

Bribery Act 2010 Policy and Procedures

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Introduction

The Bribery Act 2010 (“the Act”) came into force on 1 July 2011. The Act makes it an offence to give or receive a bribe, to promise, offer, request or agree to receive a bribe, to bribe foreign public officials and fail to prevent a bribe being paid on an organisation’s behalf. A bribe is defined as giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly. It does not have to consist of a financial incentive and may take the form of any type of improper advantage, benefit or reward.

Policy

The policy of the Care Inspectorate is that it will not tolerate bribery. In order to encourage a culture of integrity where bribery is unacceptable, the Care Inspectorate has decided to put in place procedures for the prevention of bribery within its organisation. The procedures shall be reviewed by the Care Inspectorate on an annual basis or at such other regular interval as the Care Inspectorate shall deem appropriate taking account of the nature of the business it undertakes and how that may change from time to time.

In formulating these procedures, the Care Inspectorate has taken account of the view that currently, the organisation is at a low risk of bribery. The reasons for this are:-

- the nature of the sector in which it operates (i.e. scrutiny and improvement for care, social work and child protection)
- the fact that its business is conducted primarily in the UK
- there are already in place controls over organisational expenditure in the form of comprehensive purchasing, payment and procurement policies and procedures, including in particular lists of approved suppliers
- the organisation undertakes the majority of its own business rather than through the engagement of third parties or agents
- the organisation already has in place a fraud policy

- bearing in mind the fact that the government does not intend for the Act to prohibit reasonable and proportionate hospitality, the organisation already has in place guidance on the acceptance of gifts

Anti-bribery Procedures

The Care Inspectorate has adopted the following procedures:-

1. Employees and board members of the Care Inspectorate shall report any instance where they are promised, offered or requested to accept a bribe during the course of their employment with the Care Inspectorate. The report must be made as soon as practicable after the attempt to bribe has taken place.

The employee or board member may report the attempt to bribe to their line manager or to the Director of Resources. Any line manager advised of the attempt to bribe in the first instance must in turn promptly report it to the Director of Resources. The Director of Resources must consider the report and make recommendations to the Chief Executive as to what action, including the making of a report to the police if appropriate, is to be taken as a result.

2. Any employee or board member who knows or suspects that a colleague has either given or received a bribe in the course of their employment or has any concern, should report in full the information they hold to the Director of Resources. Where appropriate the procedures detailed in paragraph 8.3 of the Code of Conduct for Employees - Reporting Improper Behaviour ("Whistleblowing") - shall be followed thereafter.
3. In the event of the Care Inspectorate contemplating undertaking a piece of work with another agency or organisation it shall consider whether due diligence is necessary before commencing any such joint venture. That due diligence shall include inquiry into the existence and nature of the bribery policy and procedures of the other agency or organisation and the making of suitable contractual arrangements if necessary. Appropriate advice, including legal advice, should be sought where necessary.

Communication

The Care Inspectorate shall make all current employees and board members aware of its bribery policy and procedures by way of their publication on the organisation's intranet. New employees shall be advised of the organisation's bribery policy and procedures when accepting an offer of employment from the organisation. Training for employees regarding the Act and the organisation's policies and procedures may be provided from time to time in accordance with the organisation's existing employee development policies.

The Care Inspectorate shall also publish its bribery policy and procedures on its website in order that those with whom it does business (including those whom it regulates), are made aware of the organisation's position on bribery.