

Anti-Bribery Policy

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1. Introduction

The Bribery Act 2010, which came into force on 1 July 2011, creates a new offence which can be committed by organisations which fail to prevent persons associated with them from bribing another person on their behalf.

The Act provides:

- a general offence of bribery, which is defined as giving someone a financial or other advantage to induce them to perform their functions or activities improperly, or to reward them for having already done so.
- an offence of bribing a foreign public official in order to win business, keep business or gain a business advantage for the organisation.
- an offence relating to failure by a business to prevent a person associated with it from committing the above offences on its behalf in order to win business, keep business or gain a business advantage for the organisation.

An organisation that can prove it had "adequate procedures" in place to prevent persons associated with it from bribing will have a defence. What counts as adequate will depend on the bribery risks an organisation faces and the nature and size of the organisation.

2. Purpose of the Policy

This policy:

- outlines the measures which OutdoorLads takes to prevent bribery and the procedures that should be followed if bribery occurs. It aims to help the organisation to establish a defence under section 7 of the Bribery Act - and to minimise any operational or reputational risks associated with individuals giving or taking bribes on its behalf.
- is designed to assist employees, Trustees, and volunteers and associated with the organisation to understand the risks associated with bribery and to encourage them to be vigilant and effectively recognise, prevent and report any wrongdoing, whether by themselves or others.
- aims to provide suitable and secure reporting and communication channels and to ensure that any information that is reported is properly and effectively dealt with.

3. Scope of the Policy

The policy applies to all employees, volunteers, trustees and service suppliers.

3.1 Definitions

3.1.1. Bribery and corruption

- It is illegal to give or receive a bribe under the Bribery Act 2010 and organisations are liable for bribes taken or given on their behalf where they do not have adequate procedures in place.
- Bribery is the offering, promising, giving, accepting or soliciting of money, a gift or other advantage as an inducement to do something that is illegal or a breach of trust in the course of carrying out an organisation's activities.
- Corruption is the misuse of public office or power for private gain; or misuse of private power in relation to business outside the realm of government.

3.1.2. What is a bribe?

Bribes can take on many different shapes and forms, but typically they involve corrupt intent. There will usually be a 'quid pro quo' – both parties will benefit. A bribe could be the:

- direct or indirect promise, offering, or authorisation, of anything of value
 - offer or receipt of any inducement, loan, fee, reward or other advantage
 - giving of aid, donations or voting designed to exert improper influence
- Examples of bribery may include:
- a potential supplier offering money or a gift in order to influence a tendering process
 - a job applicant offering payment in order to increase his/her chance of being offered employment

3.1.3. Facilitation payments

Facilitation payments are payments which induce officials to perform routine functions they are otherwise obligated to perform. Facilitation payments are bribes and there is no exemption for them under the Bribery Act. Facilitation payments do not include legally required administrative fees and legitimate fast-track services. Facilitation payments are particularly prevalent in certain overseas countries.

- 3.1.4. Gifts and hospitality
These can range from small gifts (such as diaries, flowers, vouchers, food and drink) to expensive hospitality (invitations to hosted meals, receptions and tickets for major events, holidays etc.). Hospitality or promotional expenditure which is proportionate and reasonable is unlikely to qualify as a bribe. However, extravagant gifts and hospitality may be used to disguise bribes that are intended to induce improper behaviour (e.g. to fix the outcome of a tendering process).
Genuine hospitality or similar business expenditure that is reasonable and proportionate is not prohibited by the Act.

4. Responsibilities

If a member, volunteer or staff suspects or believes that a breach of the code of conduct has occurred, the first thing to do, if possible, is speak to the person / people concerned to explain how their conduct might be having a detrimental impact on others (or ask the event leader to do so). A friendly, quiet word will often produce a resolution. If this is not possible, they should report the breach, regardless of whether they were directly involved in or observed the breach. Potential breaches may also be reported as an outcome of a formal complaint, a safeguarding referral or reported by a member of public.

4.1 Trustees

- 4.1.1. The trustees will provide leadership, resources and active support for the implementation of this policy. They are responsible for ensuring that this policy and any associated policies are fit for purpose and complied with.
- 4.1.2. The Trustees are responsible for informing the Treasurer of any gifts or hospitality that they have received in respect of their Trustee role. The Treasurer will inform the Chair of Board of any gifts or hospitality that they have received in respect of their Trustee role

4.2 Employees of OutdoorLads

- 4.2.1. Employees of OutdoorLads are responsible for ensuring that these policies and procedures are implemented consistently and with clear lines of authority. The staff team will actively and visibly lead the organisation's anti-bribery policy and practice.
- 4.2.2. Compliance with OutdoorLads's policy in relation to bribery and corruption is regarded as part of an individual's contract of employment. Any member of

staff found to have accepted or attempted bribery or made facilitation payments will be subject to disciplinary action, including dismissal.

