

Collaborative Procurement Partnership

Anti-Fraud, Bribery and Corruption Policy

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1. Introduction

- 1.1. The purpose of this policy is to set out Collaborative Procurement Partnership's (CPP) responsibilities, and of those working for CPP, in observing and upholding the company's position on fraud, bribery and corruption, and to provide information and guidance to those working for CPP on how to recognise and deal with fraud, bribery and corruption issues.
- 1.2. Fraud, Bribery and Corruption are punishable for individuals by up to ten years' imprisonment under the Fraud Act 2006 and the Bribery Act 2010 and if CPP are found to have taken part in bribery and corruption it could face an unlimited fine, be excluded from tendering for public contracts and face reputational damage. We therefore take our legal responsibilities very seriously.

2. Policy Statement

- 2.1. It is CPP's policy to conduct all of its business in an honest and ethical manner. We take a zero-tolerance approach to fraud, bribery and corruption and are committed to acting professionally, fairly and with integrity in all our business dealings and relationships and implementing and enforcing effective systems to counter bribery, corruption and fraud. We will uphold all laws relevant to countering bribery and corruption, including the Fraud Act 2006 and the Bribery Act 2010, in respect of our conduct.

3. Scope of Policy

- 3.1. This policy applies to all employees on CPP contracts of employment, and those staff who work within CPP in the provision of services to CPP clients but who are not CPP employees.

4. Definitions

- 4.1. In this policy, "third party" means any individual or organisation that an employee may come into contact with during the course of their work with the company, 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.

5. Policy Definitions

- 5.1. The offence of fraud (as defined in 2006 Fraud Act) can be committed in three ways:
 - Fraud by false representation (Section.2) – lying about something using any means, e.g. by words or actions
 - Fraud by failing to disclose (Section.3) – not saying something when you have a legal duty to do so
 - Fraud by abuse of a position of trust (Section.4) – abusing a position where there is an expectation to safeguard the financial interests of another person or organisation

It should be noted that all offences under the Fraud Act 2006 occur where the act or omission is committed dishonestly and with intent to cause a gain or loss. The gain or loss does not have to succeed, so long as the intent is there.

A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage. Corruption can be broadly

defined as the offering or acceptance of inducements, gifts, favours, payment or benefit-in-kind which may influence the action of any person. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another. Examples are as follows:

5.2. Offering a bribe

- An employee offers a potential client tickets to a major sporting event, but only if they agree to do business with CPP. This could be an offence as the employee is making the offer to gain a commercial and contractual advantage. The employee may also be found to have committed an offence because the offer has been made to obtain business for us. It may also be an offence for the potential client to accept the offer.

5.3. Receiving a bribe

- A scenario you could experience is for example: A supplier gives your nephew a job but makes it clear that in return they expect you to use your influence in CPP to ensure we continue to do business with them, despite the fact that you know that using this supplier would not be in our client's best interests. It could be an offence for the supplier to make such an offer. It could also be an offence for you to accept the offer as you would be doing so to gain a personal advantage.

5.4. Facilitation Payments and Kickbacks

- CPP do 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.
- If an employee is asked to make a payment on CPP's behalf, they should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. Employees should always ask for a receipt which details the reason for the payment.
- If an employee should have any suspicions, concerns or queries regarding a payment, they should raise these with their line manager in the first instance. If there are any concerns regarding the involvement of their line-management, employees should report their concerns to:
 - The Director of Business and Performance
 - Tower Director
 - Managing Director
 - CPP Board Member (as appropriate)
- Kickbacks are typically payments made in return for a business favour or advantage. All employees must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by us.

5.5. Donations

- CPP do not make contributions to political parties. We only make charitable donations that are legal and ethical under local laws and practices. No donation must be offered or made without the prior approval of CPP's Members Board.

- Any charitable donation must be provided to a charity that is registered under UK law and money must be donated to the organisation directly and not to an individual. Caution must be exercised when making a donation to a charity that may have a connection to a client or an organisation that might influence the company's business. For example, it might be appropriate to wait for a deal with an organisation/client to be concluded before promising to make a donation to a charity linked to that organisation/client.

