventing fraud.

Fraud is committed by the act of seeking improper benefit. It is a crime to have intention to defraud not just to commit the act.

Examples of fraud

Some examples of fraud and similar irregularities include:

- Forgery or alteration of a payable invoice, expense claim, cheque, letter or contract
- Misappropriation or misuse of funds, supplies or other asset owned by the NHS Confederation
- Any irregularity in the handling or reporting of any transactions
- Misappropriation or misuse of NHS Confederation property, equipment, materials, information or records
- Computer related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes
- Any claim for reimbursement of expenses not incurred completely and exclusively in the performance of official duty or in line with the Travel and Expenses policy.
- Making false statements and claims to gain benefit for the organisation or an individual
- Dishonest sales practices or the hiding of important information to customers

What is Money Laundering?

Money laundering is defined in the Proceeds of Crime Act as *“the process by which the proceeds of crime are converted into assets which appear to have a legitimate origin, so that they can be retained permanently or recycled into further criminal enterprises”*.

The following acts are defined as money laundering offences:

- Concealing, disguising, converting, or transferring criminal property or removing criminal property from the UK.
- Entering into, or become concerned in, an arrangement which you know or suspect will assist the acquisition, retention, use or control of criminal property or on behalf of another person.
- Acquiring, using or possessing criminal property.

These are primary money laundering acts. Two secondary offences are also defined which relate to the failure to disclose any of the three primary acts, and tipping off. Tipping off is where someone informs a person or persons involved in, or suspected to be involved in money laundering acts, in such a way as to reduce the likelihood of their being investigated.

In addition, under the Terrorism Act 2000 it is an offence to make funds available to a person you know, or reasonably suspects, will or may use such funds for the purposes of terrorism. If you have such a suspicion this must be raised to the MLRO immediately

For the purpose of the guidance notes, Property and Money Laundering relates to money or money's worth, securities, tangible property and intangible property.

Equality Impact Assessment - Policies

The following guidance and checklist provide a framework for Equality Impact Assessments (EIA). It should be used when carrying out equality impact assessments (EIA) in relation to any new or revised policy. The checklist will help in considering the impact of the policy in relation to equality and diversity (E&D).

The Checklist is to be used for any new or revised policy, not just those that appear to have high relevance in relation to equality and diversity issues. Completion of the Checklist does not need to be a time-consuming or difficult process but should raise some important questions as you carry out the process.

Name of policy being assessed	Anti Financial Corruption Policy
Policy Owner	Director of People & Governance
EIA completed by	Head of Governance & Compliance
Date Completed	19/05/2025
Summary of purpose of the policy	To set out our approach to prevent fraud, bribery and money laundering
Who are the main stakeholders and what involvement and consultation have they had in the policy development. Include staff groups, trade unions and board committees as applicable.	Finance team, Audit and Risk Committee
Who is affected by the policy	All staff
What are the arrangements for monitoring and reviewing the actual impact of the policy	Via Audit and Risk Committee

Please indicate against each of the following protected characteristics, what the impact of the policy would be and actions that will be / have been taken to mitigate any negative or adverse impact identified.

(Where the policy is found to have either a positive or negative impact on a particular group it will need to be reviewed or justified within the permits of the law.)

Protected Characteristics	Impact Y/N	Action(s) you will take to mitigate or remove the negative or adverse impact if identified?	Action Owner
Age <i>Consider impact on young people, older people etc.</i>	N		
Disability <i>Consider people with physical disabilities, hidden disabilities, and neurodiversity.</i>	N		
Gender Reassignment <i>Consider people undergoing or have undergone gender reassignment</i>	N		
Pregnancy and Maternity <i>Consider those who are pregnant and those on pregnancy and parenthood leave. Consider those wishing to take parenthood leave</i>	N		
Race / Ethnicity <i>Consider potential impact on people from different ethnic groups and nationalities.</i>	N		

Religion or Belief <i>Consider people with different religious, faith, and non-beliefs</i>	N		
Gender <i>Consider all genders.</i>	N		
Sexual Orientation <i>Consider LGBTQ+ people.</i>	N		
Marriage and Civil Partnership <i>Consider marriage and civil partnership in respect of the due regard to the need to eliminate unlawful discrimination in employment.</i>	N		
Does the policy promote fairness and equal opportunities? Provide details.	Yes. The policy is about upholding our values and ethical principles, not least integrity		
Manager Signature: A Rose		HR Review Signature:	
Date: 19/05/25		Date:	