



Bribery – what you need to know

Bribery can be defined as offering an incentive (not necessarily cash) to someone to act improperly in their role. It is an offence to offer, give, request or accept a bribe. Bribery can affect all staff and departments within all NHS organisations, including contractors and suppliers.

How does the Bribery Act affect you?

Staff could be held individually accountable for acting against the Bribery Act or against the organisation's policies and procedures. Therefore, it is the responsibility of staff to ensure awareness and compliance of the organisation's relevant policies.

Whose responsibility is it to ensure compliance with the Bribery Act?

It is everyone's responsibility. This includes employees of the organisation, consultants, vendors, contractors and/or any other parties who have a business relationship with the organisation

The Senior Compliance Officer will be responsible for ensuring the organisation is compliant with the Bribery Act 2010, implementing anti-bribery guidelines and monitoring compliance. The Senior Compliance Officer is responsible for reviewing (advisably at least annually) the effectiveness of the organisation's anti-bribery arrangements and implement improvements as appropriate.

The Senior Compliance Officer reports directly to the Chief Executive (amend title as appropriate) and once a year will report on the results of the annual review.

It is the responsibility of the organisation to ensure that proportionate anti-bribery measures have been implemented with regard to the identified risks.

Proportionate measures (adequate procedures) include robust anti-bribery policies, due diligence and bespoke training to key staff groups. It is the responsibility of all stated to report any concerns regarding bribery to the organisation.

Any incident or suspicion of bribery that comes to the attention of the Senior Compliance Officer will immediately be passed onto the Local Counter Fraud Specialist (LCFS) to action and investigate as appropriate.

What should I do if I receive a gift from a client/service user?

The Bribery Act does not prevent the offering or receipt of reasonable gifts, hospitality, donations or sponsorship; however it is imperative that gifts and hospitality must not be received in return for services provided or to obtain or retain business. Should a service user or client wish to express gratitude through tokens of goodwill, you should ensure the organisation's processes are followed.

Where practicable, you should consult your line manager in advance and a decision to accept is recorded as it not being given to induce improper behaviour or performance. Permission should also be obtained in advance of offering gifts, again recording that such is not intended to induce improper behaviour or performance.

All gifts and hospitality offered included those that are accepted and refused should be declared and recorded as per the organisation's policy.

Cash payments should not be accepted and politely refused. However if declining the payment causes offence and/or the money is left despite refusal to accept the payment, you must report receipt of the gift to your line manager or Director immediately.

What could happen if an offence of bribery was committed?

Bribery is a criminal offence for individuals and commercial organisations and can be punishable with imprisonment of up to ten years and/or unlimited fine. If any employee is found guilty of an offence of bribery then they may also be dismissed by the organisation for gross misconduct, as well as disbarment from their professional organisation. Where appropriate, recovery of losses incurred will be sought.

What should I do if I suspect bribery is occurring / how do I report bribery?

Any concern or query about an instance of bribery must be reported to your local LCFS, who can provide you with advice and further support.

You should:

- keep a record/note of any evidence or findings that you may have;
- contact your LCFS or Senior Compliance Officer immediately.

How am I protected if I should report an instance of bribery?

It is the LCFS's role to take every allegation of bribery seriously and to provide anonymity and confidentiality for anyone who reports a claim. For further guidance on how raising a concern you should consult the organisations whistleblowing policy.

What is the role of the Local Counter Fraud Specialist (LCFS)?

NHS organisations, including NHS healthcare providers, are required to appoint and nominate an LCFS. The role of the LCFS is to ensure that all cases of actual or suspected bribery are notified to the Director of Finance/ Chief Financial Officer and reported accordingly. The LCFS will regularly report to the Director of Finance/Chief Financial Officer on the progress of the investigation and when/if referral to the police is required.

The LCFS and Director of Finance/Chief Financial Officer will decide who will conduct the investigation and when/if referral to the police is required.

If you would like any further advice on the Bribery Act 2010 please contact your LCFS.

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