



Introduction

1. The Bribery Act 2010 (“the Act”) came into effect on 1 July 2011 and introduced a new, clearer regime for tackling bribery. The Act imposes extensive obligations on individuals and all commercial organisations based in or operating in the UK, including those in the healthcare sector. To comply with the Act, organisations must have ‘adequate procedures’ in place to prevent bribery from occurring within their organisation
2. The purpose of this document is to set out The Real Apprenticeship Company Limited’s position on bribery and thereby set the context for the ensuring that all The Real Apprenticeship Company Limited activities are carried out in an honest and ethical environment. The Real Apprenticeship Company Limited is committed to maintaining an anti-bribery culture and will adopt a zero-tolerance approach to bribery and corruption where it is discovered.
3. The policy should be read in conjunction with the Business Ethics Policy Statement

Definitions and Offences

1. Definition of Bribery: A bribe is an inducement or reward by means of a financial or other advantage that is offered, promised or provided to a person in order to gain any commercial, contractual, regulatory or personal advantage through the improper performance of a relevant function or activity as a result of the bribe
2. “Financial or other advantage” means payments, gifts, hospitality or anything else that could be reasonably perceived as an “advantage” as understood by its normal, everyday meaning.
3. “Improper performance” means performance in breach of an expectation that a person will act in good faith, impartially or in accordance with a position of The Real Apprenticeship Company Limited.
4. “A relevant function or activity” means any function of a public nature, connected with a business, performed in the course of a person’s employment or performed by or on behalf of an incorporated or unincorporated body of persons.
5. Definition of “Kickbacks” or Facilitation Payments: Facilitation payments are characterised as small, unofficial payments made to secure or expedite a routine action by an official or agency.
6. Offences under the Bribery Act 2010. The Act lists the following offences for activities in the public or private sector:
 - General Offence (active bribery) – the offering, promising or giving of a bribe. It does not matter whether the person giving the bribe is the same person who will perform the function or activity concerned.
 - General Offence (passive bribery) – the requesting, agreeing to receive or accept a bribe. It does not matter whether the recipient of the bribe receives it directly or through a third party, or whether it is for the recipient’s benefit or not.
 - Bribing of foreign public officials – where a person directly or through a third party offers, promises or gives any financial or other advantage to a Foreign Public Official in an attempt to influence them in their capacity as such and to obtain or retain business, or an advantage in the conduct of business.
 - Corporate liability for failing to prevent bribery – applies to a commercial organisation where it fails to prevent bribery by those performing services on its behalf.
7. The corporate offence applies to corporate bodies either incorporated in or carrying out business or part of a business in the UK. An organisation will have a defence if it can show that it had ‘adequate procedures’ in place to prevent any ‘associated persons’ from committing an act of bribery, i.e.

employees, agents or other third parties acting on the organisation's behalf, including any contractors or suppliers. This defence will not apply where it has been proven that a senior officer of the organisation consented to the offence. In those circumstances, both the organisation and the senior officer will be guilty of an offence.

8. Bribery and corruption are punishable for individuals by up to ten years imprisonment and an unlimited fine. If The Real Apprenticeship Company Limited is found to have been party to an act of bribery then it could also face an unlimited fine and suffer significant damage to its reputation.

