

Council, 27 March 2014

Anti-Bribery Policy

Executive summary and recommendations

Introduction

In addition to the specific counter-bribery policies of the kind which the HCPC has already adopted (for example, revised policies in respect of gifts, hospitality and other potential inducements), many organisations have or are adopting ‘top-level’ policies.

In part this is a response to potential liability for offences under section 7 of the Bribery Act 2010. That section makes it an offence for a ‘relevant commercial organisation’ (a term which the Ministry of Justice contends encompasses public bodies) to fail to prevent persons associated with that organisation from bribing another person on its behalf.

The offence is one of strict liability, and the only defence is for the organisation in question to show that it had ‘adequate procedures’ in place to prevent persons associated with it from bribing others.

What constitutes ‘adequate procedures’ is set out in statutory guidance issued by the Ministry of Justice under section 9 of the Bribery Act (*Guidance about procedures which relevant commercial organisations can put into place to prevent persons associated with them from bribing*). That guidance is based upon six principles, which are reflected in the language and structure of the ‘top-level’ anti-bribery policies that have been adopted by some organisations:

- Proportionate procedures
- Top-level commitment
- Risk assessment
- Due diligence
- Communication
- Monitoring and review

The section 7 offence is ‘outward only’, in the sense that liability only arises if a person bribes someone on behalf of the organisation in question and not if someone connected with that organisation accepts a bribe. Clearly, for many public bodies the risk that someone acting on its behalf would bribe a third party is quite remote. Nonetheless, many have or are adopting policies which do include clear top-level anti-bribery statements.

On that basis, the enclosed draft Anti-Bribery Policy is put before the Council for discussion and, if thought fit, adoption.

Decision

The Council is asked to discuss and agree the proposed Anti-Bribery.

Resource implications

None.

Financial implications

None.

Appendices

Appendix 1 - Anti-Bribery Policy

Date of paper

14 March 2014

ANTI-BRIBERY POLICY

1 Introduction

The Health and Care Professions Council (**HCPC**) is committed to the highest standards of probity, transparency and accountability and to ensuring compliance with the highest legal and ethical standards.

Bribery is a crime. This policy sets out what the HCPC and everyone who acts on its behalf must do to help prevent bribery in all its forms. The HCPC will not pay or accept any bribe or other improper inducement for any purpose and adopts a 'zero tolerance' approach to any act of bribery or corruption by any of person acting on its behalf.

Breach of this Policy will be regarded as a serious matter and is likely to result in disciplinary action and may lead to criminal prosecution.

2. Scope

This policy applies to all of the HCPC's activities. All Council members, Committee members, employees, partners, contractors, agents and consultants who act for or on behalf of the HCPC must comply with this policy.

3. Prohibited activity

It is unacceptable for any person acting for or on behalf of the HCPC to:

- offer, promise or give a bribe to another person;
- request, agree to receive or accept a bribe from another person;
- offer, promise or give a bribe to any foreign public official; or
- to engage in any other activity in breach of this policy.

For this purpose a **bribe** includes any payment or other advantage, gift or hospitality which is intended to induce the recipient to perform any function in a manner which is improper (in breach of a position of trust or in breach of the expectations of good faith and impartiality) or reward them for doing so.

4. Bribery Act procedures

The Council and senior management of the HCPC are committed to preventing bribery by persons associated with the HCPC. As part of that top level commitment, the following procedures must be adopted, in a manner which is proportionate to the risks faced by the HCPC and to the nature, scale and complexity of its activities:

Risk assessment: The nature and extent of the HCPC's exposure to external and internal risks of bribery will be assessed as part of the HCPC risk management process;

Due diligence: the HCPC will undertake a proportionate and risk based evaluation of the background, experience and reputation of those who perform services for or on behalf of the HCPC. Any due diligence must be completed before a service provider begins to perform any functions for or on behalf of the HCPC. Services must be provided on the basis of written contracts which are properly monitored. All service providers must be made aware of, and are expected to adhere to, this policy;

Communication: The HCPC will ensure that this policy and related policies and procedures are embedded in its working arrangements through appropriate communication which is proportionate to the risks it faces. Training on the Bribery Act 2010 and this policy will be included in induction programmes for all of those who act for or on behalf of the HCPC;

Monitoring and review: all policies and procedures designed to prevent bribery and corruption will be monitored and reviewed on a regular basis and improved where necessary. Any incident of bribery or suspected bribery must be reported to the Audit Committee.

5. Gifts and hospitality

All those who act for or on behalf of the HCPC are expected to maintain a high standard of professionalism, to conduct themselves with integrity, impartiality and honesty at all times and to adhere to this policy in respect of gifts and hospitality.

The giving or receipt of any gift or hospitality which could be interpreted as a reward, inducement or encouragement for improper conduct is strictly prohibited. Low value token gifts, such as promotional items, may be accepted. No gifts or hospitality may be given or accepted during any tender or contractual negotiation process.

Hospitality may only be accepted if personnel from the provider are present, the hospitality does not include any accommodation or travel expenses and it is not unduly lavish or extravagant in nature.

This policy does not affect the other policies in respect of gifts and hospitality which apply to Council Members and employees. Council members must continue to comply with the procedures for declaring interests as set out in the Members' Code of Conduct. Employees must continue to declare gifts, hospitality etc. in the Gifts and Inducements Register.

6. Responsibilities of members, employees, etc.

Everyone who acts for or on behalf of the HCPC is responsible for preventing, detecting and reporting bribery or any other form of corruption and must raise concerns as soon as possible if they believe or suspect that anything which conflicts with this policy has occurred or may occur.