4.3 Individuals (Employers, Trustees and Volunteers)

- 6.2.1. Individuals are expected to safeguard and uphold OutdoorLads' core values by operating in an ethical, professional and lawful manner at all times. Individuals are responsible for not giving or receiving bribes and challenging instances where bribery may occur. They are also responsible for reporting all bribery that they are aware of via the procedures laid out in this policy.
- 6.2.2. To place this in context, individuals should be aware that if they engage in activities which are contrary to UK anti-bribery and corruption legislation, they could face up to 10 years in prison and/or an unlimited fine, and OutdoorLads could also be liable to an unlimited fine and Government sanction.
- 6.2.3. Individuals must not offer money to any public officials in order to speed up service or gain improper advantage. This type of bribery is a "facilitation payment" and is illegal. In the unlikely event that an individual is faced with a demand for a facilitation payment, such payment must be actively resisted.

5. Bribery Prevention

OutdoorLads is committed to operating with the highest standards of integrity and promoting a culture in which accountability flourishes. OutdoorLads opposes bribery as it erodes free and fair competition, damages good government and harms society at large.

The charity operates a zero-tolerance policy towards the giving or receiving of bribes because it is morally wrong and it is illegal in the UK. The jurisdiction outlined in the act is global, so it is illegal for UK entities wherever they are operating in the world.

OutdoorLads is committed to tackling bribery at the highest level and clearly articulates its zero-tolerance policy on bribery externally on its website and internally within the staff handbook.

In order to prevent bribery, OutdoorLads recognises that it should:

- assess whether the charity is at risk and, if so, the level of that risk
- put in place procedures proportionate to the risk identified

- show a clear commitment to the prevention of bribery
- use due diligence to assess who we deal with and who we appoint to represent us
- communicate, train and raise awareness among employees and business partners
- monitor and review procedures

6. Due Diligence

6.1 Working with Service Suppliers and in Partnerships

OutdoorLads is liable under the Bribery Act if a person “associated” with it bribes another intending to obtain or retain business or a business advantage for OutdoorLads. The Act's definition of an associate is deliberately broad to include individuals, incorporated and unincorporated bodies supplying goods and services to OutdoorLads (rather than just goods) or acting on OutdoorLads's behalf as a partner or agent.

OutdoorLads therefore requires all staff, suppliers and partners to ensure that, where appropriate:

- key service suppliers and partners are selected through a transparent and competitive selection process.
- due diligence is carried out on partners and key suppliers before entering into contracts. OutdoorLads' 'Procurement of Services' policy details the steps required in procuring services.
- contractual agreements explicitly prohibit the giving or receiving of bribes on behalf of OutdoorLads.
- any conflicts of interest are declared.

6.2 Sponsorship and Charitable donations

- 6.2.1. OutdoorLads may receive charitable donations. A member of staff or trustee must undertake the following steps when receiving charitable donations of over £100:
- Ensure the donation is not from a current organisation, service or individual who is currently or recently been accepted after bidding/tendering for an OutdoorLads service.
 - OutdoorLads will conduct a background check on bids over £1000 from individual services or individuals to ensure funds are from an ethical or trustworthy source.
 - The Trustee Board must be informed where concerns arise as a result of charitable donations.
- 6.2.2. OutdoorLads may enter into sponsorship arrangements. When entering into any arrangement the organisation must ensure the principals and specific aspects of this policy are considered.
- 6.2.3. A political contribution is a donation made to a politician, a political party or a political campaign. Charities are not permitted to make political donations and therefore political donations are not permitted under any circumstances using OutdoorLads funds.

7. Record Keeping

Many serious global bribery and corruption offences have been found to involve some degree of inaccurate record-keeping. We must ensure that we maintain accurate records and financial reporting within OutdoorLads and for significant business partners working on our behalf. Our records and overall financial reporting must also be transparent. That is, they must accurately reflect each of the underlying transactions.

8. Procedures

To enable proper investigation when bribery is suspected, employees, volunteers and Trustees should record the details of any bribery or requested or attempted bribery, as soon as possible after the event. Any instances of actual or potential bribery should be properly and promptly investigated by a Trustee.

The objectives of an investigation should be to:

- confirm whether or not a bribe has taken place, and to identify who was responsible.

- confirm whether internal controls and anti-bribery procedures have worked in practice.
- identify any improvements required to anti-bribery procedures.

Depending on the findings of the investigation, subsequent action will be determined. This may involve disciplinary action against staff involved or external reporting to: - a senior official or director of another organisation, if the person making the bribe is from that organisation - local police/ law enforcement agencies (if deemed appropriate) - Serious Fraud Office (in the UK, the SFO has primary responsibility for the UK Bribery Act) - relevant government department where the bribe took place - the Charity Commission, if the matter is considered a "serious incident".