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Applies to: All Group Staff/Volunteers/ Trustees/Partners/ Contractors	<b>Anti Corruption &amp; Bribery Policy</b>	
		<b>CLBR/009/KC/V1</b>
Prepared by:	Name: Kirsty Cuckson	Version 1
To be disseminated by:	Corporate Services	
Authorised by: Stuart Spandler	Review Date: Annually	Issue Date: September 2011

## 1. Introduction

It is Goodwin Development Trust's (GDT) policy to conduct all of our business in an honest and ethical manner. We are committed to acting professionally, fairly and with integrity in all our business dealings and relationships and implementing and enforcing effective systems to counter bribery.

We will uphold all laws relevant to countering bribery and corruption, including the Bribery Act 2010. Under this Act it is illegal:

- To pay or offer to pay a bribe
- To receive or agree to receive a bribe
- To bribe a foreign public official
- For a commercial organisation to fail to have adequate procedures in place to prevent bribery

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.

Bribery and corruption are punishable for individuals up to ten years imprisonment and if GDT are found to have taken part in corruption we could face an unlimited fine, be excluded from tendering for public contracts and will face damage to our reputation. We therefore take our legal responsibility very seriously.


In this policy, **third party** means any individual or organisation you come into contact with during the course of your work for GDT, and includes actual or potential customers, clients, service users, suppliers, contractors, consultants, business contacts, advisors, government and public bodies, including their advisors, representatives and officials, politicians and political parties.

This policy has been adopted by GDT's Board of Directors and is to be communicated to everyone involved in our organisation to ensure their commitment to it. GDT applies a "zero tolerance" approach to acts of bribery and corruption by any of our personnel. In this policy, **personnel** means employees (whether permanent, fixed term, temporary, supply or agency worker), volunteers, trustees/directors, placements or apprentices.

**Any breach of this policy will be regarded as a serious matter and is likely to result in disciplinary action.**

## 2. What is Bribery and Corruption

Bribery and corruption has a range of definitions in law, but the fundamental principles apply universally.

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***Bribery is the offer, promise, giving, demanding or acceptance of an advantage as an inducement for an action which is illegal, unethical or a breach of trust.***

***Corruption is the misuse of public office or power for private gain; or misuse of private power in relation to business outside the realm of government.***

Bribery and corruption may be committed by:

- Our personnel
- GDT representatives and other third parties who act on our behalf
- Our suppliers
- Our customers/service users (they might try to induce our personnel to give them more favourable terms)

Acts of bribery or corruption are designed to influence the individual in the performance of their duty and incline them to act dishonestly. The person being bribed is generally someone who will be able to obtain, retain or direct business/services.

### **3. Steps to prevent bribery and corruption**

GDT will take the following steps to assist in the prevention of bribery and corruption:

#### **a. Risk assessment**

Project managers must assess the vulnerability of their projects/business area to the risks of bribery and corruption on an ongoing basis and report any risk areas to the Head of Corporate Services (***see appendix 1 for contact details***).

#### **b. Accurate record keeping**

GDT will ensure accurate books, records and financial reporting within all GDT projects. Our books, records and financial reporting must also be transparent. That is, they must accurately reflect each of the underlying transactions.


#### **c. Effective monitoring and internal control**

Our projects must all maintain effective systems of internal control and monitoring of our transactions. Once bribery and corruption risks have been identified and highlighted via the risk assessment process, procedures can be developed to mitigate these risks on an ongoing basis.

### **4. Gifts and Hospitality**

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

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


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- a. 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;
- b. it complies with local law;
- c. it is given in our name, not in your name;
- d. it does not include cash or a cash equivalent (such as gift certificates or vouchers);
- e. it is appropriate in the circumstances. For example, in the UK it is customary for small gifts to be given at Christmas time;
- f. taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time;
- g. it is given openly, not secretly; and
- h. gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of your line manager or the Head of Corporate Services

## 5. What is not acceptable?

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

- a. 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;
- b. 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;
- c. 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;
- d. 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 GDT in return;
- e. Threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or
- f. Engage in any activity that might lead to breach of this policy.

