

Anti-Corruption and Anti- Bribery Policy

HR4.14 Employment Policies

October 2024

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1. Introduction
   1. MHA’s policy is to conduct all business in an honest and ethical manner, taking a zero-tolerance approach to bribery and corruption. MHA are committed to acting professionally, fairly and with integrity in all business dealings and relationships wherever we operate by implementing and enforcing effective systems to counter bribery and corruption.
2. Scope and Purpose
   1. This policy applies to all persons working for MHA or any Group Company acting on behalf of MHA in any capacity, including colleagues at all levels, directors, officers, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, third-party representatives and business partners, sponsors, or any other person associated with MHA, wherever located. The purpose of this policy is to:
   * Set out our responsibilities, and of those working for MHA, in observing and upholding our position on bribery and corruption; and
   * Provide information and guidance to those working for MHA on how to recognise and deal with bribery and corruption issues.
   * Legislation relevant to this policy include The Bribery Act 2010.
3. Definitions

| Term | Definition |
| --- | --- |
| **Bribery** | Offering, promising, giving, or accepting any financial or other advantage, 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 |
| **Advantage** | Includes money, gifts, loans, fees, hospitality, services, discounts, the award of a contract or anything else of value |
| **Corruption** | The abuse of entrusted power or position for private gain |
| **Facilitation Payments** | Facilitation payments also known as "back-handers" or "grease payments" are typically small, unofficial payments made to secure or expedite a routine or necessary action |
| **Kickbacks** | Kickbacks are typically payments made in return for a business favour or advantage |
| **Third Party** | In this policy, third party means any individual or organisation you come into contact with during the course of your work for MHA, and includes actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians, and political parties |

Examples

| **Examples** | |
| --- | --- |
| **Offering a bribe** | You offer a potential client tickets to a major sporting event, but only if they agree to do business with MHA:   * This would be an offence as you are making the offer to gain a commercial and contractual advantage. * MHA may also be found to have committed an offence because the offer has been made to obtain business for MHA. * It may also be an offence for the potential client to accept your offer |
| **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 MHA 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. |

1. Principles
   1. MHA will uphold all laws relevant to countering bribery and corruption. However, in respect of our conduct both at home and abroad, MHA remain bound by UK laws, including the Bribery Act 2010.
   2. It is a criminal offence to offer, promise, give, request, or accept a bribe. Individuals found guilty can be punished by up to ten years' imprisonment and/or a fine. As an employer, if MHA fail to prevent bribery, we can face an unlimited fine, exclusion from tendering for public contracts, and damage to our reputation. We therefore take our legal responsibilities very seriously.
   3. This policy does not form part of any colleague’s contract of employment, and MHA may choose to amend it at any time.
   4. Training on this policy forms part of the induction process for all individuals who work for MHA, and regular training will be provided, as necessary.
   5. MHA’s 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.
   6. Any colleague who breaches this policy will face disciplinary action, which could result in dismissal for misconduct or gross misconduct and where the circumstances warrant it the matter may be reported to the Police for investigation of any potential crime (refer to Discipline Policy).
   7. MHA may terminate our relationship with other individuals and organisations working on our behalf if they breach this policy.
2. What Not to Do

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

1. 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.
2. 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.
3. Accept a payment, gift, or hospitality from a third party that you know, or suspect is offered with the expectation that MHA will provide a business advantage for them or anyone else in return.
4. Accept hospitality from a third party that is unduly lavish or extravagant under the circumstances.
5. Offer or accept a gift to or from government officials or representatives, or politicians or political parties.
6. Threaten or retaliate against another individual who has refused to commit a bribery offence or who has raised concerns under this policy.
7. Engage in any other activity that might lead to a breach of this policy.
8. Financial Incentives

Facilitation Payments and Kickbacks

* + 1. MHA do not make, and will not accept, facilitation payments or "kickbacks" of any kind. You must avoid any activity that might lead to a facilitation payment or kickback being made or accepted by MHA or on our behalf, or that might suggest that such a payment will be made or accepted.
    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.
    3. 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 manager.

Gifts, Hospitality and Expenses

* + 1. This policy allows reasonable and appropriate hospitality or entertainment given to or received from third parties, for the purposes of:
  + Establishing or maintaining good business relationships
  + Improving or maintaining our image or reputation; or
  + Marketing or presenting our products and/or services effectively.
    1. Any offer of hospitality over a value of £100 per person must not be given or received without the prior written approval of the CEO except where the offer of hospitality is made to the CEO in which case approval must be given by the Chair of the Board and all such offers must be entered in the register of gifts.

The giving and accepting of gifts is allowed if the following requirements are met:

1. 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.
2. It is given in our name (MHA), not in your name
3. It does not include cash or a cash equivalent (such as gift certificates or vouchers)
4. It is appropriate in the circumstances, taking account of the reason for the gift, its timing, frequency, and value. The value of the gift should not exceed £50
5. It is given openly, not secretly
   * 1. Promotional gifts of low value such as branded stationery to or from existing customers, suppliers and business partners will usually be acceptable.
     2. Reimbursing a third party's expenses or accepting an offer to reimburse our expenses (for example, the costs of attending a business meeting) would not usually amount to bribery. However, a payment in excess of genuine and reasonable business expenses (such as the cost of an extended hotel stay) is not acceptable.

