

# Bribery Act Policy



## 1. POLICY STATEMENT

Bribery is a criminal offence. We do not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor do we, or will we, accept bribes or improper inducements.

To use a third party as a conduit to channel bribes to others is a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery.

We are committed to the prevention, deterrence and detection of bribery. We have zero tolerance towards bribery. We aim to maintain anti-bribery compliance 'business as usual', rather than as a one-off exercise.

## 2. DEFINITIONS

- Bribery - is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.
- Commercial organisation - the guidance states that a 'commercial organisation' is anybody formed in the United Kingdom and '...it does not matter if it pursues primarily charitable or educational aims or purely public functions. It will be caught if it engages in commercial activities, irrespective of the purpose for which profits are made'.

## 3. PRINCIPLES

This Policy sets out the framework for the Bribery Policy of Just Electrical Training

## 4. SCOPE AND LIMITATIONS

This Policy applies to all of the activities of Just Electrical Training. For partnerships, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy. Within Just Electrical Training, the responsibility to control the risk of bribery occurring resides at all levels of the organisation. It does not rest solely within assurance functions, but in all business units and corporate functions. This Policy covers all personnel, including all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, members (including independent members), volunteers and consultants

## 5. IMPLEMENTATION ARRANGEMENTS

All new employees are made aware of the Policy and procedures during the formal employee induction process. Updated and amended procedures are disseminated and reinforced in training sessions and team meetings.

## 6. MONITORING AND REVIEW

Just Electrical Training is responsible for maintaining a continuous review of the Bribery Policy and agreeing any additions or changes necessary. The Policy and the implementation

# Bribery Act Policy



arrangements which underpin it will be formally reviewed on a three yearly basis unless there are any legislative updates. This review will consider the views of employees and students and relevant local and national planning and guidance documents.

## 7. GUIDELINES

There are no specific guidelines in relation to this Policy.

## 8. PROCEDURES

### Objectives of this policy

1.1. This Policy provides a coherent and consistent framework to enable the Just Electrical Training employees to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.

1.2. We require that all personnel, including those permanently employed, temporary agency staff and contractors:

- act honestly and with integrity at all times and to safeguard the organisation's resources for which they are responsible
- comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the organisation operates, in respect of the lawful and responsible conduct of activities.

2. Just Electrical Training's commitment to action

2.1. Just Electrical Training commits to:

- setting out a clear anti-bribery policy and keeping it up to date;
- making all employees aware of their responsibilities to adhere strictly to this policy at all times;
- training all employees so that they can recognise and avoid the use of bribery by themselves and others;
- encouraging its employees to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately;
- rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution;
- taking firm and vigorous action against any individual(s) involved in bribery;
- provide information to all employees to report breaches and suspected breaches of this policy;
- Include appropriate clauses in contacts to prevent bribery.

# Bribery Act Policy



## The Bribery Act 2010

3.1. There are four key offences under the Act:

- bribery of another person (section 1);
- accepting a bribe (section 2);
- bribing a foreign official (section 6);
- failing to prevent bribery (section 7).

3.2. The Bribery Act 2010 ([www.opsi.gov.uk/acts/acts2010/ukpga\\_20100023\\_en\\_1](http://www.opsi.gov.uk/acts/acts2010/ukpga_20100023_en_1)) makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. There is also a corporate offence under Section 7 of failure by 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. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

## 3.3. Bribery

3.3.1. Bribery is not tolerated.

3.3.2. It is unacceptable 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;
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy;
- engage in activity in breach of this policy.

## 3.4 Facilitation Payments

Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

## 3.5. Gifts and Hospitality

This Policy is not meant to change the requirements of our Employee Code of Conduct policy including requirements for reporting gifts and hospitality.

3.6. Public Contracts and failure to prevent bribery Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from

# Bribery Act Policy



competing for public contracts where it is convicted of a corruption offence. There are no plans to amend the 2006 Regulations for this to include the crime of failure to prevent bribery. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. This organisation has the discretion to exclude organisations convicted of this offence. Refer to Procurement and Tendering Policy and Procedures.