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## 6. Facilitation payments and kickbacks

- 6.1 We do not make, and will not accept, facilitation payments or 'kickbacks' of any kind.
- 6.2 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 or the Head of Corporate Services.
- 6.3 Kickbacks are typically payments made in return for a business favour or advantage. All personnel must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by GDT.

## 7. Donations


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 the Board of Directors.

## 8. Your responsibilities

- 8.1 You must ensure that you read, understand and comply with this policy.
- 8.2 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 personnel are required to avoid any activity that might lead to, or suggest, a breach of this policy.
- 8.3 You must notify your line manager or the Head of Corporate Services 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 a third party offers you something to gain a business advantage with GDT, 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 **Appendix 2**.
- 8.4 Any personnel who breach this policy will face disciplinary action, which could result in dismissal for gross misconduct. We reserve our right to terminate our contractual relationship with third parties if they breach this policy.

## 9. Record Keeping

- 9.1 We must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.
- 9.2 You must declare and keep a written record of all hospitality or gifts accepted or offered to your line manager.

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9.3 You must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with GDT's expenses policy and specifically record the reason for the expenditure.

9.4 All accounts, invoices 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.

## 10. How to raise a concern

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 your line manager or the Head of Corporate Services. Concerns can be reported to your line manager, Head of Corporate Services or by following the procedure set out in GDT's Whistleblowing Policy.

## 11. What to do if you are a victim of bribery or corruption

It is important that you tell your line manager or the Head of Corporate Services 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.


## 12. Protection

12.1 Personnel, or third parties, 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.

12.2 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 the Head of Corporate Services immediately. If the matter is not remedied, and you are classed as personnel under the definition in this Policy, you should raise it formally using our Grievance Procedure, which can be found in the Employee Handbook. Third parties should raise the matter formally with GDT's Chief Executive.

## 13. TRAINING AND COMMUNICATION

13.1 Training on this policy forms part of the induction process for all new personnel. All existing personnel will receive relevant training on how to implement and adhere to this policy.

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13.2 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, via GDT's website, for example, whenever this policy changes, whether due to new legislation or for any other reason.

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

14.1 The Board of Directors has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it.

14.2 The Head of Corporate Services has primary and day-to-day responsibility for implementing this policy, monitoring its use and effectiveness and for 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 training on it.


#### **15. MONITORING AND REVIEW**

15.1 The Head of Corporate Services will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption.

15.2 All personnel, and third parties, are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.

15.3 Personnel, and third parties, 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 Head of Corporate Services.

15.4 This policy does not form part of any personnel's contract of employment and it may be amended at any time.

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## APPENDIX 1

**John Illingworth**  
**Head of Corporate Services**  
**Goodwin Development Trust**  
**Icehouse Road**  
**Hull**  
**HU3 2HQ**

**Tel: 01482 587550 (switchboard)**  
**Ext: 1305 (internal)**  
**Email: [jillingworth@goodwin-centre.org](mailto:jillingworth@goodwin-centre.org)**


## APPENDIX 2

### Potential risk scenarios: 'red flags'

The following is a list of possible red flags that may arise during the course of you working for, or doing business with, GDT and which may raise concerns under various anti-bribery and anti-corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only.

If you encounter any of these 'red flags', you must report them promptly to your line manager or to the Head of Corporate Services. Alternatively you can follow the procedure set out in our Whistleblowing Policy.

- a. You become aware that a member of personnel, or third party, engages in, or has been accused of engaging in, improper business practices;
- b. You learn that a member of personnel, or third party, has a reputation for paying bribes, or requiring that bribes are paid to them
- c. A third party insists on receiving a commission or fee payment before committing to sign up to a contract with us, or carrying out a government function or process for us;
- d. A third party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made;
- e. A third party requests that payment is made to a geographic location different from where the third party resides or conducts business;
- f. A third party requests an unexpected additional fee or commission to 'facilitate' a service;
- g. A third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
- h. A third party requests that a payment is made to 'overlook' potential legal violations;
- i. A third party requests that you provide employment or some other advantage to a friend or relative;

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- j. You receive an invoice from a third party that appears to be non-standard or customised;
- k. A third party insists on the use of side letters or refuses to put terms agreed in writing;
- l. You notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
- m. A third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to GDT;
- n. You are offered an unusually generous gift or offered lavish hospitality by a third party.

