



London Ambulance Service **NHS**
NHS Trust

Anti Bribery Policy

DOCUMENT PROFILE and CONTROL.

Purpose of the document: This document sets out London Ambulance Service NHS Trust's policy and advice to employees in dealing with bribery or suspected bribery. This policy details the arrangements made in the Trust for such concerns to be raised by employees or members of the public

Sponsor Department: Finance

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1. INTRODUCTION

- 1.1 This document sets out London Ambulance Service NHS Trust's policy and advice to employees in dealing with bribery or suspected bribery. This policy details the arrangements made in the Trust for such concerns to be raised by employees or members of the public.
- 1.2 The Bribery Act 2010, effective from 1 July 2011 introduces a new, clearer regime for tackling bribery that will apply to all businesses based or operating in the UK. It covers all sorts of bribery, the offering and receiving of a bribe, directly or indirectly, whether or not it involves a public official, in the UK or abroad. There are offences by individuals (and a corporate offence for corporate and partnerships), and penalties for non-compliance are serious.
- 1.3 Bribery is a criminal offence for both individuals and commercial organisations and can be punished with imprisonment of up to 10 years or unlimited fines. If any employee was accused of bribery, London Ambulance Service NHS Trust's reputation might be damaged considerably, and subsequent enforcement action will be time-consuming and hinder London Ambulance Service NHS Trust from focusing on its core business and service delivery.
- 1.4 It therefore is the policy of London Ambulance Service NHS Trust to prohibit any form of bribery covered by the Bribery Act 2010. The policy applies to London Ambulance Service NHS Trust and all its employees, independent of their grade and position, and shall be respected at all times.
- 1.5 This document sets out the Trust's policy for dealing with detected or suspected bribery and corruption.
- 1.6 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust's Equal Opportunities Policy. Special attention should be paid to ensuring the policy is understood where there may be barriers to understanding caused by the individual's circumstances, where the individual's literacy or use of English is weak, or where the individual has little experience of working life.

2 SCOPE

- 2.1 This policy relates to all forms of bribery and is intended to provide direction and help to employees who may identify suspected bribery.
- 2.2 This policy applies to all employees of London Ambulance Service NHS Trust, regardless of position held, as well as consultants, vendors, contractors, and/or any other parties who have a business relationship with London Ambulance Service NHS Trust. It will be brought to the attention of all employees and form part of the induction process for new staff. It is incumbent on all of the above to report any concerns they may have concerning bribery.

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3 OBJECTIVES

The overall aims of this policy are to:

- improve the knowledge and understanding of everyone in the Trust, irrespective of their position, about the risk of bribery within the organisation and its unacceptability
- assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly
- set out the Trust's responsibilities in terms of the deterrence, prevention, detection and investigation of bribery and corruption
- ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following:
 - criminal prosecution
 - civil prosecution
 - internal/external disciplinary action (including professional/regulatory bodies)

4. ROLES & RESPONSIBILITIES

4.1 THE BOARD

- 4.1.1 The Board has a duty to ensure that it provides a secure environment in which to work, and one where people are confident to raise concerns without worrying that it will reflect badly on them. This extends to ensuring that staff feel protected when carrying out their official duties and are not placed in a vulnerable position. If staff have concerns about any procedures or processes that they are asked to be involved in, the Trust has a duty to ensure that those concerns are listened to and addressed.
- 4.1.2 The Board and/or the Senior Compliance Officer will be liable to be called to account for failing to prevent bribery. London Ambulance Service NHS Trust therefore has a duty to ensure employees receive adequate training and support in order to carry out their responsibilities. Therefore, the Chief Executive and Director of Finance will monitor and ensure compliance with this policy.

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4.2 EMPLOYEES

- 4.2.1 For the purposes of this policy, 'Employees' include the Trust staff, Board, Executive and Non-Executive Members (including Co-Opted Members) and Honorary Members to the Board. It is expected that
- 4.2.2 Non-Executive Directors and staff at all levels will lead by example in acting with the utmost integrity and ensuring adherence to all relevant regulations, policies and procedures.
- 4.2.3 Employees must act in accordance with the Trust's Standards of Business Conduct, Gifts and Hospitality and Declaration of interest policies which include guidance on the receipt of gifts or hospitality.
- 4.2.4 Employees who are involved in receiving offers of sponsorship, funding or gifts from outside agencies also should comply with their own professional codes of practice. Professional staff must also make themselves aware of their own professional body codes of conduct e.g. Nursing and Midwifery Council, General Medical Council, professional, legal, accounting and other bodies.

