



Anti-Corruption and Bribery Policy 2020-21

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1. Policy Statement

The NMITE policy is to conduct all of its 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.

- 1.1 The purpose of this policy is to:
 - i. set out our responsibilities, and of those working for us, in observing and upholding our position on bribery, corruption and money laundering;
 - ii. provide information and guidance to those working for us on how to recognise and deal with bribery and corruption issues.
- 1.2 Bribery and corruption by law are punishable for individuals by up to ten years imprisonment, and if NMITE is 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.



- 1.3 The Money Laundering Regulations were updated in 2017 and full details can be found at:

<http://www.legislation.gov.uk/ukxi/2017/692/contents/made>

- 1.4 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, suppliers, referrers, business contacts, advisors, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

2. Who is covered by the Policy?

- 2.1 This policy applies to all individuals working at all levels and grades, including partners, directors, managers, employees, (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, home workers, casual workers and agency staff, volunteers, or any other person associated with us, or our service company or employees, wherever located (collectively referred to as **workers** in this policy).

3. What is bribery?

- 3.1 A bribe is an inducement or reward offered, promised, or provided in order to gain any commercial, contractual, regulatory, or personal advantage.

Examples:

– **Offering a bribe**

You offer a potential client tickets to a major sporting event, but only if they agree to award NMITE a new one year contract.

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.

– **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.

4. Gifts and Hospitality

- 4.1 This policy does not prohibit the giving and receiving of promotional gifts of low value or normal and appropriate hospitality (given and received) to or from third parties. Any gift must be passed onto the Company Secretary



of NMITE and all gifts and hospitality must be declared to the Company Secretary as set out in 8.2.

- 4.2 The giving or receipt of gifts is not prohibited, if the following requirements are met:
- i. it is not 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;
 - ii. it complies with local law (if another party is based in another country, you need to understand that laws of that country as they relate to the giving and receiving of bribes);
 - iii. it is given in our name, not in your name;
 - iv. it does not include cash or a cash equivalent (such as gift certificates or vouchers);
 - v. it is appropriate in the circumstances (e.g. small token gift at Christmas);
 - vi. taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time;
 - vii. it is given openly, not secretly;
 - viii. it is approved by the Chief Executive Officer (who shall consider all of the above) gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the Chief Executive Officer.

5. What is not acceptable?

- 5.1 It is not acceptable for you (or someone on your behalf) to:
- i. 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;
 - ii. 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;
 - iii. 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;
 - iv. 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;
 - v. (e)threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy;
- e. engage in any activity that might lead to a breach of this policy.



6. Donations

- 6.1 NMITE's policy on gift and donation acceptance is set out in the Gift Oversight Policy and associated procedures are provided in the Governance Handbook.
- 6.2 These policies state that NMITE will not accept gifts which would require NMITE to undertake any action in contravention to national or EC regulation or which would, in the opinion of the Board, create an unacceptable conflict of interest or exposes the NMITE to financial or legal liability. This includes bribery.
- 6.3 NMITE does not make contributions of any kind to political parties.

7. Your responsibilities

- 7.1 You must ensure that you read, understand, and comply with this policy.
- 7.2 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.
- 7.3 You must notify the Chief Executive Officer or Finance Director as soon as possible if you believe or suspect that a conflict with this policy has occurred or may occur in the future. For example, if a client or potential client offers you something to gain a business advantage with us or indicates to you that a gift or payment is required to secure their business. Further "red flags" that may indicate bribery or corruption are set out in the Schedule.
- 7.4 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.

8. Record Keeping

- 8.1 We must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.
- 8.2 You must declare to the Company Secretary who will keep a written record of all hospitality or gifts accepted or offered, which will be subject to Board review.
- 8.3 You must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with our expenses policy and specifically record the reason for the expenditure.
- 8.4 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.

9. How to raise a concern

- 9.1 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 your Head of Department, the Chief Executive Officer, or the Director of Finance.

10. What to do if you are a victim of bribery or corruption

- 10.1 It is important that you tell one of the individuals listed above 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.

11. Protection

- 11.1 Workers who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. We aim to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.
- 11.2 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. 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, which can be found on the Intranet.

12. Communication

- 12.1 Communication of this policy forms part of the induction process for all new workers. All existing workers will receive information on how to implement and adhere to this policy.
- 12.2 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.

13. Who is responsible for the policy?

- 13.1 The Chief Executive Officer has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it.



13.2 The Director of Finance has primary and day-to-day 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 and regular training on it.

14. Monitoring and review

14.1 The Director of Finance will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy, and effectiveness. Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption.

14.2 All workers are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.

14.3 Workers are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions, and queries should be addressed to the Director of Finance.

14.4 This policy does not form part of any employee's contract of employment and it may be amended at any time.

15. Schedule - Potential risk scenarios: "red flags"

The following is a list of possible red flags that may arise during the course of your working for us and which may raise concerns under various anti-bribery and anti-corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only.

- i. you become aware that a third party engages in, or has been accused of engaging in, improper business practices;
- ii. 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;
- iii. a third party insists on receiving a commission or fee payment before committing to sign up to a contract with us, or carrying out a government function or process for us;
- iv. 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;
- v. a third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business;
- vi. a third party requests an unexpected additional fee or commission to "facilitate" a service;



- vii. a third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
- viii. a third party requests that a payment is made to "overlook" potential legal violations;
- ix. a third party requests that you provide employment or some other advantage to a friend or relative;
- x. you receive an invoice from a third party that appears to be non-standard or customised;
- xi. a third party insists on the use of side letters or refuses to put terms agreed in writing;
- xii. you notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
- xiii. 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; and
- xiv. you are offered an unusually generous gift or offered lavish hospitality by a third party.