Donations

1. MHA do not make contributions to political parties.
2. MHA do not make charitable donations to other charities from our own charitable income.
3. Procedures
   1. You must declare and keep a written record of all hospitality or gifts given or received, which will be subject to managerial review.
   2. You must submit all expenses claims relating to hospitality, gifts, or payments to third parties in accordance with our expenses policy and record the reason for expenditure (refer to Business Expenses Policy, and Volunteer Expenses Policy).
   3. If you are offered a bribe, or are asked to make one, or if you believe or suspect that any bribery, corruption, or other breach of this policy has occurred or may occur, you must notify your manager or a member of the Leadership Team or report it in accordance with our Whistleblowing Policy as soon as possible.
   4. If you are unsure about whether a particular act constitutes bribery or corruption, raise it with your manager or a member of the Leadership Team.
   5. You are encouraged to raise concerns about any issue or suspicion of bribery or corruption at the earliest possible stage.
   6. Refer to Appendix 1 for a list of possible red flags which may raise concerns under various anti-bribery and anti-corruption laws during the course of your employment with MHA.
4. Confidentiality and Protection
   1. Individuals who refuse to accept or offer a bribe, or who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. MHA 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.
   2. MHA 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.
   3. If you believe that you have suffered any such treatment, you should inform the Head of People. If the matter is not remedied, and you are a colleague, you should raise it formally using MHA’s Resolution Policy and Procedures.
5. Record Keeping
   1. MHA must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.
   2. All accounts, invoices, and other records relating to dealings with third parties including suppliers and customers should be prepared with strict accuracy and completeness. Accounts must not be kept "off-book" to facilitate or conceal improper payments.
6. Roles and Responsibilities

| Role | Responsibilities |
| --- | --- |
| **Board of Trustees** | * Have overall responsibility for ensuring this policy complies with our charitable, legal and ethical obligations, and that all those under our control comply with it. |
| **Head of Quality Assurance** | * Monitoring its use and effectiveness through auditing internal control systems and procedures to ensure they are effective in countering bribery and corruption. |
| **Managers** | * Comply with all aspects of this policy, escalating any concerns to senior managers * All managers are responsible for ensuring those reporting to them understand and comply with this policy * Ensure colleagues complete relevant training |
| **All Colleagues** | * Must ensure that this policy has been read, understood, and is complied with. * To declare, record, and report all hospitality, gifts, expenses, payments. * The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for MHA or under our control. You are required to avoid any activity that might lead to, or suggest, a breach of this policy. |

1. Training and Monitoring
   1. Compliance is assessed through direct observation, monitoring, and supervision of our colleagues.
   2. All colleagues must complete a mandatory learning module ‘Anti-Bribery’ on [Learning Zone](https://mhalearningzone.co.uk).
2. Communication and Dissemination
   1. This policy is disseminated and implemented within all MHA services through MHA’s channels of communication.
   2. Each colleague’s line manager must ensure that all teams are aware of their roles, responsibilities.
   3. This policy will be available to the people we support and their representatives in alternate formats, as required.
   4. Any review of this policy will include consultation with our colleagues, review of support planning, incident reports, quality audits and feedback from other agencies.
   5. Queries and issues relating to this policy should be referred to the Standards and Policy Team [policies@mha.org.uk](mailto:policies@mha.org.uk)
3. Equality Impact Assessment (EIA)
   1. This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy, and maternity.
4. Resources
   1. MHA policy documents, procedures, and guidance

* + [Discipline Policy](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=2488&utm_source=interact&utm_medium=quick_search&utm_term=hr8.2)
  + [Business Expenses Policy](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=2494&utm_source=interact&utm_medium=quick_search&utm_term=hr9.1)
  + [Volunteer Expenses Policy](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=2844&utm_source=interact&utm_medium=quick_search&utm_term=vp004)
  + [Whistleblowing Policy](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=2497&utm_source=interact&utm_medium=quick_search&utm_term=hr9.5)
  + [Resolution Policy](https://intranet.mha.org.uk/Interact/Pages/Content/Document.aspx?id=2491&utm_source=interact&utm_medium=quick_search&utm_term=hr8.6) and Procedures
  1. External Resources
  + [The Bribery Act 2010](https://www.legislation.gov.uk/ukpga/2010/23/contents)

1. Appendices
   * Appendix 1 – Potential Risk Scenarios ‘’Red Flags’

Appendix 1: Potential Risk Scenarios ‘Red Flags’

* + 1. If you encounter any of these red flags while working for MHA, you must report them promptly to your manager or a member of the Leadership Team or using the procedure set out in the whistleblowing policy (the list is not intended to be exhaustive and is for illustrative purposes only):
  + You become aware that a third party engages in, or has been accused of engaging in, improper business practices.
  + You learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a "special relationship" with foreign government officials.
  + A third party insists on receiving a commission or fee payment before committing to sign up to a contract with MHA or carrying out a government function or process for MHA.
  + 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.
  + A third-party requests that payment is made to a country or geographic location different from where the third party resides or conducts business.
  + A third party requests an unexpected additional fee or commission to "facilitate" a service.
  + A third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services.
  + A third-party requests that a payment is made to "overlook" potential legal violations.
  + A third-party requests that you provide employment or some other advantage to a friend or relative, including access to any of our services.
  + You receive an invoice from a third party that appears to be non-standard or customised.
  + A third-party refuses to put terms agreed in writing.
  + You notice that mha have been invoiced for a commission or fee payment that appears large given the service stated to have been provided.
  + 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 MHA; or
  + You are offered an unusually generous gift or offered lavish hospitality by a third party.

1. Version Control

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| --- | --- | --- | --- | --- |
| Version | Version Date | Revision Description / Summary of Changes | Author and Review Panel | Next Review Date |
| 3 | October 2024 | * Rebranded, transferred to standard template * Removed policy codes, updated to include new Resolution Policy (resources section) | Standards and Policy Manager  Company Secretary/General Counsel | February 2025 |