

Anti-Bribery & Corruption Policy

Sponsor:	Corporate Director, Business Services
Owner:	Director of Business Services Operations
Date Approved:	24 th March 2022
Date for Review:	March 2025 – three-year review cycle
Distribution:	Non-Confidential for Internal and External Use

<p>Policy Statement</p>	<p>Barnardo's is committed to conducting its operations in accordance with the highest standards of integrity and ethics. The Charity expects all of its Trustees, directors, managers, employees, volunteers and partners to meet the same standards.</p> <p>As such, and in line with our Basis and Values, we are committed to ensuring that Barnardo's, its associated parties, employees, and volunteers do not engage in bribery and corruption. The Bribery Act 2010 makes it illegal to offer or receive bribes, bribe a foreign official, or fail to prevent a bribe being paid on an organisation's behalf.</p> <p>This policy should be read in conjunction with the policies highlighted in the relevant sections.</p>
<p>Policy Objectives</p>	<p>The objectives of this policy are to:</p> <ul style="list-style-type: none"> ▪ Ensure that Barnardo's complies with relevant charity and anti-bribery and corruption legislation. ▪ Define what constitutes a bribe. ▪ Detail our expectations of all Trustees, employees, and volunteers in relation to: <ul style="list-style-type: none"> ○ undertaking training to ensure awareness of Barnardo's legal obligations. ○ following approved processes and procedures designed to mitigate the risk of Barnardo's being involved in bribery and corruption, including in relation to procuring services or tendering for new contracts on behalf of Barnardo's. ○ the giving and receiving of gifts and hospitality; and ○ escalating concerns promptly and appropriately.
<p>Scope</p>	<p>This policy applies to all Trustees, employees, and volunteers in and partners of Barnardo's.</p>

Definitions and Key Concepts

The following details various terms and definitions used within this policy.

Term	Explanation
Associated Party or Partner	Any individual or corporate party which is associated with Barnardo's in terms of provision of services (either providing services to Barnardo's or receiving services from Barnardo's), other than Service Users.
Bribe	<p>The giving or receiving of a financial or other advantage to encourage the recipient to perform their functions or activities improperly or to reward that person for having already done so. This applies to cash or cash equivalents, such as:</p> <ul style="list-style-type: none"> ▪ hospitality, (e.g. meals and hotel accommodation); ▪ gifts and entertainment, such as: branded promotional items; items provided on special occasions (e.g., to celebrate national or religious festivals); food and refreshment; and hospitality such as tickets to sporting events or concerts. ▪ free goods or services. ▪ offers of employment; and ▪ other non-cash favours.
Connected Person	<p>Any person who is closely connected to the Barnardo's Trustee, director, employee, or volunteer who may benefit from a decision/payment made by Barnardo's. This includes:</p> <ul style="list-style-type: none"> ▪ members of your direct family. ▪ others with whom you have a close personal relationship (e.g., close friends); or <p>where you have a financial relationship with another company, LLP, or firm (i.e., you receive a salary from the company, own capital within a private company or more than 5% of the shares of a publicly listed company).</p>
Contractual Partner	Any individual or corporate body that Barnardo's contracts with to provide services to it, including where Barnardo's operates as a sub-contractor of a broader contract.
Employees	Includes all staff, workers, and contractors
Facilitation Payment	A small payment made to a public official to secure or speed up a routine non-discretionary government action such as securing a mail service or connecting utilities.
Political Contribution	A contribution of any kind, including cash, loans, gifts, membership fees and all other non-cash contributions (including so-called "in-kind" contributions such as the donation of office space, office supplies and other non-cash items or services).
Public Official	<p>For purposes of this Anti-Bribery Policy, the term "public official" includes:</p> <ul style="list-style-type: none"> ▪ elected or appointed officials at all levels of government.

