

## Policy Document

# Anti Bribery Policy

Rev 2, June 2024

### Our purpose

To create a **healthier, safer,** and more **beautiful** world.

### Our mission

To be the market leader and trusted partner for clients.

### Our values



## Anti Bribery Policy (including gifts and entertainments)

<b>Associated Group Policies:</b>	Whistleblowing Policy Expenses Policy Colleague Handbook	<b>IMS Reference:</b>	HR011
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## Glossary of Terms

Term / Acronym	Definition / Meaning
Nurture	Nurture Group including Nurture Landscapes Limited, Gavin Jones Limited, Gristwood & Toms Limited and Nurture Pest Services Limited.
ELT	Executive Leadership Team
Entertainment	Means forms of entertainment where the donor is present including evening dinner (but not breakfast or lunch). Entertainment also includes hospitality like spectator events such as cricket, hockey, opera, theatre and participatory events such as golf, fishing, shooting and other leisure activities where the donor is present (if the donor is not present at the activity it is deemed a Gift)
Gift	Means any item(s) intended to be used without the donor being present, and offered to a person or entity with whom Nurture has a current or potential business relationship. For example, free tickets to a concert where the donor is not present.
Gifts Register	A register held on <a href="#">The Hive</a> , which is used to record Gifts, Entertainment and Meals, offered or received, accepted or rejected.
Meals	The provision of food in a professional setting occurring during business meetings, client interactions, or other work-related events including breakfast and lunch (but not evening dinner). Evening dinner is classed as Entertainment.

## 1 Introduction

- 1.1 Bribery is a criminal offence. We do not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor do we or will we, accept bribes or improper bribes.
- 1.2 To use a third party as a conduit to channel bribes to others is a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery.
- 1.3 We are committed to the prevention, deterrence, and detection of bribery. We have zero tolerance towards bribery. We aim to maintain anti-bribery compliance "business as usual", rather than as a one-off exercise.

## 2 Purpose

- 2.1. This policy provides a clear and consistent framework to enable the organisation's colleagues to understand and implement actions to ensure compliance.
- 2.2. In conjunction with related policies and key documents it will also enable colleagues to identify and effectively report a potential breach.
- 2.3. We require all personnel, including those permanently employed, temporary agency colleagues and contractors:
  - act honestly and with integrity at all times and to safeguard the organisation's resources for which they are responsible.
  - comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the organisation operates, in respect of the lawful and responsible conduct of activities.

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### 3 Scope

- 3.1. This policy applies to all colleagues, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers, and interns.

### 4 Roles and Responsibilities

- 4.1. The CEO has overall responsibility for the effective operation of this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 4.2. The CLO has day-to-day operational responsibility for this policy, and you should refer any questions about this policy to them in the first instance. They must ensure that appropriate training is provided to all managers and other colleagues who may deal with concerns or investigations under this policy.
- 4.3. All colleagues are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

### 5 What is Bribery?

Bribery is an inducement or reward offered, promised, or provided to gain personal, commercial, regulatory, or contractual advantage.

#### 5.1. The Bribery Act

There are four key offences under the Act:

- bribery of another person
  - accepting a bribe
  - bribing a foreign official
  - failing to prevent bribery
- 5.2. The Bribery Act 2010 makes it an offence to offer, promise or give a bribe. It also makes it an offence to request, agree to receive, or accept a bribe. The Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.
  - 5.3. There is also a corporate offence of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation.
  - 5.4. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

### 6 Are we a “commercial organisation”?

- 6.1. The guidance states that a “commercial organisation” is anybody formed in the United Kingdom and “...it does not matter if it pursues primarily charitable or educational aims or purely public functions. It will be caught if it engages in commercial activities, irrespective of the purpose for which profits are made. We are a “commercial organisation”.

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## 7 What are “adequate procedures”?