4.3 MANAGERS

- 4.3.1 Line managers at all levels have a responsibility to ensure that an adequate system of internal control exists within their areas of responsibility and that controls operate effectively. The responsibility for the prevention and detection of bribery therefore primarily rests with managers but requires the co-operation of all employees.
- 4.3.2 As part of that responsibility, line managers need to:
- Inform staff of London Ambulance Service NHS Trust's code of business conduct, gifts and hospitality, declaration of interest and counter fraud and anti bribery policies as part of their induction process, paying particular attention to the need for accurate completion of personal records and forms
 - ensure that all employees for whom they are accountable are made aware of the requirements of the policy
 - assess the types of risk involved in the operations for which they are responsible
 - ensure that adequate control measures are put in place to minimise the risks. This must include clear roles and responsibilities, supervisory checks, staff rotation (particularly in key posts), separation of duties

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wherever possible so that control of a key function is not invested in one individual, and regular reviews, reconciliations and test checks to ensure that control measures continue to operate effectively

- be aware of London Ambulance Service NHS Trust's anti bribery policy
- identify sensitive/at-risk posts
- ensure that controls are being complied with
- contribute to their Director's assessment of the risks and controls within their business area, which feeds into London Ambulance Service NHS Trust's and the Department of Health Accounting Officer's overall statements of accountability and internal control.

4.3.3 All instances of actual or suspected bribery, which come to the attention of a manager, must be reported immediately. It is appreciated that some employees will initially raise concerns with their manager, however, in such cases managers must not attempt to investigate the allegation themselves, and they have the clear responsibility to refer the concerns to the Senior Compliance Office and/or the Local Counter Fraud Specialist as soon as possible.

4.4 LOCAL COUNTER FRAUD SPECIALIST

4.4.1 The Directions to NHS Bodies on Counter Fraud Measures 2004 require London Ambulance Service NHS Trust to appoint and nominate an LCFS. The LCFS's role is to ensure that all cases of actual or suspected bribery and corruption are notified to the Director of Finance and reported accordingly.

4.4.2 The LCFS will regularly report to the Director of Finance on the progress of the investigation and when/if referral to the police is required.

4.4.3 The LCFS and the Director of Finance, in conjunction with the NHS Protect, will decide who will conduct the investigation and when/if referral to the police is required. Cases, where possible bribery/corruption is involved will usually be investigated by NHS Protect themselves (though the LCFS may assist); otherwise the investigation will normally be undertaken by the Trust's own LCFS directly.

4.4.4 The LCFS will:

- Ensure that the Director of Finance is kept apprised of all referrals/cases.

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- Investigate all cases of bribery, as per 7.4.3 above.
- In consultation with the Director of Finance and NHS Protect, will report any case to the Police as agreed.
- Report any case and the outcome of the investigation to NHS Protect and Director of Finance, and provide required reports to NHS Protect.
- Ensure that other relevant parties are informed where necessary e.g. Human Resources will be informed where an employee is a suspect.
- Ensure that the Trust incident and losses reporting systems are followed.
- Ensure that any system weaknesses identified as part of the investigation are followed up with management or Internal Audit.

4.4.5 The LCFS in consultation with the Director of Finance will review the strategic objectives contained within the assurance framework to determine any potential bribery risks. Where risks are identified these will be included on the Trust's risk register so the risk can be proactively addressed.

4.5 SENIOR COMPLIANCE OFFICER

4.5.1 London Ambulance Service NHS Trust has appointed the Senior Compliance Officer who will be responsible for implementing the Anti Bribery Policy and these guidelines, providing guidance and training, monitoring compliance and sanctioning violation of the policy. The Senior Compliance Officer will review annually the suitability, adequacy and effectiveness of London Ambulance Service NHS Trust's anti bribery arrangements and implements improvements as and when appropriate. The Trust has nominated the Director of Finance, Michael Dinan as the Senior Compliance Officer.

4.5.2 The Senior Compliance Officer reports directly to the Chief Executive. Once a year, the Senior Compliance Officer reports the results of the reviews to the Board.

4.5.3 Any incident or suspicion that comes to attention of the Senior Compliance Officer will be passed immediately to the LCFS.

4.6 DIRECTOR OF FINANCE

4.6.1 The Director of Finance, in conjunction with the Chief Executive, monitors and ensures compliance with Secretary of State Directions regarding fraud and corruption or Clause 43 and Schedule 13 of the Standard NHS Contract for Acute Services.

