

Bribery Act 2010 and Airedale Foundation Trust's Anti-Bribery Strategy

Board Statement

Background

The Bribery Act 2010 came into force on 1 July 2011, reforming the criminal law of bribery and corruption making it easier to tackle these offences proactively. It creates specific criminal offences which carry custodial sentences of up to 10 years and potentially unlimited fines. It also introduces a corporate offence which means that the majority of organisations across the public, private and charitable sectors will be exposed to criminal liability, punishable by an unlimited fine, for failing to prevent bribery.

The Department of Health Legal Service has advised that NHS bodies such as NHS Foundation Trusts are deemed to be a relevant corporate body and will become liable unless they put in place adequate 'preventative procedures', for acts of bribery and corruption committed by persons associated with it, in the course of their work. This is a collective, NHS wide initiative.

Bribery may be considered to be:

“An inducement or reward offered, promised or provided to someone to perform their functions or activities improperly in order to gain a personal, commercial, regulatory and/or contractual advantage.”

Zero Tolerance

Bribery is a criminal offence. Airedale NHS Foundation Trust does 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. This approach applies to **everyone** who works for us, or with us. 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.

Proactively combating bribery has clear benefits for this Foundation Trust and the wider NHS. It helps prevent:

- adverse damage to or criticism of the organisation's reputation and funding;
- the potential diversion and/or loss of resources from NHS care;
- unforeseen and unbudgeted costs of investigations and/or defence of any legal action; and,
- a negative impact on patient/stakeholder perceptions.

Penalties

This organisation, in conjunction with NHS Protect, will seek to obtain the strongest penalties – including criminal prosecution, as well as disciplinary and civil sanctions – against **anyone** associated with Airedale NHS Foundation Trust who is found to be involved in any bribery activities.

Active Counter Measures

We are committed to the prevention, deterrence and detection of bribery just as we are to combating fraud in the NHS. As an organisation, we have a zero-tolerance attitude towards bribery and we aim to maintain anti-bribery compliance as 'business as usual', rather than as a one off exercise.

To this end, everyone associated with the Foundation Trust is expected to play their part. The Foundation Trust has adopted a corporate Anti-Bribery Strategy. The strategy includes:

- Top-level (Board) commitment to ensuring a zero-tolerance culture towards bribery;
- Risk-assessing those areas of the organisation which may be most vulnerable to the threat of bribery;
- Ensuring that all departments review their policies, protocols, procedures and core documentation (including contract documentation) to ensure that adequate procedures are in place to prevent and mitigate the bribery risk; and,
- Ensuring that everyone who works for or with the Foundation Trust is aware of the risks and knows what to do if they suspect or discover bribery.

To find out more about the Bribery Act and how it might affect your department or area of responsibility, please contact:

Jacqui Procter, Local Counter Fraud Specialist

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Reporting Concerns

If you have any concerns or suspicions regarding bribery, corruption or fraud, please contact:

- Mersey Internal Audit Agency – **0151 285 4500**
- NHS Fraud and Corruption Reporting Line – **0800 028 40 60**
- NHS Fraud and Corruption Reporting Form – <http://www.reportnhsfraud.nhs.uk>