	<ul style="list-style-type: none"> ▪ employees or representatives of national, regional or local governments, government-owned or government-controlled entities. ▪ employees or representatives of international public organisations; and ▪ employees or representatives of political parties, political party officials, and candidates for public office. <p>In the context of Barnardo's operations, relevant public officials might include:</p> <ul style="list-style-type: none"> ▪ elected councillors or non-elected officials in local commissioning authorities. ▪ officials in public grant-making bodies, such as the Department for Education; and ▪ social workers responsible for supervising or regulating Barnardo's activities. <p>Responsible Person Any Barnardo's Trustee, employee or volunteer who is responsible for engaging and/or managing a Service Provider; or tendering for, contracting with and/or managing the ongoing service provision or relationship with a Contractual Partner.</p> <p>Service Providers Any individual or corporate body that is engaged by Barnardo's to perform services on its behalf, including all sub-contractors or agencies of Barnardo's.</p>
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<p>Roles and Responsibilities</p>	<p>The main roles and responsibilities in relation to this policy are as follows:</p>	
	<p>Role</p>	<p>Responsibility</p>
	<p>Board of Trustees</p>	<p>To ensure that this policy is in place and is appropriately communicated and embedded in the organisation, clearly highlighting its importance.</p>
	<p>Audit & Finance Committee</p>	<p>To review and approve the policy at relevant intervals; and oversee and monitor the adequacy and effectiveness of the policy and associated processes and procedures across Barnardo's and Associated Parties.</p>
	<p>CLT</p>	<p>To reinforce the importance of adherence to this policy and all associated processes and procedures on an ongoing basis.</p>
	<p>Policy Sponsor Corporate Director, Business Services</p>	<p>To ensure: the policy and associated processes and procedures are reviewed at regular intervals and remain appropriate in the light of emerging best practice; the policy is appropriately implemented and enforced; the Audit and Finance Committee receives relevant and timely information to assist in its oversight and monitoring of the policy; and that all Trustees, employees, and volunteers receive appropriate regular awareness notifications on the requirements within this policy.</p>
<p>Policy Owner Director of Business</p>	<p>To maintain the policy and associated procedures; develop training/awareness notifications for all Trustees, employees and volunteers; undertake periodic risk assessments of the bribery and corruption risks facing</p>	

	<p>Services Operations the organisation; and ensure that management information demonstrating adherence to this policy is produced and provided to relevant parties.</p> <p>Line Managers To ensure that all their employees (including volunteers) undertake the training/are aware of the requirements of this policy as part of induction and at agreed frequencies thereafter; and follow the procedures outlined in this policy, especially where such individuals are involved in the procurement, tendering, approval or ongoing servicing of contracts.</p> <p>All Trustees, employees & volunteers To follow this policy and associated processes and procedures as appropriate. This includes co-operating with any investigation as appropriate.</p> <p>Internal Audit To independently periodically review adherence to this policy and associated processes and procedures across the Charity.</p>
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<p>Policy</p>	<p>1. Overarching Principles:</p> <p>Barnardo's does not tolerate bribery or corruption by our Trustees, employees, volunteers or partners on behalf of Barnardo's.</p> <p>You must not:</p> <ul style="list-style-type: none"> ▪ offer, promise, give or authorise a bribe (i.e. a gift or any form of payment or other benefit) to any individual, either in the private or public sector including a public official, to obtain or retain business; secure some other advantage for Barnardo's; or to cause the recipient to violate their duties, including any duty of loyalty to their employer or business; or ▪ request, agree to receive or accept a bribe (i.e. any payment or other benefit) for yourself or any other person intended or thought likely to affect your duty of loyalty to Barnardo's. <p>Indirectly giving or receiving an improper gift, payment or benefit is also prohibited, such as gifts or payments given to a family member or intermediary of the intended recipient.</p> <p>Additionally:</p> <ul style="list-style-type: none"> ▪ the giving or receiving from a party associated with Barnardo's of an improper gift, payment or benefit for the purpose of securing a benefit for the Charity is also prohibited; ▪ Barnardo's Trustees, directors, managers, employees, volunteers and partners must not make facilitation payments; and ▪ political contributions on behalf of Barnardo's is strictly prohibited. <p>If you are offered a bribe, or if you know or suspect that a transaction or proposed transaction involving Barnardo's may violate these prohibitions, please immediately contact the Corporate Director, Business Services, or, if unavailable, the Director of Audit and Assurance or the Company Secretary.</p> <p>You may choose to remain anonymous when reporting a known or suspected issue and you will not be subject to reprisals for reporting information about potential problems in good faith.</p>
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If you feel someone in Barnardo's has experienced retaliation as a consequence of making a good faith report, please immediately contact the Director of People.

Failure to abide by any of the principles and procedures in this policy will be considered a serious disciplinary matter and will be addressed through Barnardo's Disciplinary Procedure. It may also involve notification to relevant law enforcement agencies for investigation and prosecution. In particular, Barnardo's has a **zero-tolerance** approach to bribery and corruption and will diligently work with the relevant authorities to investigate suspected, attempted or actual bribery and corruption and will support the prosecution of the perpetrators of such activity where appropriate.