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- 4.6.2 The Director of Finance, in consultation with NHS Protect and the LCFS, will decide whether there is sufficient cause to conduct an investigation, and whether the Police and External Audit need to be informed.
- 4.6.3 The Director of Finance or the LCFS will consult and take advice from the Director of Human Resources and Organisation Development or a designated member of the senior HR team if a member of staff is to be interviewed or disciplined. The Director of Finance or LCFS will not conduct a disciplinary investigation, but the employee may be the subject of a separate investigation by HR.
- 4.6.4 The Director of Finance will, depending on the outcome of investigations (whether on an interim/ongoing or a concluding basis) and/or the potential significance of suspicions that have been raised, inform the Chair of the Trust and the Chair of the Audit Committee of cases, as may be deemed appropriate or necessary.

4.7 INTERNAL AND EXTERNAL AUDIT

- 4.7.1 Any incident or suspicion that comes to Internal or External Audit’s attention will be passed immediately to the LCFS.

4.8 HUMAN RESOURCES

- 4.8.1 The Human Resources Directorate will liaise closely with Managers and the LCFS, from the outset, where an employee is suspected of being involved in bribery or corruption in accordance with agreed liaison protocols. The Director of Human Resources is responsible for ensuring the appropriate use of the Trust’s Disciplinary Procedure. The Human Resources Department shall advise those involved in the investigation in matters of employment law and in other procedural matters, such as disciplinary and complaints procedures. Close liaison between the LCFS and HR will be essential to ensure that any parallel sanctions (i.e. criminal and disciplinary) are applied effectively and in a coordinated manner.
- 4.8.2 HR will make all necessary pre-employment recruitment checks in line with NHS Employers’ best practice and legal requirements, including checking of employment history by taking up references, verifying identity and authority to work, checking all qualifications, and undertaking CRB where these are required for the designated staff groups.. In this regard, temporary and fixed term contract employees are treated in the same manner as permanent employees.
- 4.8.3 Human Resources will ensure that applicants are vetted before they are employed to ascertain, as far as is reasonable, that they are the type of

person who is likely to comply with London Ambulance Service NHS Trust's Anti Bribery Policy.

- 4.8.4 New joiners will be bound by a contractual obligation in the employment contracts not to engage in bribery as defined in the Anti Bribery Policy.

4.9 INFORMATION MANAGEMENT & TECHNOLOGY

- 4.9.1 The Head of Information Security (or equivalent) will contact the LCFS immediately in all cases where there is suspicion that IT is being used for bribery purposes. This includes inappropriate internet/intranet, e-mail, telephones and PDA's. Human Resources will be informed if there is a suspicion that an employee is involved.

4.10 PROCUREMENT

- 4.10.1 Procurement practices will be conducted in a fair and transparent manner and not deal with contractors or suppliers known or reasonably suspected to be paying bribes. Before engaging contractors and suppliers, London Ambulance Service NHS Trust will undertake properly documented due diligence. Unless prospective contractors and suppliers have effective anti bribery programmes in place, London Ambulance Service NHS Trust will contractually require them to comply with the Anti Bribery Policy. Agreements with contractors and suppliers shall, at all times, provide for the necessary contractual mechanisms to enforce compliance with the anti bribery arrangements. London Ambulance Service NHS Trust will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement.

5. DEFINITIONS

- 5.1 Definitions for bribery and corruption vary. Some common definitions are:

Bribery - "Inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages". Appendix A is a summary of the Bribery Act 2010.

Corruption - This can be broadly defined as the offering or acceptance of inducements, gifts, favours, payment or benefit-in-kind which may influence the action of any person. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

It is a common law offence of corruption to bribe the holder of a public office and it is similarly an offence for the office holder to accept a bribe.

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5.2 The Trust has procedures in place that reduce the likelihood of bribery occurring. These include Standing Orders, Standing Financial Instructions, documented procedures, a system of internal control (including Internal and External Audit) and a system of risk assessment. In addition, the Trust seeks to ensure that a comprehensive anti bribery culture exists throughout the Trust via the appointment of a dedicated Senior Compliance Officer and Local Counter Fraud Specialist.