5.6. Record-keeping

- CPP must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties. Employees must declare and keep a written record of all hospitality or gifts accepted or offered, which will be subject to managerial review and recorded in CPP's gifts and hospitality register.
- Employees must ensure that any potential conflict of interest and gift and/or hospitality complies with CPP Conflict of Interest Policy and/or CPP Gifts and Hospitality Policy. Employees must ensure all expense claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with CPP 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.

5.7. What to do if an employee is a Victim of Fraud, Bribery or Corruption

- It is important that employees inform CPP's Director of Business and Performance as soon as possible if they are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that they or the organisation are a victim of fraud or any other form of criminal unlawful activity.
- The organisation is committed to taking any instances of fraud, bribery or corruption seriously and whistle-blowers are encouraged to come forward and will be protected and not disadvantaged in the workplace in any way – see 5.8 below.

5.8. Protection

- Employees who want to report potential criminal activity, refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. We 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.
- CPP are committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in fraud, 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.

6. Roles and Responsibilities

- 6.1. Employees must ensure that they read, understand and comply with this policy.
- 6.2. The prevention, detection and reporting of fraud, bribery and other forms of corruption are the responsibility of all those working for CPP or under our control. All employees are required to report and avoid any activity that might lead to, or suggest, a breach of this policy. Employees must inform CPP's Director of Business and Performance as soon as possible if they believe or suspect that a conflict with this policy has occurred or may occur in the future. For example, if a client or potential client offers an employee something to gain a business advantage with us or indicates that a gift or payment is required to secure their business. Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. We reserve the right to terminate our contractual relationship with employees if they breach this policy.
- 6.3. The Director of Business and Performance is the accountable officer for any issues of Fraud, Bribery and Corruption at CCP and should be the single point of contact (SPOC) for all staff wishing to report any suspected acts of criminality against the organisation. See Section 12 for details.
- 6.4. CPP will actively promote awareness among staff of the threat from fraud, bribery and corruption risks and the process/means for staff to effectively report suspected criminality, anonymously if preferred (to our Independent Counter Fraud Specialist).

7. Training

- 7.1. All members of staff are required to carry out training annually in relation to the Bribery Act 2010 as part of CPP's mandatory learning requirements.
- 7.2. CPP has in place an awareness programme supported by Audit Yorkshire, to ensure all staff are aware of the threat from fraud, bribery and corruption risks and the process/means for staff to effectively report suspected criminality.

8. Monitoring

- 8.1. Fraud, Bribery and Corruption matters will be scrutinised at the Audit and Risk Committee as a standing agenda item and members will provide clear and demonstrable support for all work in this area. This is achieved through the scrutiny and oversight of anti-fraud bribery and corruption activity and by monitoring such activity through various means such as; annual fraud, bribery and corruption workplan, regular reports on any work undertaken, annual report submission and review of the Anti-Fraud, Bribery and Corruption Policy.

9. Keywords

- 9.1. Anti-bribery, fraud, gifts, hospitality, sponsorship, donations, bribes, kickbacks, conflict of interest, expenses, corruption.

10. Related Policies and Documentation

- 10.1. Disciplinary Policy and Procedure
- 10.2. Conflict of Interest Policy.

10.3. Gifts and Hospitality Policy

10.4. Expenses Policy and Procedure

10.5. Raising Concerns (Whistleblowing) Policy and Procedure

11. References

11.1. Fraud Act 2006.

11.2. Bribery Act 2010.

12. How To Report Any Suspected Fraud, Bribery or Corruption

The Director of Business and Performance is the Single Point of Contact (SPOC) for suspected Fraud, Bribery and Corruption issues or any other criminal related issues affecting the organisation. Staff should report any suspicions here in the first instance via any of the following methods:

Telephone – 07980 795312

Email Director of Business and Performance claire.povey@cpp.nhs.uk

Anonymous reporting facility to our Independent Counter Fraud Specialist shaunfleming@nhs.net