



The Shire Horse Society

Bribery Policy

1. Introduction

- 1.1. We have a zero-tolerance policy towards bribery or corruption within our Society. We promote the idea of free and fair competition; we do not want our Society successes to be tainted by bribery. You have a role to play in helping us conduct our charitable activities in a way which is free from bribery and corruption.
- 1.2. This Policy:
 - a Explains what is meant by the terms 'bribery' and 'corruption'
 - b Sets out the legal framework which underpins behaviour in this area
 - c Explains our commitment as a business to the prevention of bribery
 - d Sets out guidance on giving and receiving hospitality and gifts
 - e Explains the mechanisms by which you are able to report concerns in relation to bribery and corruption
 - f Sets out the consequences of breach of this Policy
- 1.3. This Policy has been prepared with the full support and involvement of the Board of Trustees and the CEO promoting a zero-tolerance stance on bribery.
- 1.4. This Policy applies to any person who provides services for, or on behalf of, the Society regardless of capacity. This may include (but is not limited to) employees, members, trustees, contractors, agency workers, casual workers, interns and volunteers.¹
- 1.5. This Policy does not form part of your contract of employment. We reserve the right to amend or remove this Policy.

2. What is 'corruption'?

- 2.1. Corruption is dishonest, illegal or fraudulent conduct by persons in a position of power.

3. What is 'bribery'?

- 3.1. Bribery is a form of corruption. It happens when one person gives another person a reward or inducement for acting improperly, illegally or unethically to gain an advantage, whether personal, commercial or regulatory. You do not need to actually give or receive the reward or inducement for this to amount to bribery.

¹ The definition of 'associated person' under the *Bribery Act 2010* is wide – it covers anyone performing services for or on behalf of a business. It is therefore appropriate that the policy is widely applied.

- 3.2. A bribe does not need to involve money. Offering hospitality, entertainment or gifts can also be classed as bribery if the purpose is to exert influence.
- 3.3. Examples of behaviour which may amount to bribery include:
- a Promising, offering or giving money, hospitality or gifts in the expectation of receiving a business advantage, or because you have already received that advantage
 - b Accepting or giving hospitality or gifts in the course of commercial negotiations of any kind, including tender processes, if there is any uncertainty about whether doing so could have an impact on the outcome
 - c Accepting money, gifts or hospitality from anyone you suspect is seeking a business advantage in return
 - d Accepting hospitality that is excessively extravagant for the context in which it is offered
 - e Offering gifts to government or other officials, political parties and individual politicians
 - f Receiving gifts from government or other officials, political parties and individual politicians
 - g Offering or receiving gifts in return for the faster or smoother conclusion of a routine transaction or process

4. **The Bribery Act 2010**

- 4.1. The *Bribery Act 2010* sets out legal obligations placed on individuals and businesses to prevent bribery and corruption. It contains the following offences:
- a Giving or offering a bribe
 - b Receiving or requesting a bribe
 - c Bribing a foreign public official
 - d Liability for businesses who fail to prevent persons associated with them from bribing another person on their behalf
- 4.2. The first three of these offences relate to personal conduct and liability. The last offence is an example of organisational liability. We will be liable as a business if we fail to prevent you from bribing on our behalf unless we can show that we had adequate procedures in place to prevent you from doing so. Your understanding of and compliance with this Policy is key to the steps we take to make sure that our business is free from bribery.
- 4.3. Offences under the *Bribery Act 2010* can be committed in the UK or overseas.
- 4.4. Breaches of the *Bribery Act 2010* can lead to unlimited fines and/or up to 10 years in prison.

5. **Your obligations in relation to bribery and corruption**

- 5.1. You have a clear responsibility to act honestly and with integrity in your work for us. It is not acceptable for you (or someone acting on your behalf) to:
- a Give, promise to give or offer a payment, a gift or hospitality with the expectation or hope that you or the business will be given a business advantage, or as a reward for a business advantage you have already been given

- b Give, promise to give or offer a payment, a gift or hospitality to a government official, agent or representative to facilitate or speed up a routine procedure
- c Accept payment from a person or organisation where it is known or suspected that it is offered or given with the expectation that that person or organisation will improperly obtain a business advantage
- d Accept a gift or hospitality from a person or organisation where it is known or suspected that it is offered or provided with an expectation that a business advantage will be improperly provided by the business in return
- e Threaten or retaliate against another person to whom this Policy applies who has refused to commit a bribery offence or who has raised concerns under this Policy
- f Engage in any activity that might lead to a breach of this Policy

5.2. In order help us to create a society which is free from bribery you must:

- a Keep full records and receipts of any and all gifts or hospitality given or received or payments made to any third parties in connection with your work and provide copies to us on request.
- b Take the time to read and understand this Policy and make every effort to complete any training associated with it.
- c Tell us about any activity of colleagues which comes to your attention which you think may be in breach of this Policy as soon as possible using the process set out below.
- d Report any approach to offer you a bribe, facilitation payment, kickback or other incentive for the provision of services on our behalf, using the mechanisms set out below.

