

# **Bribery Act 2010**

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## **Anti-corruption and Bribery Policy**

### **The British Orthodontic Society ("BOS")**

15 January 2014

# 1 Introduction

- 1.1 It is our policy to conduct all of our business in an honest and ethical manner. We take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate and implementing and enforcing effective systems to counter bribery.
- 1.2 We will uphold all laws relevant to countering bribery and corruption. We are bound by the laws of the UK, including the Bribery Act 2010, (the **Act**).
- 1.3 The purpose of this policy is to:
  - 1.3.1 set out our responsibilities, and of those working for, and associated with, us in observing and upholding our position on bribery and corruption.
  - 1.3.2 provide information and guidance to those working for, and associated with, us on how to recognise and deal with bribery and corruption issues.
- 1.4 Bribery and corruption are punishable for individuals by up to ten years' imprisonment and if we are found to have taken part in corruption we could face an unlimited fine and face damage to our reputation. We therefore take our legal responsibilities very seriously.
- 1.5 In this policy, **Third Party** means any individual or organisation you come into contact with during the course of your work for us, 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.
- 1.6 This policy applies to all individuals working at all levels and grades, including senior managers, officers, directors, employees (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, home workers, casual workers and agency staff, volunteers, interns, agents, sponsors, or any other person associated with us, or any of our subsidiaries or their employees, wherever located (collectively referred to as **Workers** in this policy).
- 1.7 In this policy, **Treasurer** means the current treasurer of BOS from time to time.
- 1.8 In this policy, the **Board** means the current board of directors (from time to time) of The British Orthodontic Society (registered company number 03695486).
- 1.9 In this policy, the **Trustee** means a current appointed trustee of the charity known as The British Orthodontic Society (registered charity number 1073464).
- 1.10 A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.

**Example: Offering a bribe**

You offer a potential client tickets to a major sporting event, but only if they agree to do business with us.

This would be an offence as you are making the offer to gain a commercial and contractual advantage. We 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 your offer.

**Example: Receiving a bribe**

A supplier gives your nephew a job, but makes it clear that in return they expect you to use your influence in our organisation to ensure we continue to do business with them.

It is an offence for a supplier to make such an offer. It would be an offence for you to accept the offer as you would be doing so to gain a personal advantage.

**Example: Bribing a foreign official**

You arrange for BOS to pay an additional payment to a foreign official to speed up an administrative process such as clearing our goods through customs.

The offence of bribing a foreign public official has been committed as soon as the offer is made. This is because it is made to gain a business advantage for us. We may also be found to have committed an offence.

## 2 Gifts and hospitality

- 2.1 This policy does not prohibit normal and appropriate hospitality (given and received) to or from Third Parties.
- 2.2 You are prohibited from accepting a gift from or giving a gift to a Third Party if the following requirements are met:
- 2.2.1 it is made with the intention of influencing a Third Party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
  - 2.2.2 it contravenes local law;
  - 2.2.3 it is given in your name, not in ours;
  - 2.2.4 it includes cash or a cash equivalent (such as gift certificates or vouchers);
  - 2.2.5 taking into account the reason for the gift, it is of an inappropriate type and value and given at an inappropriate time;
  - 2.2.6 it is given secretly; and/or
  - 2.2.7 the gift has been offered to, or accepted from, government officials or representatives, or politicians or political parties.

2.3 The practice of giving business gifts varies between countries and regions and what may be normal and acceptable in one region may not be in another. The intention behind the gift should always be considered.

## 2.4 **What is not acceptable?**

2.4.1 It is not acceptable for you (or someone on your behalf) to:

- (a) 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;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy;
- (f) engage in any activity that might lead to a breach of this policy.

## 2.5 **Facilitation payments and kickbacks**

2.5.1 We 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. They are not commonly paid in the UK, but are common in some other jurisdictions.

2.5.2 If you are asked to make a payment on our behalf, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment. If you have any suspicions, concerns or queries regarding a payment, you should raise these with the Treasurer, a Trustee or a member of the Board.

2.5.3 Kickbacks are typically payments made in return for a business favour or advantage. All employees and those associated with BOS must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by us.

## 2.6 **Reporting**

2.6.1 You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with the current Treasurer to the BOS.

2.6.2 If you encounter any of the following situations while working for us, you must report them promptly to the Treasurer, a Trustee or a member of the Board:

- (a) you become aware that a Third Party engages in, or has been accused of engaging in, improper business practices;

- (b) you learn that a Third Party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a "special relationship" with foreign government officials;
- (c) a Third Party insists on receiving a commission or fee payment before committing to sign up to a contract or agreement with us, or carrying out a government function or process for us;
- (d) a Third Party requests payment in cash and / or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made;
- (e) a Third Party requests that payment is made to a country or geographic location different from where the Third Party resides or conducts business;
- (f) a Third Party requests an unexpected additional fee or commission to "facilitate" a service;
- (g) a Third Party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
- (h) a Third Party requests that a payment is made to "overlook" potential legal violations;
- (i) a Third Party requests that you provide employment or some other advantage to a friend or relative;
- (j) you receive an invoice from a Third Party that appears to be non-standard or customised;
- (k) a Third Party insists on the use of side letters or refuses to put terms agreed in writing;
- (l) you notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
- (m) a Third Party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to us;
- (n) you are offered an unusually generous gift or offered lavish hospitality by a Third Party;

2.6.3 It is important that you tell the Treasurer, a Trustee or a member of the Board 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.

2.6.4 You must ensure that you read, understand and comply with this policy.

2.6.5 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for us or under our control. All Workers are required to avoid any activity that might lead to, or suggest, a breach of this policy.

2.6.6 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. We reserve our right to terminate our contractual relationship with other Workers if they breach this policy.

## 2.7 **Records**

- 2.7.1 We must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to Third Parties.
- 2.7.2 You must declare and keep a written record of all hospitality or gifts accepted or offered, which will be subject to managerial review.
- 2.7.3 You must ensure all expenses claims relating to hospitality, gifts or expenses incurred to Third Parties are submitted with a specific reason for the expenditure.
- 2.7.4 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.
- 2.7.5 We are 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.
- 2.7.6 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 the compliance manager immediately. If the matter is not remedied, and you are an employee, you should raise it formally using our grievance procedure.
- 2.7.7 Our zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and business partners at the outset of our business relationship with them and as appropriate thereafter. If in doubt as to whether this places an obligation on you, speak to the Treasurer, a Trustee or member of the Board immediately.