6. PUBLIC SERVICE VALUES

6.1 High standards of corporate and personal conduct, based on the recognition that patients come first, have been a requirement throughout the NHS since its inception. The three fundamental public service values are:

- Accountability* Everything done by those who work in the Trust must be able to stand the tests of parliamentary scrutiny, public judgments on propriety and professional codes of conduct.
- Probity* Absolute honesty and integrity should be exercised in dealing with NHS patients, assets, employees, suppliers and customers.
- Openness* The Trust's actions should be sufficiently public and transparent to promote confidence between the Trust and its patients, our employees and the public.

In addition, all those who work for or are in contract with the Trust should exercise the following when undertaking their duties:

- Selflessness* ...should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends
- Integrity* ...should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties
- Objectivity* ... should, in carrying out public business, (including making public appointments , awarding contracts, or recommending individuals for rewards and benefits), make choices on merit
- Accountability* ...are accountable for their decisions and actions to the public and must submit themselves to whatever

scrutiny is appropriate to their office

Openness ...should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest demands

Honesty ...have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest

Leadership ...should promote and support these principles by leadership and example

7. POLICY

7.1 All employees have a personal responsibility to protect London Ambulance Service NHS Trust from bribery or corruption.

7.2 London Ambulance Service NHS Trust is absolutely committed to maintaining an honest, open and well-intentioned atmosphere within the Trust, so as to best fulfil the objectives of the Trust and of the NHS. It is, therefore, also committed to the elimination of bribery within the Trust, to the rigorous investigation of any such allegations and to taking appropriate action against wrong doers, including possible criminal prosecution.

7.3 Off-the-book accounts and false or deceptive booking entries are strictly prohibited. All gifts, payments or any other contribution made under the Anti Bribery Policy and these guidelines, whether in cash or in kind, shall be documented, regularly reviewed, and properly accounted for on the books of London Ambulance Service NHS Trust. Record retention and archival policy must be consistent with London Ambulance Service NHS Trust's accounting standards, tax and other applicable laws and regulations.

London Ambulance Service NHS Trust procures goods and services ethically and transparently with the quality, price and value for money determining the successful supplier/contractor, not by receiving (or offering) improper benefits. The Trust will not engage in any form of bribery, neither in the UK nor abroad. The Trust and all employees, independent of their grade and position, shall at all times comply with the Bribery Act 2010 and with this policy.

7.4 London Ambulance Service NHS Trust employees will not request or receive a bribe from anybody, nor imply that such an act might be considered. This means that you will not agree to receive or accept a financial or other advantage from a former, current or future client, business partner, contractor

or supplier or any other person as an incentive or reward to perform improperly your function or activities.

7.5 Bribing anybody is absolutely prohibited. London Ambulance Service NHS Trust employees will not pay a bribe to anybody. This means that you will not offer, promise, reward in any way or give a financial or other advantage to any person in order to induce that person to perform his/her function or activities improperly. It does not matter whether the other person is a UK or foreign public official, political candidate, party official, private individual, private or public sector employee or any other person (including creating the appearance of an effort to improperly influence another person).

7.6 London Ambulance Service NHS Trust may, in certain circumstances, be held responsible for acts of bribery committed by intermediaries acting on its behalf such as subsidiaries, clients, business partners, contractors, suppliers, agents, advisors, consultants or other third parties. The use of intermediaries for the purpose of committing acts of bribery is prohibited.

All intermediaries shall be selected with care, and all agreements with intermediaries shall be concluded under terms that are in line with this policy. London Ambulance Service NHS Trust will contractually require its agents and other intermediaries to comply with the Anti Bribery Policy and to keep proper books and records available for inspection by London Ambulance Service NHS Trust, auditors or investigating authorities. Agreements with agents and other intermediaries shall at all times provide for the necessary contractual mechanisms to enforce compliance with the anti bribery regime. London Ambulance Service NHS Trust will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement even if this may result in a loss of business.

7.7 All employees should be aware that bribery will normally, dependant upon the circumstances of the case, be regarded as gross misconduct thus warranting summary dismissal without previous warnings. However, no such action will be taken before a proper investigation and a disciplinary hearing have taken place. Such actions may be in addition to the possibility of criminal prosecution.

7.8 FACILITATION PAYMENTS

7.8.1 Facilitation payments are small payments made to secure or expedite the performance of a routine action by a government official or agency (e.g. issuing licenses or permits, installation of a telephone line, processing goods through customs, etc.) to which the payer (or the company) has legal or other entitlement.

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7.8.2 Facilitation payments are prohibited under the Bribery Act like any other form of bribe. They shall not be given by London Ambulance Service NHS Trust or London Ambulance Service NHS Trust employees in the UK or any other country.

