

ANTI BRIBERY POLICY

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ANTI BRIBERY

POLICY

1. INTRODUCTION

1.1 The law regarding bribery, corruption and competition is complex and has its roots in both domestic and European legislation in accordance with the *Bribery Act 2010*. If an employee of Cucumber Recruitment breaches competition law, they could be found guilty of a criminal offence and face a prison sentence and/or an unlimited fine. It is therefore important to formally outline Cucumber Recruitment's stance on all anticorruption, competition and bribery matters and how these matters will be dealt with.

- Cucumber Recruitment will not under any circumstances give or offer to give anything of value to any UK or foreign government employee or any party with responsibility for awarding contracts of any kind.
- Cucumber Recruitment will not engage in other conduct that could violate bribery and corruption legislation.

1.2 This policy enables everyone associated with Cucumber Recruitment to know that the prevention of corrupt and anti-competitive practices is taken extremely seriously by Cucumber Recruitment. Copies of this policy should be made available to everyone who is involved with Cucumber Recruitment to demonstrate this fact.

2. AIMS AND OBJECTIVES

2.1 Cucumber Recruitment has adopted this policy for every individual and organisation connected with Cucumber Recruitment to be aware of its stance in relation to all antibribery matters.

2.2 The *Bribery Act 2010* reformed the criminal law to provide a new, modern and comprehensive scheme of bribery offences that will enable courts and prosecutors to respond more effectively to bribery at home or abroad. The Act outlines four criminal offences:

- Section 1 - Offering or paying a bribe.
- Section 2 - Requesting or receiving a bribe.
- Section 6 - Bribing a foreign public official.
- Section 7 - Failure of commercial organisations to prevent bribery.

2.3 Six principles have been developed to sustain a culture which demonstrates zero-tolerance to bribery and corruption.

Principle 1: Proportionate Procedures. Procedures to prevent bribery by persons associated with it are proportionate to the bribery risks it faces.

Principle 2: Top-level commitment. The Board is committed to preventing bribery and fostering a culture in which bribery is never acceptable.

Principle 3: Risk Assessment. The organisation assesses the nature and extent of its exposure to potential internal and external risks of bribery; the assessment is periodic, informed and documented.

Principle 4: Due Diligence. The organisation applies due diligence procedures which are proportionate and risk-based in respect of all persons who perform services on behalf of the organisation to mitigate identified bribery risks.

Principle 5: Communication. Bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training.

Principle 6: Monitoring and Review. The organisation monitors and reviews procedures designed to prevent bribery and makes improvements where necessary.

2.4 The *Bribery Act* introduces a new offence of “a failure to prevent bribery”, which means that organisations who are unable to demonstrate that they have implemented “adequate procedures” to prevent bribery and corrupt practices within their directors, managers, officers, employees and agents could be exposed to unlimited fines in addition to imprisonment.

2.5 The Act also extends to organisations who represent Cucumber Recruitment or who act on behalf of Cucumber Recruitment. Cucumber Recruitment values its reputation for ethical and socially responsible behaviour and for its values of financial viability and reliability.

2.6 Cucumber Recruitment recognises that over and above the commission of any criminal or civil offence, any involvement in bribery will substantially and adversely impact upon its image and reputation.

2.7 The aim of this policy is to set out for all connected with Cucumber Recruitment, its total and absolute intolerance for any forms of corrupt, anti-competitive and bribery related practices at whatever level within the organisation and in whatever form this takes.

3. PURPOSE

3.1 In addition to the aims of this policy as set out above, the purpose of this policy is to set out for everyone connected with Cucumber Recruitment, its aim of limiting any exposure within Cucumber Recruitment to acts of bribery. In furtherance of this purpose, this policy shall:

- Set out a clear and unambiguous anti-bribery stance by Cucumber Recruitment.
- Establish principles to all employees, managers and directors so that they can recognise and avoid the use of any bribery by themselves and others as well as knowing to whom they should report any suspected issues.
- Encourage all individuals and organisations associated with Cucumber Recruitment to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately.
- Establish a principle that any instances of alleged bribery will be rigorously investigated as well as Cucumber Recruitment’s intention to assist the police, Serious Fraud Office (SFO) and Director of Public Prosecutions (DPP) and any other appropriate authorities in any resultant prosecution.

4. SCOPE

4.1 This policy is very wide ranging, applying to every individual and organisation that is connected with Cucumber Recruitment or intends to contract with Cucumber Recruitment or is considering becoming connected with Cucumber Recruitment in some form.

