

# Anti-Fraud & Bribery Policy

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<b>Audience</b>	Millbrook Healthcare Colleagues - all		
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<b>Policy Author</b>	Group HR Projects Manager		
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<b>Forms / Further Information</b>	Freedom to Speak Up Policy		

As a Group, we value our reputation for ethical behaviour, conducting business fairly and in a transparent manner and for financial probity and reliability. We fully understand that any involvement in fraud, bribery or corruption will reflect adversely on our image or reputation.

Fraud, bribery and corruption are criminal offences for which both the company and individuals can be convicted. As a provider of services to the NHS and local authorities, we are committed to ensuring that we have robust processes in place to prevent, identify and reduce any losses arising as a result of fraud, bribery or corruption within the company.

These provisions comply with the relevant UK legislation and apply to everyone employed by the Millbrook Healthcare and all divisions as well as consultants, contractors, casual and agency staff. The policy also applies to all work related activities regardless of the actual location i.e. staff working from home, a service user's home, a private or company vehicle in transit, an external venue or another organisation's premises.

This does not form part of your contract of employment and may be amended from time to time.

## Definitions

### Fraud

The Fraud Act 2006 defines fraud as a dishonest act with a view to making a gain or causing a loss (or attempted gain or loss) for themselves or another. Fraud can be committed in a number of ways, including but not limited to:

- making a false representation
- failing to disclose information
- abusing a position held

All offences include an element of dishonesty and the intention of making a gain or causing a loss, which may be financial or otherwise. It does not matter whether any gain or loss actually occurs.

## Bribery and Corruption

The Bribery Act 2010 defines bribery as financial or other advantage that is intended to induce "improper performance" of a position of trust or a function that is expected to be performed impartially or in good faith. Bribery does not have to involve cash or an actual payment exchanging hands and can take many forms such as a gift, hospitality or entertainment.

Bribery 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.

There are four main offences:

- giving or offering a bribe
- receiving or requesting a bribe
- bribing a foreign public official (also known as facilitation payments or kick-backs)
- negligently failing to prevent a bribe (corporate offence)

An offence has been committed even if no money or goods have been exchanged and a bribe has no minimum value. For example, the advantage could result in commercial, contractual or regulatory advantage for the company.

There is no legal definition of corruption but it is any form of abuse of entrusted power for private gain and may include, but is not limited to, bribery.

You should never give an inducement to obtain a personal gain or advantage for you or any person or body you are associated with, or with the intention of influencing someone to take action which may not be solely in our interests. We recognise that giving and receiving business gifts or gifts from suppliers can be common practice but in all cases the gifts should be modest and appropriate to the business, such as:

- normal and appropriate hospitality
- the giving of a ceremonial gift on a festival or at another special time
- the use of any recognised fast-track process which is available to all on payment of a fee
- the offer of resources to assist the person or body to make the decision more efficiently provided that they are supplied for that purpose only

Inevitably, decisions as to what is acceptable may not always be easy. If you have any doubt as to whether a potential act constitutes bribery, you should seek guidance from a Director.

## Prevention

We already take a number of steps to prevent incidents of fraud, bribery and corruption, which include but are not limited to:

- Upon recruitment, we undertake Disclosure & Barring Service (DBS) identity checks on all relevant roles. These checks are updated every three years or at the point someone is transferred into a relevant role
- We have checks, policies and procedures in place to reduce any risks to our finances through the accounts and procurement teams, which include but are not limited to clear divisions of labour, expenses policy, two-tier payment and invoicing checks, defined signatories and limits for bank withdrawals and cash handling procedures. In other areas of the business we also have authority limits, asset and stock registers.
- Within the tender process, we comply with requirements that all communications are conducted through official channels only
- We have a code of conduct policy and procedure, which guides employees in our standards and expectations regarding conflicts of interest including gifts, hospitality and relationships at work.
- We prevent data loss by restricting the ability to use portable data carriers (such as USB keys), we monitor email and any unusual activity.

## Responsibilities

We all have a responsibility for creating and maintaining an environment in which people are treated fairly and are not discriminated against.

We will be responsible for:

- Ensuring that employees undertake appropriate training on Anti-Fraud & Bribery
- Ensuring our procedures and practices comply with this policy and prevent the risk of fraud, bribery or corruption.
- Reviewing any identified or reported incidents of fraud, bribery or corruption in Board meetings as well as undertake the necessary steps to recover any assets lost as a result of fraud

Your line manager is responsible for:

- Creating an open and transparent environment to encourage the reporting of any incidents or reasonable suspicions
- Ensuring employees fully understand and comply with this policy
- Ensure that any reports, or reasonable suspicions, are dealt with discreetly, are fully investigated and the findings escalated to a Director for discussions and review by the Board

You are responsible for:

- Familiarising yourself and complying with this policy
- Taking any necessary steps to protect company assets from fraud, theft or bribery.

- Reporting any incidents or reasonable suspicions of fraud, bribery or corruption using our Whistleblowing Hotline on 0800 160 1787

## Breaches of this Policy

All actual or suspected breaches of this policy, or the spirit of this policy, will be thoroughly investigated and reported. Breach of this policy will likely be considered a disciplinary matter and could result in disciplinary action up to and including dismissal.

Acts of fraud, bribery and corruption are criminal offences and we reserve the right to notify the appropriate authorities to uphold the law.

If you are concerned about a serious malpractice or wrongdoing, such as dangerous or criminal activity, which affects others, you may wish to consider raising the concern through our Freedom to Speak Up Policy.