



**BRIBERY**

1	<b>POLICY DRAFTED BY:</b>	<b>INTEGRATED GOVERNANCE MANAGER</b>
2	<b>ACCOUNTABLE DIRECTOR:</b>	<b>DIRECTOR OF FINANCE</b>
3	<b>APPLIES TO:</b>	<b>ALL STAFF</b>
4	<b>COMMITTEE &amp; DATE APPROVED:</b>	<b>AUDIT COMMITTEE 31 JANUARY 2014</b>
5	<b>VERSION:</b>	<b>1.1</b>
6	<b>RELATED DOCUMENTS:</b>	<ul style="list-style-type: none"> <li>• <b>FRAUD POLICY</b></li> <li>• <b>WHISTLEBLOWING POLICY</b></li> <li>• <b>CONDUCT AND CAPABILITY POLICY</b></li> <li>• <b>PRIME FINANCIAL POLICIES</b></li> <li>• <b>SPONSORSHIP, GIFTS AND DECLARATIONS OF INTEREST POLICY</b></li> </ul>
7	<b>DATE OF IMPLEMENTATION:</b>	<b>1 FEBRUARY 2014</b>
8	<b>DATE OF NEXT REVIEW:</b>	<b>ON OR BEFORE 31 JANUARY 2017</b>

**DOCUMENT CONTROL**

<b>Date</b>	<b>Version</b>	<b>Action</b>	<b>Amendments</b>
23.01.14	1.1	Review by Director – Quality and Integrated Governance	

## **1. Introduction**

The policy sets out Islington CCG's policy for dealing with bribery and corruption, or suspected bribery and corruption.

Bribery is a criminal offence for both individuals and commercial organisations and can be punished with imprisonment of up to 10 years or unlimited fines.

Facilitation payments are small payments made to secure or expedite the performance of a routine action by a government official or agency (e.g. issuing licenses or permits, installation of a telephone line, processing goods through customs, etc.) to which the payer (or the company) has legal or other entitlement.

It is the policy of the CCG to prohibit any form of bribery or facilitation payments covered by the Bribery Act 2010.

## **2. Policies statement**

Islington CCG's policies set out the organisation's standards and intentions, and are written with the aim of being as clear and comprehensive as possible. However, we operate in a dynamic and evolving work environment and attention should be paid to the spirit of the policy as well as the letter. Policies by themselves cannot guarantee effective behaviour or the delivery of key objectives. While they are designed to support the CCG, and the people working within it, our success depends on continuous, high quality effort by everyone the policy covers. Therefore thought must be given to good practice when applying or interpreting any of the CCG's policies, and you should read any guidance or supporting documentation that relates to this policy to help you do this. In addition, this policy should work in accordance with national and local guidance on child and adult safeguarding as applicable.

## **3. Purpose and Scope of the Policy**

This policy relates to all forms of bribery, including facilitation payments, and is intended to provide direction and help to employees who may identify suspected bribery. The overall aims of this policy are to:

- improve the knowledge and understanding of everyone at the CCG, irrespective of their position, about the risk of bribery within the organisation and its unacceptability
- assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly
- set out the CCG's responsibilities in terms of the deterrence, prevention, detection and investigation of bribery and corruption
- ensure the appropriate sanctions are considered following an investigation,

## **4. Who this policy applies to**

The policy applies to all staff working at work with Islington CCG including (but not limited to) employees, joint appointments, members of the Governing Body, agency staff, contractors, and staff/employees of commissioning support organisations.

This policy applies to all areas of Islington CCG's work including its work with stakeholders. This includes work with organisations such as NHS England, local Healthwatch, the Local Authority, member practices etc..

It does not apply to employment related matters. That is how staff have been treated at work, terms and conditions of employment, relationships with colleagues etc. These are covered by HR policies, such as the Grievance Policy, Work Life Balance Policy and the Induction, Development and Appraisal Policy.

## **5. Bribery Policy**

Islington Clinical Commissioning Group is committed to the prevention and elimination of bribery, including the rigorous investigation of any such allegations and to taking appropriate action against wrong doers, including possible criminal prosecution.

Off-the-book accounts and false or deceptive booking entries are strictly prohibited.

All gifts, payments or any other contribution whether in cash or in kind, shall be documented in line with the requirements of the Gifts, Sponsorship and Hospitality Policy, regularly reviewed, and properly accounted for. Record retention and archival policy must be consistent with accounting standards, tax and other applicable laws and regulations.

The CCG will not engage in any form of bribery, neither in the UK nor abroad.

CCG staff will not request or receive a bribe from anybody, nor imply that such an act might be considered. This means that you will not agree to receive or accept a financial or other advantage from a former, current or future client, business partner, contractor or supplier or any other person as an incentive or reward for changing the way you do your job, sharing or passing on information, or any other activity.

Bribing anybody is absolutely prohibited. Staff will not pay a bribe to anybody. This means that you will not offer, promise, reward in any way or give a financial or other advantage to any person in order to induce that person to perform his/her function or activities improperly. It does not matter whether the other person is a UK or foreign public official, political candidate, party official, private individual, private or public sector employee or any other person (including creating the appearance of an effort to improperly influence another person).

The CCG may, in certain circumstances, be held responsible for acts of bribery committed by intermediaries acting on its behalf. The use of intermediaries for the purpose of committing acts of bribery is prohibited.