5. APPLICATION

5.1 Cucumber Recruitment prohibits:

- The offering, the giving, the solicitation or the acceptance of any bribe, whether financial or non-financial based as an inducement to gain any commercial, contractual or regulatory advantage for Cucumber Recruitment in a way which is contractual or as an inducement to act in a particular way which may otherwise be less likely without the inducement, or gain any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.
- The involvement in any of the above or the non-reporting of suspicions in connection with the above.
- The above acts are prohibited to or from any person, organisation, partnership, agency, sole trader or other organisation, wherever they are situated and whether or not they are a public official or body or a private person or organisation.
- The above acts are prohibited by any and every individual and organisation that is connected with Cucumber Recruitment, intends to contract with Cucumber Recruitment or is considering becoming connected with Cucumber Recruitment in some form.

5.2 This policy prohibits any inducement which results in a personal gain or advantage to the recipient or any person or body associated with them, and which is intended to influence them to take action that may not solely be in the interests of Cucumber Recruitment or of the person or organisation employing them, or whom they represent.

5.3 This policy statement is not meant to prohibit the following practices providing they are customary in a particular market, are proportionate and are properly recorded:

- Normal and appropriate hospitality which:
 - a) is bona fide;
 - b) seeks to improve the image of Cucumber Recruitment;
 - c) facilitates presentation of Cucumber Recruitment products or services; or,
 - d) seeks to establish cordial relationships with Cucumber Recruitment and its employees.
- The use of any recognised fast-track process that is available to everyone on payment of a fast-track fee.
- The offer of resources to assist the person or body to make any necessary decision more efficiently provided that they are supplied for that purpose and that purpose only.

5.4 The Cucumber Recruitment *Code of Conduct and Professional Boundaries* policy and the *Whistleblowing* policy provide details as to the actions individuals should take when they suspect or perceive that fraudulent or corrupt acts are being perpetrated by individuals or organisations.

- 5.5 Alternatively, anyone connected with Cucumber Recruitment may contact (in confidence) the Internal Audit Team within Cucumber Recruitment whose responsibility it is to manage and report any incidents of corruption, bribery and/or anti-competitive practices to the appropriate authorities.
- 5.6 Anyone suspecting such practices to be occurring is required to contact the Internal Audit Team directly at Cucumber Recruitment, 175 Broadway, Urmston M41 7NW
Tel: 0161 509 6097
Email: info@cucumber-recruitment.com
- 5.7 Please note that this policy does not supersede other company policies, and therefore:
- Where the matter constitutes allegations of bullying, harassment or discrimination, it should be taken up in accordance with this policy and the Organisation's *Bullying at Work* and/or *Harassment at Work* policies.
 - Where an employee or the organisation has reasonable grounds to believe there is a significant threat to personal property, such as violent, abusive or intimidating behaviour or harassment, then the disciplinary process and suspension under that process may be appropriate
 - Where an employee raises a concern about wrongdoing under the organisation's *Whistleblowing* policy, this should be taken up in accordance with those policies.
- 5.8 Inevitably, decisions as to what is acceptable may not always be easy to determine. If anyone is in any doubt as to whether a potential act constitutes bribery or a corrupt practice, the matter should be referred to their line manager for review and determination.

6. RELATED POLICIES AND PROCEDURES

- 6.1 The following policies and procedures within Cucumber Recruitment have been developed to demonstrate to all those connected with Cucumber Recruitment that it will not tolerate any connected person or party entering into fraudulent or corrupt acts that would damage the organisation's reputation or financial standing:

Code of Conduct and Professional Boundaries

Whistleblowing

Disciplinary Policy

Grievance Procedure

7. GIFTS

Acceptable practices should be in line with the provisions below.

- 7.1 A gift is an item for which financial payment is not required and is usually given by or to customers as a token of appreciation or as a means of expressing normal courtesies.

7.2 It is not Cucumber Recruitment's policy to give gifts, other than in situations where this would be accepted as an appropriate thing to do, e.g. sending flowers to a bereaved family. Any gifts you propose to offer must be approved in advance of the offer, and recorded.