6. **Facilitation payments/kickbacks**

- 6.1. Facilitation payments are regarded as bribes. They are payments made to encourage officials to perform a function they are already obliged to do. They are sometimes referred to as 'back-handers'.
- 6.2. Kickbacks are generally payments made in return for advantage or favour. They are also regarded as bribes.
- 6.3. You must not make any facilitation or kickback payments to any person in return for a service or function. You must not accept any inducement, or anything which could amount to a facilitation or kickback payment, from any third party to perform a function.
- 6.4. If you are approached and offered a facilitation or kickback payment, then you must report it immediately to the Board Chair You must not under any circumstances accept any offer made.
- 6.5. Be on the lookout for anything which could amount to a facilitation or kickback payment. If anyone asks you to make a payment on our behalf for a routine function, you must consider whether what they are asking for is in proportion to the goods or services involved. Always get a receipt, and if you have any concerns, discuss them with the Board Chair immediately.

7. **Our commitments in relation to bribery and corruption**

- 7.1. We do not tolerate bribery and corruption. We make the following commitments²:

² not legally required. they are broadly based on the six anti-bribery principles set out in the Government's guidance on the *Bribery Act 2010*: Top-Level Commitment; Due Diligence; Monitoring and Review; Communication; Proportionality and Risk Assessment.

- a We will undertake risk assessments to review the risks of bribery in each key area of our charity and will review such assessments regularly.
- b We will make sure that all levels of management are engaged with our approach to bribery and corruption issues.
- c We will undertake due diligence when considering potential partners and new areas in order to assess the level of bribery and corruption risk involved.

[We will provide regular training on bribery and corruption.
- d We will act swiftly and decisively in the event that any breach or potential breach of this Policy is brought to our attention.
- e We will not treat you unfavourably for raising any concern in good faith regarding any breach of this Policy.
- f We will put in place clear approvals procedures for business expenses, hospitality and gifts.
- g We will encourage openness and communication in relation to bribery and corruption issues.

8. **Normal hospitality, gifts and entertaining**

- 8.1. Hospitality, gifts and entertainment form an important part of any business's development strategy. Giving and receiving hospitality or gifts will not, in and of itself, amount to bribery. However, expenditure needs to be reasonable and proportionate. You need to be mindful of the level of hospitality being provided or offered and the timing of any hospitality in the context of any key charitable decisions or investments.
- 8.2. Offering hospitality and entertainment to or receiving them from third parties is allowed under this Policy, provided they are appropriate and reasonable in the circumstances and the purpose is to:
 - a Build or maintain charitable relationships
 - b Enhance or maintain our reputation
 - c Help market our products and services more effectively
- 8.3. You may also give and accept gifts, but only if:
 - a You have the Board Chairs approval each time
 - b It is not done in order to influence a charity decision
 - c You do not give or receive the gift as a reward for new business or to retain existing business
 - d You do not give or receive the gift in return for any other benefits or favours
 - e You give the gift on behalf of the business (it must not be in your own name)
 - f You do not give cash or any kind of cash equivalent, such as vouchers
 - g It's not done in secret

h You comply with local laws

- 8.4. You can reimburse a third party for business-related expenses – for example, the costs of attending a meeting – and you can accept a third party's offer to pay your expenses. This will not normally be bribery. However, a payment made or received that is more than a reasonable or genuine business expense is not acceptable. An example would be payment for an extended stay in a hotel, before or after business has been concluded.
- 8.5. You must keep written records of any gifts or hospitality you give or receive, and declare these. All associated expense claims must give full details of the reason for the expenditure and must be submitted in line with any rules we have on expenses.

9. **How to raise concerns**

- 9.1. 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.
- 9.2. If you believe or suspect that a breach of this Policy has occurred or may occur or if you are offered a bribe or asked to make one, then you should report these concerns in accordance with our *Whistleblowing Policy* as soon as possible.
- 9.3. If you are unsure about whether something you have become aware of is a breach of this Policy, then we encourage you to discuss this issue with the Board Chair.
- 9.4. We will not treat you unfavourably for raising a concern in good faith regarding breach of this Policy. If you feel that you have been unfavourably treated as a result of raising concerns regarding bribery, then you should discuss this issue with your [*line manager*] or refer to our [*Grievance Policy*].

10. **Breaches of this Policy**

- 10.1. Any employee who breaches this Policy may face disciplinary action, which could result in dismissal for gross misconduct. We may terminate our contractual relationship with others who provide services to us and are covered by this Policy if they breach it.

11. **Useful links and contacts**

- 11.1. The following internal policies are referred to in this Policy and contain additional information and guidance :
 - a *Disciplinary Policy*
 - b *Whistleblowing Policy*
 - c *Grievance Policy*

12. **Administration of the Bribery Policy**

- 12.1. David Clarke is responsible for the administration of the Bribery Policy. Should you have any feedback, please contact treasurer@shire-horse.org.uk