7.9 GIFTS AND HOSPITALITY

7.9.1 Courtesy gifts and hospitality must not be given or received in return for services provided or to obtain or retain business but shall be handled openly and unconditionally as a gesture of esteem and goodwill only. Gifts and hospitality shall always be of symbolic value, appropriate and proportionate in the circumstances, and consistent with local customs and practices. They shall not be made in cash. Please refer to the Trust's Gifts and Hospitality policy and register for more guidance.

7.10 POLITICAL & CHARITABLE CONTRIBUTIONS

7.10.1 London Ambulance Service NHS Trust does not make any contributions to politicians, political parties or election campaigns.

7.10.2 As a responsible member of society, London Ambulance Service NHS Trust may make charitable donations. However, these payments shall not be provided to any organisation upon suggestion of any person of the public or private sector in order to induce that person to perform improperly the function or activities which he or she is expected to perform in good faith, impartially or in a position of trust or to reward that person for the improper performance of such function or activities.

7.10.3 Any donations and contributions must be ethical and transparent. The recipient's identity and planned use of the donation must be clear, and the reason and purpose for the donation must be justifiable and documented. All charitable donations will be publicly disclosed.

7.10.4 Donations to individuals and for-profit organisations and donations paid to private accounts are incompatible with London Ambulance Service NHS Trust's ethical standards and are prohibited.

7.11 SPONSORING

7.11.1 Sponsoring means any contribution in money or in kind by London Ambulance Service NHS Trust towards an event organised by a third party in return for the opportunity raise London Ambulance Service NHS Trust's profile. All sponsoring contributions must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the consideration offered by the event host. They may not be made towards

events organised by individuals or organisations that have goals incompatible with London Ambulance Service NHS Trust's ethical standards or that would damage London Ambulance Service NHS Trust's reputation. All sponsorships will be publicly disclosed.

7.11.2 Where commercial sponsorship is used to fund Trust training events, training materials and general meetings, the sponsorship must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the occasion. Where meetings are sponsored by external sources, that fact must be disclosed in the papers relating to the meeting and in any published minutes/proceedings.

7.11.3 Where sponsorship links to the development of guidelines and advice, this should be carried out in consultation with the Senior Compliance Officer in conjunction with the appropriate Trust working group independent of the sponsors. While it is recognised that consultation with the industry may be necessary when developing a guideline, the overall decision on what is included should lie with the Trust working group.

8. RAISING CONCERNS

8.1 The Trust wishes to encourage anyone having reasonable suspicions of bribery to report them. The Trust's policy, which will be rigorously enforced, is that no individual will suffer any detrimental treatment as a result of reporting reasonably held suspicions. The Public Interest Disclosure Act 1998 came into force in July 1999 and gives statutory protection, within defined parameters, to staff who make disclosures about a range of subjects, including bribery and corruption, which they believe to be happening within the Trust employing them. Within this context, 'reasonably held' means suspicions other than those which are raised maliciously and are subsequently found to be groundless.

8.2 Any unfounded or malicious allegations will be subject to a full investigation and appropriate disciplinary action.

8.3 The Trust expects anyone having reasonable suspicions of bribery to report them to the Senior Compliance Officer and/or Local Counter Fraud Specialist who will then ensure that procedures are followed. Concerns can also be raised through the Trust's whistleblowing policy.

9. EXTERNAL COMMUNICATIONS

Individuals (be they employees, agency staff, locums, contractors or suppliers) must not communicate with any member of the press, media or another third party about a suspected act of bribery as this may seriously damage the investigation and any subsequent actions to be taken. Anyone

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who wishes to raise such issues should discuss the matter with either the Director of Finance or the Chief Executive.

10. ADDITIONAL INFORMATION

Any abuse or non compliance with this policy or procedures will be subject to a full investigation and appropriate disciplinary action.