2. Giving or Receiving of Gifts:

Barnardo's Trustees, employees, volunteers and partners are strictly prohibited from offering, promising or giving gifts of cash or cash equivalents (including gift certificates) on behalf of Barnardo's to obtain some benefit or advantage for Barnardo's¹; or which may encourage, or appear to encourage, the recipient to perform their functions or activities improperly, or to reward that person for having already done so.

Similarly, Barnardo's Trustees, employees, volunteers and partners are strictly prohibited from requesting, accepting or receiving gifts of cash or cash equivalents, or hospitality (in their widest sense):

- from individuals or organisations (ie Service Providers or Contractual Partners) that work with Barnardo's or are seeking to work with Barnardo's;
- that could influence or be perceived to influence their decisions on behalf of Barnardo's; or
- that place them in a position to derive any direct or indirect benefit or interest from a party having dealings with Barnardo's.

In certain limited circumstances gifts may be offered, given, accepted or received but these require the strict adherence to the principles, processes and procedures detailed within the [Gifts and Hospitality Policy](#).

3. Engaging and Working With Service Providers:

Bribery and corruption by a Service Provider that may be, will be or is performing services for or on behalf of Barnardo's can result in significant adverse consequences where the bribery act is to obtain, or could be seen to be to obtain, a benefit for Barnardo's. This includes:

- potential civil and criminal penalties for Barnardo's; and
- in some cases, the Barnardo's Trustee or employee who is responsible for engaging and managing the Service Partner (the "Responsible Person") may also face civil and criminal penalties.

Clearly, even if the bribery act is not in relation to the services it provides for Barnardo's (e.g. is on behalf of another organisation), the resultant

¹ For the avoidance of doubt this does not relate to where we provide cash or cash equivalents to Service Users, as beneficiaries of the activities of the Charity

reputational risks for Barnardo's being linked to such an organisation could be significant.

The Responsible Person must always ensure that:

- there is a clear commercial reason for engaging the Service Provider;
- the Service Provider has the qualifications, skills, experience and resources necessary to perform the required services for Barnardo's;
- the remuneration package for the Service Provider is appropriate for the services that will be provided, and consistent with market standards; and
- the Service Provider is engaged pursuant to a clear written agreement explaining the services that will be performed, the remuneration that will be provided, the anti-bribery standards with which the Service Provider must comply, and our right to audit them against all contractual elements.

When is Anti-Bribery Due Diligence Required?

Anti-bribery due diligence **must always** be undertaken on any Service Provider that interacts with public officials, regulatory agencies or individuals or corporations in the private sector for or on behalf of Barnardo's for the purpose of gaining an advantage for Barnardo's including, but not limited to:

- obtaining licences, permits or approvals;
- in connection with social services or other public body inspections and investigations;
- winning or retaining procurement / commissioning opportunities, such as by assisting with the submission of bids in response to tenders; and
- for the purposes of securing donations, access to events, publicity, or other benefit for Barnardo's.

In addition, anti-bribery due diligence must always be carried out on any Service Provider that has been subject to civil or criminal enforcement actions relating to corruption, bribery, fraud, or money laundering, or otherwise has a reputation for actual or potential corruption (e.g. media speculation).

Unless the Responsible Person is aware of warning flags such as those identified below, it generally is not necessary to conduct anti-bribery due diligence on the following Service Providers:

- accountancy firms, law firms, tax advisors or equivalent professional services organisations that solely perform an advisory or transactional support role;
- suppliers of services that do not involve any interactions with the above-mentioned individuals, agencies, corporations and so on.

However, if the Responsible Person is already aware of any of the following warning flags, they should consult with the Policy Owner to determine whether due diligence is required:

- The Service Provider refuses to certify that it will not engage in corrupt conduct, and/or refuses to agree to the inclusion of anti-bribery provisions in its contract with Barnardo's.

- The Service Provider is inexperienced, lacks the facilities or staff to provide a legitimate service, or suggests that the service it can provide consists of using its “influence” with persons in the public or private sector.
- The Service Provider’s suggested fee is much greater than the market rate for comparable work, and the Service Provider has not offered a reasonable explanation for the greater compensation.
- The Service Provider will be interacting with public officials or developing business opportunities on behalf of Barnardo’s and requests a substantial up-front payment or a success fee-only arrangement.
- The Service Provider demands money to “seal the deal” or “get the business” or suggests that it can circumvent or expedite normal commissioning or procurement processes.
- The Service Provider asks to be paid in cash, demands that payment be made into a bank account in a country other than its normal place of domicile or operation, or requests other unusual financial arrangements.
- The Service Provider asks for the acceptance of false invoices, or other types of false or misleading documents.
- The Service Provider is connected with a person in the public or private sector who would be in a position to offer preferential treatment or some improper advantage to Barnardo’s.
- The Service Provider has been recommended to Barnardo’s by a person in the public or private sector who would be in a position to offer preferential treatment or some other advantage to Barnardo’s.
- The Service Provider wants to keep normal commercial information secret, including the fact that it has been engaged by Barnardo’s.
- There is very little or no publically available information regarding the Service Provider and the services it provides.

