## Policy 5: Anti Bribery Policy

Last updated by: SH / JH

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1. General

- Age UK York (hereafter called 'the organisation') acknowledges and works within relevant legislation concerned with bribery and seeks to provide a framework for consistency and fairness within the organisation, towards those with whom it works to provide services to its service users and those with whom it comes into contact;
- This Policy defines the organisation's approach to the prevention and prohibition of bribery;
- The organisation will not tolerate any form of bribery by, or of, its workers, agents, consultants or any person or body acting on its behalf;
- The organisation is committed to carrying out its business fairly, honestly and openly. It has, and will implement, effective measures to prevent, monitor and eliminate bribery;
- Any breach of this Policy is likely to constitute a serious disciplinary, contractual and possibly criminal matter for the individual concerned and may cause serious damage to the reputation and standing of the organisation.

2. Legislation

- The organisation works within the Bribery Act, 2010 and the Equalities Act, 2010;
- The organisation's workers, service users and others connected to the organisation may call upon the Public Interest Disclosure Act, 1998 (the so-called Whistleblower's Act) if a satisfactory outcome cannot be achieved within the organisation;
- All workers and associated persons are required to comply with this Policy, in accordance with the Bribery Act, 2010;
- The Bribery Act, 2010 creates the following offences:
  - A criminal offence where a worker or associated person acting for or on behalf of the organisation offers, promises, gives, requests, receives or agrees to receive bribes;
  - A criminal offence where a worker or associated person acting for or on behalf of the organisation offers, promises or gives a bribe to a foreign public official with the intention of influencing that official in the performance of his/her duties (where a local law does not permit such influence);
  - A criminal offence where the organisation fails to prevent bribery by putting in place adequate procedures to prevent bribery by its workers or associated persons;
  - A separate offence of bribing a foreign or public official with the intention of obtaining or retaining business or an advantage in the conduct of business;
  - A corporate offence of failure of a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business for the organisation.

3. Definition
The Bribery Act, 2012 makes it an offence to:
- offer, promise or give a bribe;
- request, receive or agree to receive or accept a bribe;

A bribe is a financial or other type of advantage that is offered or requested with the:
- intention of inducing or rewarding improper performance of a function or activity; or
- knowledge or belief that accepting such a reward or advantage would constitute the improper performance of such a function or activity;

A relevant function or activity includes public, state or business activities or any other activity performed in the course of a worker's employment, or on behalf of another company or individual, where the person performing that activity is expected to perform it in good faith, impartially or in accordance with a position of trust;

Relevant functions include:
- Any function of a public nature;
- Any activity connected with a business;
- Any activity performed in the course of a worker's role or task;
- Any activity performed by or on behalf of a body of persons.

Note: Policy 7 which relates to the hire and purchase of services and equipment, requires that such services and purchases are not influenced by offers of inducements and bribes. Any such offer will result in the immediate rejection of any arrangement about a service or purchase.

4. Application

In accordance with the application of the Bribery Act, 2010, this Policy and its associated procedures applies to all workers, consultants, contractors, agents and subsidiaries acting for or on behalf of the organisation, that is, 'associated persons', within the UK and overseas;

This Policy sets out more specifically the responsibilities of its management and individual workers. In any case of doubt, workers should immediately contact their line manager/supervisor;

Every worker and associated person is responsible for maintaining the highest standards of business conduct.

5. Management responsibilities

The management including its Trustees:

- Acknowledges that it may face criminal liability for unlawful actions taken by its workers or associated persons under the Bribery Act, 2010;
- Will ensure that this Policy, including any updates, is brought to the attention of, and made available to, all its workers and associated persons;
- Is responsible for establishing a culture within the organisation where bribery and corrupt business practice does not exist and is never acceptable;
- Will ensure that all aspects of this Policy are applied appropriately and that their behaviour and actions demonstrate the importance of preventing bribery practices within the organisation;
- Will ensure that operational practices and processes do not result (directly or inadvertently) in
actions amounting to bribery, including those relating to finance, gifts and hospitality, procurement and contract management, and will ensure that all matters raised under this Policy are investigated thoroughly and confidentially;

- Will ensure that due diligence is carried out before entering into any business relationships or projects;
- Monitors the conduct of actions taken under the framework of this Policy in order to identify inequalities and formulate plans to address them, ensuring fairness of treatment at work under the Equalities Act, 2010 and the cultural values of the organisation;
- Will take responsibility for oversight of the anti-corruption programme.

6. Anti-corruption programme

- In the interests of creating and maintaining an anti-corruption programme, the Chief Officer will, with the support of the Trustees and senior staff:
  - Include within the Induction programme explanation of bribery and corruption, and definitions and discussion of the legislation and ethics concerning anti-bribery and anti-corruption;
  - At appropriate moments, draw attention to the organisation's legislative responsibilities regarding bribery and corruption;
  - Make use of occasions such as when inviting tenders to emphasise to workers the organisation's responsibilities regarding bribery and corruption.

7. Worker responsibilities

- All line managers will recognise their day to day responsibility towards their own worker teams for implementation of the Policy;
- The organisation's workers are responsible for their own conduct and behaviour and for ensuring that they work ethically and legally at all times;
- The organisation's workers will report all issues to their line manager/supervisor that may fall under the scope of the anti-bribery policy and procedures.

8. Investigations

- During the course of any investigation relating to bribery or corruption, the organisation will:
  - Adhere to this Anti-bribery Policy and demonstrate a clear, unambiguous and ethical process;
  - Strive to take all practical steps to prevent discrimination during the course of any investigation.