11. RELATED POLICIES

- Gifts and hospitality policies
- Declaration of Interests policy
- Financial Regulations/Standing Financial Instructions
- Tendering and contracting policies and procedures
- Anti-fraud and corruption policy
- Whistleblowing policy
- Disciplinary policy
- Standards of Business Conduct
- Recruitment policy

IMPLEMENTATION PLAN	
Intended Audience	All LAS staff
Dissemination	Available on The Pulse and the LAS Website
Communications	Policy to be announced in the RIB and a link provided to the document
Training	London Ambulance Service NHS Trust will provide anti bribery training to all employees on a regular basis to make them aware of our Anti Bribery Policy and guidelines, in particular of possible types of bribery, the risks of engaging in bribery activity, and how employees may report suspicion of bribery. The Trust, in conjunction with the LCFS has developed an e-learning package covering both Fraud and Bribery and is available for all Trust staff to undertake. Staff groups who interface with suppliers and engage in substantive financial activity will be provided with detailed anti bribery training.
Monitoring	Compliance with the Anti Bribery Policy and these guidelines will be monitored regularly. Three departments/Areas/sites within the Trust will be contacted randomly after 6 months from the ratification date of this policy to identify: A The Policy location B Awareness and level of understanding of the policy C Any implementation of the policy

Offences under the Bribery Act 2010

The following business practices constitute criminal offences under the Bribery Act 2010 and are therefore prohibited:

Offences of bribing another person

Case 1 is where a London Ambulance Service NHS Trust employee offers, promises or gives a financial or other advantage to another person *and* intends the advantage (i) to induce that or another person to perform improperly a relevant function or activity, *or* (ii) to reward that or another person for the improper performance of such a function or activity.

Case 2 is where a London Ambulance Service NHS Trust employee offers, promises or gives a financial or other advantage to another person *and* knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity by that person.

The bribery must relate to (i) a function of a public nature, (ii) an activity connected with a business, (iii) an activity performed in the course of a person's employment, *or* (iv) an activity performed by or on behalf of a body of persons (whether corporate or unincorporate). The person performing the function or activity must be expected to perform it in good faith, impartially or in a position of trust. It does not matter whether the function or activity is performed inside or outside the UK, whether the other person(s) involved is/are in the public or private sector and whether the advantage is offered, promised or given directly by the London Ambulance Service NHS Trust employee or through a third party, e.g. an agent or other intermediary.

Offences relating to being bribed

Case 3 is where a London Ambulance Service NHS Trust employee requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly (whether by him-/herself or another person).

Case 4 is where a London Ambulance Service NHS Trust employee requests, agrees to receive or accepts a financial or other advantage, *and* the request, agreement or acceptance itself constitutes the improper performance by him-/herself of a relevant function or activity.

Case 5 is where a London Ambulance Service NHS Trust employee requests, agrees to receive or accepts a financial or other advantage as a reward for the improper performance (whether by him-/herself or another person) of a relevant function or activity.

Case 6 is where, in anticipation of or in consequence of a London Ambulance Service NHS Trust employee requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly (i) by that London Ambulance Service NHS Trust employee, or (ii) by another person at his/her request or with his/her assent or acquiescence.

Again, the bribery must relate to (i) a function of a public nature, (ii) an activity connected with a business, (iii) an activity performed in the course of a person's employment, or (iv) an activity performed by or on behalf of a body of persons (whether corporate or unincorporate). The person performing the function or activity must be expected to perform it in good faith, impartially or in a position of trust.

It does not matter whether the function or activity is performed inside or outside the UK, whether the other person(s) involved is/are in the public or private sector, whether the London Ambulance Service NHS Trust employee requests, agrees to receive or accepts the advantage directly or through a third party, e.g. an agent or other intermediary, and whether the advantage is for the benefit of a London Ambulance Service NHS Trust employee or another person.

In Cases 4 to 6, it does *not* matter whether the London Ambulance Service NHS Trust employee knows or believes that the performance of the function or activity is improper.

Bribery of foreign public officials

Case 7 is where a London Ambulance Service NHS Trust employee bribes a foreign public official and intends (i) to influence that official in his/her capacity as a foreign public official *and* (ii) to obtain or retain a business or an advantage in the conduct of business. A foreign public official is someone who holds a legislative, administrative or judicial position of any kind or exercises a public function of a country outside the UK, or is an official or agent of a public international organisation.

The following paragraph will apply if any part of the organisation is considered as a 'commercial' one.

Failure of commercial organisations to prevent bribery (applicable only to corporates and partnerships - included for information)

A corporate or partnership is guilty of a corporate bribery offence if an employee, agent, subsidiary or any other person acting on its behalf bribes another person intending to obtain or retain business or an advantage in the conduct of business for the corporate or partnership For a definition of bribery, please refer to Cases 1, 2 and 7 above.

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It should be the policy of a corporate or partnership not to tolerate any bribery on its behalf, even if this might result in a loss of business for it. Criminal liability must be prevented at all times.