What Does the Due Diligence Process Require?

All high risk Service Providers must undergo a detailed due diligence process in relation to bribery and corruption risks, as detailed in:

- the partnering due diligence process; or any other equivalent Service Partner due diligence process undertaken within Barnardo’s.
- the Raffles, Lotteries and Other Gaming (Guidance and Internal Policies), in relation to the due diligence processes required in relation to our lottery partners/agencies;
- the Sub-Contractor due diligence process, for any Service Provider seeking to become a sub-contractor of Barnardo’s in relation to a wider Service Contract that falls within the scope of the due diligence procedure (a higher risk Service Provider for the purposes of this policy); and
- the Due Diligence (acceptance and refusal of donations and working with third parties) policy in relation to working with third party fundraising agencies and commercial organisations.

What are the Requirements for Written Agreements?

This section should be read in conjunction with the wider requirements on written agreements as laid down in the **Procurement Policy**, but in relation to the requirements to ensure that Barnardo's is protected in relation to bribery and corruption risks, written agreements between Barnardo's and its Service Providers must:

- Describe any services that will be provided by the Service Provider. Vague references to "professional services", "consultancy services" and similar terms are not permitted;
- Describe the remuneration that the Service Provider will receive for performance of the services;
- Require the Service Provider to comply with applicable anti-bribery laws, and to adopt policies and procedures to ensure compliance with the applicable anti-bribery laws;
- Require the Service Provider to periodically self-certify its compliance with the applicable anti-bribery laws, no less frequently than once per year for high value/high risk contracts and every 3 years for all others, or at renewal if earlier;
- Permit Barnardo's to access documents and information regarding the Service Provider's work for or on behalf of Barnardo's, and to audit the Service Provider's compliance with the applicable anti-bribery laws as and when Barnardo's wish to do so; and
- Permit Barnardo's to terminate the contract, without further payment obligations, in the event that Barnardo's reasonably believes the Service Provider may have breached the applicable anti-bribery laws, including in the event of media speculation surrounding the Service Provider's conduct, regardless of whether this is connected with Barnardo's or otherwise.

4. Engaging and Working With Contractual Partners:

There are also risks associated with when Barnardo's tenders for and/or is awarded a contract to provide a service on behalf of another party, such as a Local Authority, including when it is a sub-contractor in the provision of such services. As outlined above under the Gifts section, at no point can anyone involved or associated with such tendering activity; the ongoing provision or retention of the provision of such services; or associated with the counterparty (including Connected Persons) offer, give, request, accept or receive gifts or hospitality, other than as outlined in the **Gifts and Hospitality policy**.

Additionally, whilst there is no direct requirement on Barnardo's to undertake Anti-Bribery and Corruption due diligence on such Contractual Partners prior to tendering or on an ongoing basis when providing such services, it is recommended that certain high level due diligence checks (e.g. adverse media checks) are undertaken both at tender stage and any subsequent renewal, to protect Barnardo's from reputational harm by being involved with such a party. Clearly, if there is any identified adverse news concerning the party prior to or at renewal, then this should be brought to the attention of the Corporate Director: Business Services or, if not available, the Director of Audit and Assurance or the Company Secretary.

5. Facilitation Payments:

Barnardo's Trustees, employees, volunteers and partners must not make

facilitation payments. Requests for facilitation payments must be immediately reported to the Policy Owner.

6. Political Donations:

Political contributions on behalf of Barnardo's to political candidates, political parties and political party officials are strictly prohibited. The prohibition on political contributions covers contributions of any kind, including cash, loans, gifts, membership fees and all other non-cash contributions (including so-called "in-kind" contributions such as the donation of office space, office supplies and other non-cash items or services).

7. Record Keeping Requirements:

Barnardo's Trustees, directors, managers, employees, volunteers and partners must take appropriate steps to ensure that Barnardo's maintains books and records that accurately reflect any transaction involving Barnardo's, as well as any other disposition of Barnardo's assets.

Whenever Barnardo's makes a payment, the recipient, the value of the transaction and the purpose of the transaction must be identified in Barnardo's books and records in reasonable detail.