7.3 Employees must not accept any gift offered to them (or offered for the benefit of someone connected to them, including their spouse/partner, close relative or friend). No gift can be accepted where conditions, whether express or implied, are attached or where you think acceptance may conflict with a duty to customers or to the organisation. For further guidance on the acceptance/refusal of gifts, staff are advised to refer to the *Code of Conduct and Professional Boundaries* policy. The only exceptions to this fall within charitable donations made to Cucumber Recruitment, covered in section 13.1 of this policy.

8. HOSPITALITY

8.1 Hospitality is an event or activity, whether hosted and paid for by Cucumber Recruitment or by an external individual or company, and includes such items as sporting events, evening dinners or activity-based days.

8.2 The organisation does not accept hospitality in any form. Should any be offered, staff should politely decline. There may be situations where an employee might participate in a service-user focussed activity, for the service user's benefit, which may resemble hospitality or a conflict of interest.

9 DONATIONS & SPONSORSHIP

9.1 Cucumber Recruitment does not make corporate charitable donations to any other charity or good cause. However, we actively encourage our employees and service users to participate in fundraising and events for other charities, donating any proceeds of these in accordance with the charities' wishes. Cucumber Recruitment may be asked by customers or other external parties to sponsor or support publications or events. All such requests must be agreed in advance. If this involves a significant commitment of time or other resources, this must be approved by the Board of Trustees.

10 RECORD KEEPING AND REGISTERING GIFTS & HOSPITALITY

10.1 For ease of reference, all donations made to Cucumber Recruitment must always be recorded on the Donations Register held by the Internal Audit team.

10.2 The following must always be recorded on the Gifts & Hospitality register:

- All individual gifts, whether offered or accepted.
- Any hospitality.

10.3 It is always best to record items for the sake of transparency. Appendix 1 is the form to be completed to make an entry into the Gifts & Hospitalities Register.

10.4 You must ensure all expenses claims relating to this policy or expenses incurred to third parties are submitted in accordance with company policies and specifically record the reason for the expenditure.

11. UNACCEPTABLE PRACTICES

Practices that are never acceptable are those related to inducements, money and the soliciting of gifts, hospitality or inducements, as described below:

11.1 Inducements.

It is never acceptable to offer, give or accept any service, benefit, gift or offer of hospitality to or from any third party (or internal colleague) as an inducement to influence a person's business judgment in the giver's favour where the offer of that inducement may cause a conflict with the duty of care the organisation owes to its service users. In certain circumstances these could be viewed as "bribes", which the line manager will report. An example of an inappropriate inducement might include a supplier or potential supplier offering gifts in exchange for supporting their contract, or hospitality from a potential customer wishing to gain advantageous terms on their business with the organisation.

If staff are in any doubt as to whether the offering or acceptance of business courtesies could be construed as an inducement, they must discuss the matter with their line manager before taking any action.

For examples of potential inducements see Appendix 2.

11.2 Money.

You must never accept or offer money (in any form e.g. cash, cheques or vouchers) as a gift. If such an offer is made, you must inform your line manager immediately, who will discuss any concerns with the Internal Audit Team. If the offer of money could be construed as an attempt to "bribe", line managers will report the matter to the Internal Audit team immediately.

11.3 Soliciting Gifts, Hospitality & Inducements.

"Soliciting" in this context is to request or attempt to prompt a company or person to offer a gift, hospitality or other inappropriate inducement. Such requests, whether direct or indirect, may imply that the person or company could benefit from such actions. Under this policy, in no circumstances is it ever acceptable for employees to solicit gifts, hospitality or inducements.

12. ROLES & RESPONSIBILITIES

12.1 Individuals must ensure that they read, understand and comply with this policy.

- Managers are responsible for ensuring that employees are aware of these guidelines, how to access them and for ensuring that practices are operated in accordance with this policy. When authorising expenses claims relating to gifts and/or hospitality, the manager is responsible for first checking that the item(s) have been forwarded to the Internal Audit Team and recorded on the Gifts & Hospitality register where required by this policy.
- The Executive Team have day-to-day responsibility for monitoring the organisation's compliance with the policy.
- The Executive Team has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it. Senior Managers of the organisation are responsible for creating an anti-corruption culture which demonstrates zero-tolerance to bribery.

- The Executive Team has overall responsibility for implementing this policy and for monitoring its use and effectiveness. Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this policy and are given adequate training.
- The Internal Audit Team should proactively review this policy and should make all information available to external auditors on an annual basis, or as requested.
- The prevention, detection and reporting of bribery and other forms of corruption is the responsibility of all employees. All employees are required to avoid any activity that might lead to, or suggest, a breach of this policy.
- Individuals are responsible for notifying their line manager as soon as possible where they believe or suspect that a conflict with this policy has occurred or may occur in the future.