- 7.1. Whether the procedures are adequate will ultimately be a matter for the courts to decide on a case-by-case basis. Adequate procedures need to be applied proportionately, based on the level of risk of bribery in the organisation.
- 7.2. It is for individual organisations to determine proportionate procedures in the recommended areas of six principals. These principles are not prescriptive. They are intended to be flexible, and outcome focussed, allowing for the different circumstances of organisations.
- 7.3. Small organisations will, for example, face different challenges to those faced by large multi-national enterprises. The detail of how organisations apply these principles will vary, but the outcome should always be robust and effective anti-bribery procedures.

### 7.4. Proportionate procedures

An organisation's procedures to prevent bribery by persons associated with it are proportionate to the bribery risks it faces and to the nature, scale, and complexity of the organisation's activities. They are also clear, practical, accessible, effectively implemented, and enforced.

### 7.5. Top level commitment

The top-level management (be it a board of directors, the owners, or any other equivalent body or person) are committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery is never acceptable.

### 7.6. Risk Assessment

The organisation assesses the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment is periodic, informed and documented. It includes financial risks but also other risks such as reputational damage.

### 7.7. Due Diligence

The organisation applies due diligence procedures, taking a proportionate and risk-based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, in order to mitigate identified bribery risks.

### 7.8. Communications (including training)

The organisation seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.

## 8 Penalties

- 8.1. An individual guilty of an offence under the Act is liable:
  - on conviction in a magistrate's court, to imprisonment for a maximum term of 12 months (six months in Northern Ireland), or to a fine not exceeding £5,000, or to both.
  - on conviction in a crown court, to imprisonment for a maximum term of ten years,
  - or to an unlimited fine, or both.
- 8.2. Organisations are liable for these fines and if guilty of an offence of failing to prevent bribery are liable for an unlimited fine.

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## 9 Bribery is not tolerated

Subject to the important caveats below, it is acceptable to give, promise to give, or offer a payment, Gift, Meal or Entertainment within the limits set out in clause 9.2 below.

It is unacceptable to:

- give, promise to give, or offer a payment, Gift, Meal or Entertainment with the expectation or hope that a business advantage will be received, or to reward a business advantage already given.
- give, promise to give, or offer a payment, Gift, Meal or Entertainment to a government official, agent, or representative to "facilitate" or expedite a routine procedure.
- 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.
- accept a Gift, Meal or Entertainment 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.
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy.
- engage in activity in breach of this policy.

### 9.1. Facilitation payments

Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials to secure or expedite actions.

### 9.2. Gifts and Entertainment

This policy makes it clear that no Gifts, Entertainment or Meals of significant value are to be offered or accepted. The table below provides limits which allow for low to moderate values only, to be accepted. If there is any doubt about whether Gifts, Entertainment or Meals might be of significant value and are not already covered by the table below then please speak to the CLO.

Any Gifts, Entertainment or Meals offered should be reported to the appropriate ELT member who will escalate to the CLO and then to the CEO if necessary. The CEO will have the final decision as to whether Gifts, Entertainment or Meals may be accepted. Any Gifts, Entertainment or Meals offered to the organisation should be logged in the organisation's Gifts Register (the form of which is shown in the Appendix and is available through The Hive), and approved by the appropriate ELT member and escalated to the CEO if necessary, before any offer or acceptance is made. Any instances of giving and receiving Gifts, Entertainment or Meals which are deemed suspicious, and which are reported as such, will be investigated fully by the relevant line manager in line with the whistleblowing process.

#### The general principles around offering or accepting gifts are: -

- The Gift or Entertainment should be of a moderate value. For example, up to a financial value of **£75** is acceptable. The value of moderate Gifts or Entertainment to an individual or group should not exceed £200 within a 12-month period.
- Meals may be given or received up to a value of £50. The value given or received by an individual within a 12-month period by a single donor should be no more than £200.
- Gifts, Entertainment or Meals should be offered or accepted only for an appropriate reason.
- Gifts, Entertainment or Meal should be offered or accepted only at an appropriate time (for example, the **timing should not coincide with any decision making**).
- The Gift, Entertainment or Meal should be a "one-off" or of an irregular nature.
- Following the acceptance of any Gifts or Entertainment, it is entirely at the appropriate ELT member's discretion how the Gift or Entertainment is used by the organisation and if there is any doubt then the CLO or the CEO should be consulted.