Any relevant due diligence documents in connection with a higher-risk Service Provider or Contracting Partner should be retained for a minimum of 1 year where the contract is never entered into; or the duration of the Service Provider/Contractual Partner relationship and for a period of five (5) years thereafter if Barnardo's enters into the contract.

8. Risk Assessment:

The Policy Owner, with assistance from relevant individuals, such as those involved in tendering and procurement, will undertake a detailed risk assessment of the bribery and corruption risks facing Barnardo's at least every 3 years, using this to inform required changes to this policy, any associated processes and procedures or training/awareness raising as required.

9. Communication and Training Requirements:

To facilitate the appropriate understanding and embedding of this policy and its associated processes and controls:

- there must be periodic communication of the importance of appropriate adherence to this policy and its associated processes and procedures;
- all Trustees, employees and volunteers will receive training/be made aware of the requirements of this policy as part of their induction process and receive suitable reminders at regular intervals thereafter, (minimally every two years or earlier in the event of a marked change in the assessed nature or impact of the risk); and
- those individuals who are directly involved with the procurement of and/or tendering for contracts receive more intense training/awareness messaging at least every 2 years².

² For this purpose, 'direct involvement' means in an influencing role (i.e. an individual who can directly influence the procurement process or awarding of a contract).

	<p>10. Enforcement:</p> <p>If you are asked by Barnardo's to assist with an investigation, you should always provide truthful and accurate information. Providing untrue or misleading statements, or encouraging others to do so, may result in disciplinary action.</p> <p>If you are contacted by the police or any other investigatory agency concerning allegations of bribery, please immediately contact the Policy Owner and Company Secretary.</p> <p>If you are notified that documents in your possession are required for an investigation or legal matter, you should follow directions to preserve those documents. You must never destroy, conceal, or alter those documents in any way.</p>
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<p>Associated Guidance and Other Documents of Note</p>	<p>As outlined above, the requirements in this policy should be considered alongside the requirements of the following policies:</p> <ul style="list-style-type: none"> ▪ Gifts and Hospitality Policy ▪ Conflicts of Interest Policy ▪ Procurement Policy ▪ Partnering Due Diligence Processes ▪ Sub-contractor Due Diligence process ▪ Raffles, Lotteries and Other Gaming (Guidance and Internal Policies) ▪ Whistleblowing Policy
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<p>References</p>	<p>For additional information:</p> <ul style="list-style-type: none"> ▪ Bribery Act 2010 (at: www.opsi.gov.uk/acts/acts2010/ukpga_20100023_en_1) ▪ Guidance provided by the Ministry of Justice (at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181762/bribery-act-2010-guidance.pdf)
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<p>Compliance and Oversight</p>	<p>Compliance with this policy will be assured by:</p> <ul style="list-style-type: none"> ▪ The Policy Owner: reviewing relevant training records; and undertaking random reviews of contracting processes and high risk Service Provider due diligence records on a minimum annual basis; ▪ Internal Audit: through regular audits in line with the approved audit plan.
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<p>Document Control</p>	<p>Version History:</p> <table border="1" data-bbox="379 1899 1513 2054"> <thead> <tr> <th data-bbox="379 1899 523 1960">Version</th> <th data-bbox="523 1899 671 1960">Date</th> <th data-bbox="671 1899 903 1960">Author</th> <th data-bbox="903 1899 1094 1960">Status</th> <th data-bbox="1094 1899 1513 1960">Comment</th> </tr> </thead> <tbody> <tr> <td data-bbox="379 1960 523 2054">0.1</td> <td data-bbox="523 1960 671 2054">25/8/2017</td> <td data-bbox="671 1960 903 2054">Sheree Howard</td> <td data-bbox="903 1960 1094 2054">Draft</td> <td data-bbox="1094 1960 1513 2054">Based on initial external legal draft, with substantial rework and some additions</td> </tr> </tbody> </table>	Version	Date	Author	Status	Comment	0.1	25/8/2017	Sheree Howard	Draft	Based on initial external legal draft, with substantial rework and some additions
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	0.2	27/9/2017	Sheree Howard	Draft	Various minor amends to reflect changes made to other policies; and feedback from reviewers
	0.3	1/1/2018	Sheree Howard	Final Draft	Amends following reviews by CLT members
	0.4	18/1/2018	Sheree Howard	Revised Final Draft	Amends following reviews by Trustees
	1.0	22/01/2019	James Sherrett	Final	Minor amendments before finalisation and publication
	2.0	27/10/2021	Matt McHugh	Final	Review of the policy in line with review schedule. Approved by Director of Business Services Operations (Policy Owner) in January 2022. Approved by Board of Trustees March 2022.