

# Anti-Corruption and Bribery Policy

VERSION: JULY 2020

## 1. THE POLICY

1.1 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 in the Diocese on how to recognise and deal with bribery and corruption issues.

1.2 This policy applies to all individuals working, whether paid or unpaid, at all levels, including members of the Trustee Board, members of committees and panels, members of the staff and contractors, wherever located (collectively referred to as workers in this policy).

## 2. GUIDELINES - THE DIOCESE'S POSITION

2.1 It is our policy to conduct all of our activity in an honest and ethical manner. We take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our dealings and relationships wherever we operate and implementing and enforcing effective systems to counter bribery and corruption.

2.2 We will uphold all laws relevant to countering bribery and corruption in all the jurisdictions in which we operate. However, we remain bound by the laws of the UK, including the Bribery Act 2010, in respect of our conduct both at home and abroad.

2.3 It is a criminal offence to offer, promise, give, request, or accept a bribe. Bribery and corruption are punishable for individuals by up to ten years' imprisonment and if we are found to have taken part in corruption we could face an unlimited fine, be excluded from tendering for public contracts and face damage to our reputation. We therefore take our legal responsibilities very seriously.

We have not identified any particular risks for the Diocese and overall consider our exposure to be low. However this will be reviewed by the Trustees annually.

2.4 In this policy, third party means any individual or organisation you come into contact with during the course of your work for us, and includes actual and potential clients, parishioner's, suppliers, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

### 3. WHAT IS BRIBERY?

"**Bribery**" is offering, promising, giving or accepting any financial or other advantage (including money, gifts, loans, fees, hospitality, services, discounts, the award of a contract or anything else of value), to induce the recipient or any other person to act improperly in the performance of their functions, or to reward them for acting improperly, or where the recipient would act improperly by accepting the advantage.

Examples:

- 3.1 **Offering a bribe:** *You offer a potential client tickets to a major sporting event, but only if they agree to do business with us.*

This would be an offence as you are making the offer to gain a commercial and contractual advantage. We may also be found to have committed an offence because the offer has been made to obtain business for us. It may also be an offence for the potential client to accept your offer.

- 3.2 **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.

- 3.3 **Bribing a foreign official:** *You arrange for the business to pay an additional payment to a foreign official to speed up an administrative process, such as an application for a local work permit or say obtaining the necessary regulatory clearances to operate in a particular territory.*

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 us. We may also be found to have committed an offence.

### 4. GIFTS AND HOSPITALITY

- 4.1 This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties.

The giving or receipt of gifts is not prohibited, if the following requirements are met:

- it is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
- it complies with local law;
- it is given in our name, not in your name;
- it does not include cash or a cash equivalent (such as gift certificates or vouchers);
- it is appropriate in the circumstances. For example, small gifts given at Christmas time;
- taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time; and

- it is given openly, not secretly.
- 4.2 Gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of a member of an appropriate member of the Trustees Board.
- 4.3 We appreciate that the practice of giving business gifts varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

## 5. WHAT IS CORRUPTION?

"Corruption" is the abuse of entrusted power or position for private gain.

## 6. WHAT IS NOT ACCEPTABLE?

6.1 It is not acceptable for you (or someone on your behalf) to:

- give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
- give or accept a gift or hospitality during any commercial negotiations or tender process, if this could be perceived as intended or likely to influence the outcome;
- accept hospitality from a third party that is unduly lavish or extravagant under the circumstances;
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return;
- threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or
- engage in any activity that might lead to a breach of this policy.

## 7. FACILITATION PAYMENTS AND KICKBACKS

7.1 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 government action by a government 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 a member of the Trustees.

- 7.2 Kickbacks are typically payments made in return for a business favour or advantage. All workers must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by us.
- 7.3 If the Employee is asked to make a payment on the Diocese's behalf, the employee should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. The employee should always ask for a receipt which details the reason for the payment. If the employee has any suspicions, concerns or queries regarding a payment, the employee should raise these with a member of the Trustees.

## **8. DONATIONS**

- 8.1 We do not make contributions to political parties. We only make charitable donations that are legal and ethical under local laws and practices. No donation must be offered or made without the prior approval of an appropriate member of the Trustees.

## **9. YOUR RESPONSIBILITIES**

- 9.1 You must ensure that you read, understand and comply with this policy.
- 9.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for us or under our control. All workers are required to avoid any activity that might lead to, or suggest, a breach of this policy.
- 9.3 You must notify an appropriate member of the Trustees or the COO as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future. For example, if someone offers you something to gain a business advantage with us, or indicates to you that a gift or payment is required to secure their business. Further "red flags" that may indicate bribery or corruption are set out in Schedule 1 of the fully policy document that is available upon request.
- 9.4 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. We reserve our right to terminate our contractual relationship with other workers if they breach this policy.

## **10. RECORD-KEEPING**

- 10.1 We must keep financial records and have appropriate internal controls in place which will evidence the business reason for making gifts or payments to third parties.
- 10.2 You must declare and keep a written record of all hospitality or gifts accepted or offered by third parties. This declaration is made by informing the COO.
- 10.3 You must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted and specifically record the reason for the expenditure.
- 10.4 All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off-book" to facilitate or conceal improper payments.

## **11. HOW TO RAISE A CONCERN**

- 11.1 You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with an appropriate member of the Trustee Board or COO. Concerns should be reported by following the procedure set out in our Whistle Blowing Policy. A copy of our Whistle Blowing Policy can be found on the Diocese intranet site.

## **12. WHAT TO DO IF YOU ARE A VICTIM OF BRIBERY OR CORRUPTION**

- 12.1 It is important that you tell an appropriate member of the Trustee Board or the Chief Operating Officer at Bishop's House, Hove, 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.

## **13. PROTECTION**

- 13.1 Workers who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. We aim to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.
- 13.2 We are committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform a suitable member of the Trustee Board immediately. If the matter is not remedied, and you are an employee, you should raise it formally using our Grievance Procedure, which can be found on the Diocese intranet site.

## **14. TRAINING AND COMMUNICATION**

- 14.1 Training on this policy forms part of the induction process for all new workers. All existing workers will receive periodic refresher training on how to implement and adhere to this policy.

Our zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and business partners at the outset of our business relationship with them and as appropriate thereafter.

## **15. WHO IS RESPONSIBLE FOR THE POLICY?**

- 15.1 The Trustee Board has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it. The Chief Operating Officer is responsible for its implementation, enforcement, maintenance, control and review.
- 15.2 The Chief Operating Officer has primary and day-to-day responsibility for implementing this policy, and for monitoring its use and effectiveness and dealing with any queries on its interpretation. Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this policy and are given adequate and regular training on it.

## 16. MONITORING AND REVIEW

- 16.1 The Chief Operating Officer will ensure that the Trustee Board reviews this policy annually.
- 16.2 All workers are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.
- 16.3 Workers are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Chief Operating Officer, Bishop's House, Hove.

## Approval

This policy was approved by the Diocesan Board of Trustees on:  
The next review is due by:

8 July 2020  
31 July 2021