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You must obtain prior approval from the appropriate Chief Operating Officer (or from the CFO, CIO or CPO in the case of Finance, HR and IT functions) to dispense or accept Gifts, Entertainment, or Meals with a value greater than the table above. Where the Gifts, Entertainment, or Meals are of a value equivalent or less than the table above then permission is not required but all Gifts, Entertainment, and Meals offered but rejected, received, or given must be recorded in the Gifts Register. Any approvals must also be recorded in the Gifts Register.

### 9.3. **Public contracts and failure to prevent bribery**

Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. There are no plans to amend the 2006 Regulations for this to include the crime of failure to prevent bribery.

9.4. Organisations that are convicted of failing to prevent bribery are automatically barred from participating in tenders for public contracts. The organisation has the discretion to exclude organisations convicted of this offence.

### 9.5. **Colleague responsibilities**

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the organisation or under its control. All colleagues are required to avoid activity that breaches this policy.

9.6. You must:

- ensure that you read, understand, and comply with this policy
- raise concerns as soon as possible if you believe or suspect that a conflict with this policy has occurred or may occur in the future.

9.7. As well as the possibility of civil and criminal prosecution, colleagues that breach this policy will face disciplinary action, which could result in dismissal for gross misconduct.

## 10 Raising a concern

10.1. This organisation is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. We want every member of our colleagues to know how they can raise concerns.

10.2. We all have a responsibility to help detect, prevent, and report instances of bribery. If you have a concern regarding a suspected instance of bribery or corruption, please speak up – your information and assistance will help. The sooner you act, the sooner it can be resolved.

10.3. There are multiple channels to help you raise concerns. Please refer to the Whistleblowing policy and determine your favoured course of action. Preferably the disclosure will be made and resolved internally (e.g. to your head of department/online reporting/telephone hotline). Secondly, where internal disclosure proves inappropriate, concerns can be raised with the regulator (e.g. external auditor. See link to "BIS prescribed persons" at the end of this document). Raising concerns in these ways may be more likely to be considered reasonable than making disclosures publicly (e.g. to the media).

10.4. Concerns can be anonymous. If an incident of bribery, corruption, or wrongdoing is reported, we will act as soon as possible to evaluate the situation. We have clearly defined procedures for investigating fraud, misconduct, and non-compliance issues and these will be followed in any investigation of this kind. This is easier and quicker if concerns raised are not anonymous.

10.5. Colleagues who refuse to accept or offer a bribe, or those who raise concerns or report wrongdoing can understandably be worried about the repercussions. We aim to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.

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10.6. We are committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.

10.7. If you have any questions about these procedures, please contact a member of the HR team at Hr@Nurture-group.co.uk or the CLO.

## 11 Useful Links

11.1. [The Bribery Act 2010](#)

11.2. [Bribery Act final guidance](#)

## 12 Monitoring and Auditing

12.1. The CLO has the responsibility for ensuring this procedure is implemented accordingly and monitored appropriately.

## 13 Compliance

13.1. Adherence to this Policy is both an individual and a corporate responsibility. Wilful breach of this policy, or unauthorised departure from the Procedures derived from this Policy, may invoke the disciplinary procedure.

## 14 Review and Improvement

14.1. The CLO is responsible for reviewing this policy, and for making recommendations for improvement and presenting these to the CEO and ELT for further consideration.

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## Appendix

### Gifts and Entertainment Register - Items received by the organisation.

Date Offered	Donor of Gift or Entertainment or Meal	Details of the item offered	Estimated value of Gift or Entertainment or Meal	Reason given for offer	Decision made to accept/ decline offer	If accepted, what is the proposed use of the Gift or Entertainment or Meal

### Gifts and Entertainment Register - Items offered by the organisation.

Date Offered	Department / colleague making the offer	Details of who the item was offered to	Details of the item offered	Estimated value of the Gift or Entertainment or Meal	Decision made to accept/ decline offer	If accepted, what is the proposed use of the Gift or Entertainment or Meal

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