## 4. What are 'adequate procedures'?

Whether the procedures are adequate will ultimately be a matter for the courts to decide on a case-by-case basis. Adequate procedures need to be applied proportionately, based on the level of risk of bribery in the organisation. It is for individual organisations to determine proportionate procedures in the recommended areas of six principles. These principles are not prescriptive. They are intended to be flexible and outcome focused, allowing for the different circumstances of organisations. Small organisations will, for example, face different challenges to those faced by large multi-national enterprises. The detail of how organisations apply these principles will vary, but the outcome should always be robust and effective anti-bribery procedures.

### 4.1. Proportionate procedures

An organisation's procedures to prevent bribery by persons associated with it are proportionate to the bribery risks it faces and to the nature, scale and complexity of the organisation's activities. They are also clear, practical, accessible, effectively implemented and enforced.

### 4.2. Top-level commitment

The senior leadership team are committed to preventing bribery by persons associated with it. They foster a culture within Just Electrical Training in which bribery is never acceptable.

### 4.3. Risk assessment

Just Electrical Training assesses the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment is periodic, informed and documented. It includes financial risks but also other risks such as reputational damage.

### 4.4 Due diligence

Just Electrical Training applies due diligence procedures, taking a proportionate and risk-based approach, in respect of persons who perform or will perform services for, or on behalf of DCG, in order to mitigate identified bribery risks.

### 4.5. Communication (including training)

Just Electrical Training seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.

### 4.6. Monitoring and review

Just Electrical Training monitors and reviews procedures designed to prevent bribery by persons associated with it and makes improvements where necessary. This organisation is committed to proportional implementation of these principles.

# Bribery Act Policy



## 5. Penalties

5.1. An individual guilty of an offence under sections 1, 2 or 6 is liable:

- on conviction in a magistrate's court, to imprisonment for a maximum term of 12 months (six months in Northern Ireland), or to a fine not exceeding £5,000, or to both
- on conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both.

5.2. Organisations are liable for these fines and if guilty of an offence under section 7 are liable to an unlimited fine.

## 6. Employee responsibilities

6.1. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for Just Electrical Training or under its control. All employees are required to avoid activity that breaches this Policy.

6.2. You must:

- ensure that you read, understand and comply with this Policy;
- raise concerns as soon as possible if you believe or suspect that a conflict with this Policy has occurred or may occur in the future.

6.3. As well as the possibility of civil and criminal prosecution, employees that breach this Policy will face disciplinary action, which could result in dismissal for gross misconduct.

## 7. Raising a concern

7.1. Just Electrical Training is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. We want each and every employee to know how they can raise concerns.

7.2. We all have a responsibility to help detect, prevent and report instances of bribery. If you have a concern regarding a suspected instance of bribery or corruption, please speak up – your information and assistance will help. The sooner you act; the sooner it can be resolved.

7.3. There are multiple channels to help you raise concerns. Please refer to the Whistleblowing Policy and determine your favoured course of action. Preferably the disclosure will be made and resolved. Secondly, where internal disclosure proves inappropriate, concerns can be raised with the regulator (e.g. external auditor). Raising concerns in these ways may be more likely to be considered reasonable than making disclosures publicly (e.g. to the media).

7.4. Concerns can be anonymous. In the event that an incident of bribery, corruption, or wrongdoing is reported, we will act as soon as possible to evaluate the situation. We have clearly defined procedures for investigating fraud, misconduct and noncompliance issues and these will be followed in any investigation of this kind. This is easier and quicker if concerns raised are not anonymous.

7.5. Employees who refuse to accept or offer a bribe or those who raise concerns or report wrongdoing can understandably be worried about the repercussions. We aim to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.

# Bribery Act Policy



7.6. We are committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.

Useful links

## Useful links

**Bribery Act 2010** [www.legislation.gov.uk/ukpga/2010/23/contents](http://www.legislation.gov.uk/ukpga/2010/23/contents)

**National Fraud Authority** [www.gov.uk/government/organisations/national-fraud-authority](http://www.gov.uk/government/organisations/national-fraud-authority)  
Transparency International UK [www.transparency.org.uk](http://www.transparency.org.uk)

**Public Concern at Work** [www.pcaw.org.uk](http://www.pcaw.org.uk)

**Department for Work & Pensions** (Blowing the Whistle to a Prescribed Person)  
[www.gov.uk/government/publications/blowing-the-whistle-to-a-prescribed-person](http://www.gov.uk/government/publications/blowing-the-whistle-to-a-prescribed-person)