RCN Group Anti Bribery, Corruption & Fraud Policy

Committees, Groups, Meetings to which this policy applies: RCN Group staff All elected and/or appointed members on RCN Council, Boards and committees. committees including RCN Council and Trade Union Committee RCNi and RCN Foundation Board members, external advisers and stakeholders.
Purpose of Document: Support and guidance for RCN Group staff and RCN members elected to office within the governance structure
Document Name: RCN Group Anti Bribery, Corruption & Fraud Policy
Author/Authors: RCN Governance and Finance Teams; Input from Bates Wells LLP
Description of Policy Guidance for RCN Group staff and RCN elected members on what bribery, fraud and corruption are, how to recognise and report instances of them, and the principles underpinning good practice and the avoidance of bribery, fraud and corruption.
Other policies, guidelines, legal positions etc that should be considered in conjunction with this policy: Whistleblowing Policy Conflicts of Interest Policy Gifts and Hospitality Policy Anti Bribery, Corruption and Fraud Policy Anti Money Laundering Policy RCN Code of Conduct Regulation: RCN Council, board and committee members – fit and proper persons criteria Member resolution policy Staff Disciplinary Policy

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Department responsible for Review: Governance with input from FInance

POLICY SUMMARY: RCN GROUP ANTI-BRIBERY, FRAUD AND CORRUPTION

As a member of RCN Group staff or an RCN elected/appointed member you should:	As an organisation we will:
• Familiarise yourself with this policy and follow it. • Refer to any guidance or legal positions as referenced in the policy. • Understand the RCN Group's zero-tolerance approach to bribery, fraud and corruption. • Understand where bribery, fraud and corruption may be indicated, and the process for reporting your concerns. • Follow the principles of good practice outlined in the policy.	• Ensure that this policy and supporting information and processes are clear and accessible, and help staff and elected members understand what they need to do. • Identify a team or individual responsible for keeping this policy under review and in line with any relevant updated guidance. • Provide advice, training and support on the RCN Group's zero-tolerance approach to bribery, fraud and corruption, recognising indications of these practices and how to report suspicions. • Review and/or audit this policy and associated processes and procedures every 2 years but mainly annually.

RCN Group Anti Bribery, Corruption and Fraud Policy

1 Introduction

1.1 The RCN Group is committed to the highest standards of openness, probity and accountability and to conduct affairs in a fair and responsible manner, taking into account the requirements of the Bribery Act (2010), the RCN Code of Conduct, section 21 of the NMC Code of Conduct and the Nolan Principles of Public Life. In this light, the RCN has a zero-tolerance approach to fraud, bribery and corruption and is committed to preventing these practices. We encourage anyone having reasonable suspicions of fraud, bribery or corruption (including in relation to the operation of governance processes) to report them. The RCN Group aims to provide protection from any victimisation or unfair treatment experienced as a result of reporting such practices based on reasonably held suspicions, in line with the Public Interest Disclosure Act.

2 Scope

2.1 This policy sets out what bribery, corruption and fraud are and the process to follow should suspicion of such practices arise.

2.2 The policy covers RCN Group staff, members, country and regional boards and committees at any level, RCN Council, RCNi and RCN Foundation Board members, stakeholders.

2.3 RCN Group staff means all employees including permanent/ongoing, temporary, fixed-term, consultants, contractors, trainees, seconded staff, home workers, casual workers, agency staff, volunteers, interns, agents, sponsors, or any other persons associated with the RCN Group (including third parties) regardless of where they are located, within or outside the UK. (The term *employees* will normally be used throughout this policy to collectively refer to these categories). Note that *third parties* refers to any individual or organisation the RCN Group meets and works with. This includes actual and potential suppliers, distributors, business contacts, agents, advisers, government and public bodies. Any formal arrangements the RCN Group makes with third parties are subject to clear contractual terms, including compliance with minimum standards and procedures relating to the provisions of this and associated policies.