12.2 Any employee found to be in breach of this policy, or other anti-corruption related policies will face disciplinary action, which could result in dismissal for gross misconduct.

13 RELATED MATTERS

13.1 Charitable donations to Cucumber Recruitment.

Cucumber Recruitment can accept charitable donations of money, goods or services which service users, their families or any other third party wish to make. Should a gift be offered to an individual or team, however, this should be declined but agreement can be made to turn this offer into a donation to Cucumber Recruitment.

Any donations should be monitored by the Internal Audit Team. Should there be any special conditions or requests regarding the use of these donations, Cucumber Recruitment will respect and comply with these requests where this is practicable, so long as this does not compromise our ability to comply with anti-bribery and corruption legislation or company policy.

13.2 Breaches of Policy. Any breach of this policy will be investigated and, if substantiated, managed within Cucumber Recruitment's disciplinary procedure. The penalty for a breach amounting to gross misconduct is summary dismissal; i.e. dismissal without notice or pay in lieu of notice.

Breaches which may amount to a criminal offence may be referred to the police in addition to any internal disciplinary process. Additionally, Cucumber Recruitment may seek to recover any financial losses to the business arising from an employee's unlawful action.

13.3 Reporting and Protection. It is important that you tell your line manager or make a report through the whistleblowing procedure as soon as possible if you are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity.

Cucumber Recruitment encourages openness and will support anyone who raises concerns in good faith under this policy, even if they turn out to be mistaken. Cucumber Recruitment is committed to ensuring no-one suffers any detrimental treatment as a result of refusing to take part in 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. If you believe that you have suffered any such treatment, you should inform your line manager. If the matter is not remedied, and you are an employee, you should raise it formally using our grievance procedure.

13.4 Training and Communication. Anti-corruption and bribery training on this policy forms part of the regulatory employee training and will be included as part of the induction programme for all new workers. Periodic training will be offered to all staff on an ongoing basis.

Cucumber Recruitment's zero-tolerance approach to bribery and corruption will be communicated to all suppliers, contractors and business partners at the outset of our business relationship with them and as appropriate thereafter.

13.5 Monitoring and Review. The policy will be reviewed annually and submitted to the Executive for approval and then to the Trustee Board for noting to ensure senior level awareness and commitment. The HR Manager will monitor the effectiveness and review the implementation of this policy regularly considering its suitability, adequacy and effectiveness and make recommendations accordingly.

Any improvements identified will be made as soon as possible. Any emerging issues, concerns or breaches will be reported immediately by the HR Manager to the HR Director and the Executive Team. Internal control systems and procedures will be subject to regular audits, by the Internal Audit Team, to provide assurance that they are effective in countering bribery and corruption.

Senior management will also be responsible for coordinating an annual risk review, with the support of the Internal Audit and Quality teams, to ensure that the policies and procedures that are in place to prevent bribery and corruption remain relevant and appropriate for the risks the organisation faces.

All employees are responsible for the success of this policy and should ensure they use it to disclose and prevent any actual or suspected wrongdoing.

APPENDIX 1

GIFTS & HOSPITALITY REGISTER

SUBMISSION FORM

GIFTS & HOSPITALITY REGISTER SUBMISSION FORM	
Date:	
Name:	
Position:	
Service:	
Please choose one of the below:	
Gift/hospitality received	
Gift/hospitality provided	
Gift/hospitality offered but declined	
Gift/hospitality accepted and donated to charity	
Event or Gift Description:	
Invitation/Gift is from / to:	
Name:	
Company:	
Address:	
Relationship to Cucumber	
Recruitment:	
Supplier	
Prospective Supplier	
Customer	
Prospective Customer	
Charity	
Other, please give details	
Reason for acceptance or offer of gift/hospitality: (Any conflicts of interest, such as the event holder is a supplier who's contract is due for renewal, must be disclosed. If you have declined the event or gift, please ignore)	
If possible, estimate the cost of gift or event and detail who will incur these costs:	
Gift Value:	
Transport:	
Accommodation:	
Food & Drink:	
Other (such as tickets to an event)	
Total Paid:	
Date Paid:	
Approved by Line Manager	
Name:	
Position:	
Date:	

Anti-Bribery