**7.7 Anti-corruption and Bribery**

Staff assigned to the Edina Trust are required to apply this policy to the work of the Edina Trust.

7.7.1 It is the Charity’s policy to conduct all of its activity in an honest and ethical manner. The Charity takes a zero-tolerance approach to bribery and corruption and is committed to acting professionally, fairly and with integrity in all its business dealings and relationships wherever it operates and implementing and enforcing effective systems to counter bribery.

7.7.2 The Charity will uphold all laws relevant to countering bribery and corruption and remains bound by the laws of the UK, including the Bribery Act 2010, in respect of its conduct both at home and abroad. Bribery and corruption are punishable for individuals by up to ten years’ imprisonment and if the Charity is found to have taken part in corruption it could face an unlimited fine, be excluded from tendering for public contracts and face damage to its reputation. The Charity therefore takes its legal responsibilities very seriously.

7.7.3 In this policy, “**third party”** means any individual or organisation you come into contact with during the course of your work for the Charity, and includes actual and potential grantees, suppliers, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

7.7.4 This policy applies to all individuals working at all levels and grades, including senior managers, officers, trustees, employees (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, homeworkers, casual workers and agency staff, volunteers, interns, agents, sponsors, or any other person associated with the Charity, wherever located. An **“associated person”** for the purposes of the Act is defined broadly and refers to any person (whether an individual or a corporate body or organisation) which provides services to the Charity, and so it is important that agents, contractors and distributors – all of whom are likely to be “associated persons” of the Charity – read and understand this policy. All of the people listed in this paragraph 7.7.3 are collectively referred to as **“workers”** in this policy.

7.7.5 You must ensure that you read, understand and comply with this policy. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Charity or under its control. All workers are required to avoid any activity that might lead to, or suggest, a breach of this policy.

7.7.6 A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage. This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties. The giving or receipt of gifts is not prohibited, if the following requirements are met:

* 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;
* it is not made;
* it complies with local law;
* it is given in the Charity’s name, not in your name;
* it does not include cash or a cash equivalent (such as gift certificates or vouchers);
* it is appropriate in the circumstances. For example, in the UK it is customary for small gifts to be given at Christmas time;
* taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time, and;
* it is given openly, not secretly.

Gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the Chief Executive.

7.7.7 The Charity appreciates that the market practice of giving business gifts varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether in all the circumstance the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

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

* 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;
* 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;
* 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;
* 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 us in return;
* threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy, or;
* engage in any activity that might lead to a breach of this policy.

7.7.9 The Charity does not make, and will not accept, facilitation payments or “kickbacks” of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action by a government official. Kickbacks are typically payments made in return for a business favour or advantage. If you are asked to make a payment on the Charity’s 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 the Head of Administration.

7.7.10 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Charity or under the Charity’s control. As such, you must ensure that you read, understand and comply with this policy and must notify the Head of Administration as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.

7.7.11 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct.

7.7.12 The Charity must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties. You must declare and keep a written record of all hospitality or gifts accepted or offered, and these should be notified to the Chief Executive, and may be subject to review by the Compliance Officer. You must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with our expenses policy and specifically record the reason for the expenditure. All accounts, invoices, memoranda 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.

7.7.13 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 the Compliance Officer. Concerns should be reported by following the procedure set out in our Public Interest Disclosure policy.

7.8.14 It is important that you tell the Compliance Officer 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.

7.7.15 Workers who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. The Charity aims 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.

7.7.16 The Charity is 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 your Line Manager and/or the Compliance Officer immediately. If the matter is not remedied, and you are an employee, you should raise it formally using the Grievance Procedure.

7.7.17 Training on this policy forms part of the induction process for all new employees and other workers. All existing employees and workers will receive regular, relevant training on how to implement and adhere to this policy. The Charity’s zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and business partners at the outset of its business relationship with them and as appropriate thereafter.

7.7.18 The Trustees have overall responsibility for ensuring this policy complies with the Charity’s legal and ethical obligations, and that all those under the Charity’s control comply with it. The Compliance Officer has primary and day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and 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. Workers 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 Compliance Officer.

7.7.19 Possible scenarios and FAQs are set out at Appendix 1.

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

**Appendix 1**

**Anti-corruption and Bribery**

**Frequently Asked Questions**

The following scenarios are illustrative only. They have been prepared to assist people to whom the Anti-Corruption and Bribery Policy applies in understanding the application of the principles contained in it. These scenarios do not constitute legal advice.

**Q. What should I do if I believe an agent is passing on money to a third party?**

A. You should contact the Compliance Officer and make him aware of your concerns. It is important to keep clear records of the issue. This activity would be against the Charity’s policy and may also be illegal.

**Q. What should I do if I believe the amount we are paying to an agent seems** **large?**

A. If the size of the payment seems out of proportion to the service provided then it should be brought to the attention of the Compliance Officer.

**Q. If I am told that it is standard practice to give and receive additional cash** **payments in a country in which we operate, can I do so?**

A. If you are being requested to do this, then you should contact the Compliance Officer immediately. No payments should be made to public officials in connection with their role or function unless the local law provides in writing for a payment to be made and payments are properly documented (through invoices and receipts).

**Q. A government official expects a modest facilitation payment to be made – can I** **do this?**

A. No. The Charity’s policy is that it will not make facilitation payments of any kind. Facilitation payments are illegal in many jurisdictions and can amount to bribery so there is no acceptable distinction to be drawn between a facilitation payment and a bribe. If you are requested to make such a payment you should contact the Compliance Officer immediately.