All intermediaries shall be selected with care, and all agreements with intermediaries shall be concluded under terms that are in line with this policy. The CCG will contractually require its agents and other intermediaries to comply with the policy and to keep proper books and records available for inspection auditors or investigating authorities. Where agreements with agents and other intermediaries are necessary contractual mechanisms to enforce compliance with the anti-bribery

regime the CCG will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement even if this may result in a loss of business.

Courtesy gifts and hospitality must not be given or received in return for services provided or to obtain or retain business but shall be handled openly and unconditionally as a gesture of esteem and goodwill only. Gifts and hospitality shall always be of symbolic value, appropriate and proportionate in the circumstances, and consistent with local customs and practices. They shall not be made in cash.

The CCG will not make any contributions to politicians, political parties or election campaigns.

The CCG may make charitable donations. However, these payments shall not be provided to any organisation upon suggestion of any person of the public or private sector in order to induce that person to perform improperly the function or activities which he or she is expected to perform in good faith or to reward that person for the improper performance of such function or activities.

Any donations and contributions must be ethical and transparent. The recipient's identity and planned use of the donation must be clear, and the reason and purpose for the donation must be justifiable and documented. All charitable donations will be publicly disclosed.

Donations to individuals and for-profit organisations and donations paid to private accounts are incompatible with the CCG's ethical standards and are prohibited.

Procurement practices will be conducted in a fair and transparent manner and not deal with contractors or suppliers known or reasonably suspected to be paying bribes. Before engaging contractors and suppliers, The CCG will undertake properly documented due diligence. Unless prospective contractors and suppliers have effective anti-bribery programmes in place, NHS North Central London will contractually require them to comply with the Anti-Bribery Policy. Agreements with contractors and suppliers shall, at all times, provide for the necessary contractual mechanisms to enforce compliance with the anti-bribery arrangements. The CCG will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement.

## **6. Roles and Responsibilities**

### **The Governing Body**

The Governing Body has a duty to ensure that it provides a secure environment in which to work, and one where people are confident to raise concerns without worrying that it will reflect badly on them. This extends to ensuring that staff feel protected when carrying out their official duties and are not placed in a vulnerable position. If staff have concerns about any procedures or processes that they are asked to be involved in, the CCG has a duty to ensure that those concerns are listened to and addressed.

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The Governing Body has a duty to ensure employees receive adequate training and support in order to carry out their responsibilities.

### **Director of Finance**

The Director of Finance shall monitor compliance with this policy,

The Director of Finance , in consultation with others and where appropriate, will decide when there is a concern or allegation the policy has been breached if there is sufficient cause to conduct an investigation, and whether the Police and External Audit need to be informed.

The Local Counter Fraud Specialist will typically lead on investigating any allegations of or concerns about bribery but the Director of Finance may appoint another person if the circumstances of the investigation suggest.

The Director of Finance will report to the Audit Committee on compliance with the policy and any instances where a breach has been alleged or found.

### **Managers**

Managers at all levels have a responsibility to ensure that within their areas of responsibility controls operate effectively.

As part of that responsibility managers need to:

- ensure that all employees for whom they are accountable are made aware of the requirements of the policy
- assess the types of risk involved in the operations for which they are responsible
- ensure that adequate control measures are put in place to minimise the risks. This must include clear roles and responsibilities, supervisory checks, staff rotation (particularly in key posts), separation of duties wherever possible so that control of a key function is not invested in one individual, and regular reviews, reconciliations and test checks to ensure that control measures continue to operate effectively
- identify sensitive/at-risk posts
- ensure that controls are being complied with
- contribute to the assessment of the risks and controls within their business area

### **Staff**

Staff at all levels will lead by example in acting with the utmost integrity and ensuring adherence to all relevant regulations, policies and procedures.

Staff must comply with all CCG policies, particularly the Gifts, Hospitality and Declaration of Interest policy

Staff involved in receiving offers of sponsorship, funding or gifts from outside agencies also should comply with their own professional codes of practice. Professional staff must also make themselves aware of their own professional body

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codes of conduct e.g. the Nursing and Midwifery Council, General Medical Council, and other bodies.

### **Auditors and Counter Fraud**

Any incident or suspicion that comes to Internal or External Audit's attention will be passed immediately to the Local Counter Fraud Specialist (LCFS)

The LCFS will typically lead on investigating any allegations of or concerns about bribery but the Director of Finance may appoint another person if the circumstances of the investigation suggest.

The LCFS will:

- Ensure that the Director of Finance is kept apprised of the progress of any investigations
- In consultation with the Director of Finance will report any case to the Police.
- Report any case and the outcome of the investigation to the Director of Finance and any other relevant party e.g. NHS Protect, human resources etc
- Ensure that the CCG incident and losses reporting systems are followed.
- Ensure that any system weaknesses identified as part of the investigation are followed up with management or Internal Audit.

The LCFS in consultation with the Director of Finance will review the strategic objectives contained within the assurance framework to determine any potential bribery and/or corruption risks. Where risks are identified these will be included on CCG's risk register so the risk can be actively addressed

## **7. Breaches of Policy**

All employees have a personal responsibility to protect the CCG and the wider NHS from bribery or corruption.

Any abuse or noncompliance with this policy or procedures will be subject to a full investigation and appropriate disciplinary action following the Conduct and Capability Policy.

The CCG will ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following:

- Criminal prosecution
- Civil prosecution
- internal/external disciplinary action (including professional/regulatory bodies)

All instances of actual or suspected bribery, which come to the attention of a member of staff, must be reported immediately using the Whistleblowing Policy. It is appreciated that some staff will initially raise concerns with their manager, however, in such cases managers must not attempt to investigate the allegation themselves.