The Real Apprenticeship Company Limited's Position on Bribery

1. It is the policy of The Real Apprenticeship Company Limited to conduct all of its business in an honest and ethical manner. The Real Apprenticeship Company Limited is committed to acting with integrity in all of its business dealings and relationships and to implementing effective systems to prevent bribery.
2. The Real Apprenticeship Company Limited will endeavour to uphold all laws, including those relevant to countering bribery and corruption, in every aspect of its dealings with public and private sector organisations and in the delivery of treatment and care to service users
3. "Kickbacks" or facilitation payments are not commonly paid in the UK but The Real Apprenticeship Company Limited officers, staff and agents must be aware that these payments are strictly prohibited. The Real Apprenticeship Company Limited does not make and will not accept facilitation payments or 'kickbacks' of any kind.
4. When asked to make a payment on The Real Apprenticeship Company Limited's behalf, The Real Apprenticeship Company Limited personnel should always be mindful of the purpose of the payment and whether the amount requested is proportionate to the goods and services provided. The Real Apprenticeship Company Limited personnel must always obtain an invoice or receipt which details the reason for and full amount of the payment. Any suspicions, concerns or queries regarding a payment, should be raised in accordance with paragraph 1 avenues for reporting below.
5. Kickbacks are typically made in return for a business favour or advantage. All The Real Apprenticeship Company Limited personnel must avoid any activity that might lead to a suggest that a facilitation payment or kickback will be made or accepted by The Real Apprenticeship Company Limited.
6. The Ministry of Justice (MoJ) in England has developed six principles for organisations to follow to support the development of a culture which seeks to prevent bribery and corruption. The Real Apprenticeship Company Limited wholeheartedly endorses these principles which are:
 - Proportionate Procedures – procedures to prevent bribery by persons associated with it are proportionate to the bribery risks it faces.
 - Top-Level Commitment – the leadership team are committed to preventing bribery and foster a culture in which bribery is never acceptable.
 - Risk Assessment – the organisation should assess the nature and extent of its exposure to potential internal and external risks of bribery; the assessment should be periodic, informed and documented.
 - Due Diligence – the organisation should apply due diligence procedures which are proportionate and risk-based in respect of all persons who perform services on behalf of the organisation to mitigate identified bribery risks.
 - Communication (Training) – anti-bribery policies and procedures should be embedded and understood throughout the organisation through internal and external communication, including training.
 - Monitoring and Review – the organisation should monitor and review procedures designed to prevent bribery and should make improvements where necessary.
7. The Real Apprenticeship Company Limited is committed to ensuring that it has adequate policies and procedures in place which are enforced to support these six principles. The Real Apprenticeship Company Limited affirms its commitment to maintaining an anti-bribery culture and will adopt a zero-tolerance approach to bribery and corruption where it is discovered. It is also The Real Apprenticeship Company Limited policy that there will be a thorough investigation of all allegations or suspicions of bribery and robust action will be taken where bribery is proven in line with The Real Apprenticeship Company Limited's Bribery Response Plan.

8. The Real Apprenticeship Company Limited Board wishes to encourage anyone having reasonable suspicions of bribery to report them. It is the policy of this The Real Apprenticeship Company Limited, which will be rigorously enforced, that no employee will suffer in any way as a result of reporting reasonably held suspicions of bribery. For these purposes “reasonably held suspicions” shall mean any suspicions other than those that are raised maliciously. Further guidance on the protection afforded to staff is contained in The Real Apprenticeship Company Limited’s policy on Whistle Blowing. However, The Real Apprenticeship Company Limited Board will take a serious view of allegations against staff that are malicious in nature and anyone making such an allegation may be subject to disciplinary action. After proper investigation of any allegation or suspicion of bribery, in line with The Real Apprenticeship Company Limited’s Bribery Response Plan, The Real Apprenticeship Company Limited will consider the most appropriate action or actions to take. Where an act of bribery involving The Real Apprenticeship Company Limited employee is proven, The Real Apprenticeship Company Limited will instigate disciplinary action against the employee which could result in dismissal.
9. Where an act of bribery is proven, whether involving an employee or an external party, the Finance and Commercial Manager will ensure that the matter is reported to the Leadership Team who will liaise with the independent Chair with a view to pursuing a criminal prosecution. The Real Apprenticeship Company Limited will also seek to recover all losses resulting from the act, if necessary through civil court proceedings.

Mitigation of Bribery Risks

1. The Real Apprenticeship Company Limited has implemented a range of policies and procedures that are designed to ensure probity, business integrity and mitigate the risk of bribery. The Real Apprenticeship Company Limited has appointed the Finance and Commercial Manager to take the lead role for The Real Apprenticeship Company Limited in all matters pertaining to bribery prevention, detection and investigation.
2. The Real Apprenticeship Company Limited has also put in place a robust Internal Audit service that is actively involved in the review of the adequacy and effectiveness of control systems thereby further deterring the commissioning of an act of bribery.

Avenues for Reporting

The Real Apprenticeship Company Limited has available a number of avenues by which staff can raise suspicions of bribery. These are detailed in The Real Apprenticeship Company Limited’s Bribery Response Plan and Whistle Blowing Policy. Concerns should be raised initially with the appropriate line manager. However, staff can raise their concerns directly with, the Finance and Commercial Manager or the Operations Manager if they so wish.

Conclusion

Whilst the individual circumstances surrounding each instance of bribery will vary. The Real Apprenticeship Company Limited takes all cases very seriously and adopts a zero-tolerance approach. All reported suspicions will be fully investigated and robust action will be taken where the case can be proven.

This Policy will be reviewed in January 2020