2.4 This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.

3. Associated documents

3.1 This policy is part of a suite of documents aimed at ensuring best practice in governance. The related documents are:

- Whistleblowing Policy
- Conflicts of Interest Policy
- Gifts and Hospitality Policy
- Anti Bribery, Corruption and Fraud Policy
- Anti Money Laundering Policy
- RCN Code of Conduct
- Regulation: RCN Council, board and committee members – fit and proper persons criteria
- Member resolution policy
- Staff Disciplinary Policy

3.2 The policy also operates in conjunction with the RCN Group Risk Policy.

4 Policy aim

4.1 The aim of this policy is to ensure that the RCN Group has fit and proper procedures for reporting and dealing with reports and instances of bribery, corruption and fraud. The policy also serves to safeguard the interests of the RCN Group and any individuals reporting suspicions or instances of these practices. As such, the policy sets out to:

- set out the RCN Group's responsibilities, and of those working for and on behalf of the RCN Group, in observing and upholding the RCN Group's position on bribery and corruption
- encourage members and stakeholders to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate
- provide information and guidance on how to raise those concerns
- reassure members and stakeholders that they can raise reasonable and genuine concerns without fear of reprisal even if they turn out to be mistaken

5 Definitions

For the purposes of this policy the following definitions apply.

5.1 *Corruption*

UK anti-corruption campaign organisation Transparency International defines corruption as *the abuse of entrusted power for private gain*. Examples include:

Paying or receiving a bribe, or engaging in fraud are examples of corruption.

5.2 *Bribery*

The Bribery Act (2010) defines bribery as offering, promising, giving or accepting any financial or other advantage, to induce the recipient or any other person to act improperly in the performance of their functions, or to reward them for acting improperly, or where the recipient would act improperly by accepting the advantage.

Contrary to popular belief, the advantage referred to in this definition is not limited to cash or actual payments exchanging hands. Bribery can take a number of forms, including:

- gifts, event tickets, treatment/hospitality disproportionate to the business concerned
- favours in return for faster or better service
- obtaining unfair advantage in public procurement processes
- offering, providing or receiving gifts items of value such as donations, sponsorships and internships

A person acts improperly where they act illegally, unethically, or contrary to an expectation of good faith or impartiality, or where they abuse a position of trust. The improper acts may be in relation to any business or professional activities, public functions, acts in the course of employment, or other activities by or on behalf of any organisation of any kind.

Facilitation payments, also known as "back-handers" or "grease payments", are typically small, unofficial payments made to secure or expedite a routine or necessary action (for example, by a government official). They are not common in the UK, but are common in some other jurisdictions.

Kickbacks are typically payments made in return for a business favour or advantage.

Third party means any individual or organisation you come into contact with during the course of your work for or engagement with the RCN Group, and includes actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

5.3 *Fraud*

Fraud is making false representation in order to achieve personal gain or cause loss to others.

The Fraud Act (2006) defines the following types of fraud offences:

- False representation – lying about something with the intention to cause a personal gain or a loss to others
- Failure to disclose information – not declaring something when there is a legal duty to do so, with the intention to cause a personal gain or a loss to others
- Abuse of position – abusing a position of trust where there is an expectation to safeguard the financial interest of others and places other at financial risk, causing personal gain or a loss to others

All the practices in the above categories are criminal acts and liable to prosecution. Individuals found guilty can be punished by up to ten years' imprisonment and/or a fine and employers that fail to prevent bribery can face an unlimited fine, exclusion from tendering for public contracts, and damage to its reputation.

6 Principles

RCN Group staff, members, other unpaid office holders [1] or others acting on the RCN Group's behalf are expected to adhere to the following principles of conduct which underpin this policy.

6.1 *Integrity*

You should act with the interests of the RCN Group in mind. You should not act in order to gain financial or other benefits for yourself, your family or friends, or make use of your RCN Group employment, membership or governance role to make any personal gain or to further your private interests or those of others. You should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your duties as an RCN Group employee, member, other unpaid office holder [1] or stakeholder or compromise your responsibilities.

As an RCN Group employee, member, other unpaid office holder [1] or another acting on the RCN Group's behalf you may have access to various benefits and mechanisms of support, advice and representation. You are expected to use these entitlements in a fair and legitimate manner and without misrepresenting your circumstances in doing so.

6.2 *Objectivity*

In undertaking your responsibilities as an RCN Group staff member, RCN member (including governance role holder). RCNi and RCN Foundation Board members, external advisers, or others acting on the RCN Group's behalf any decisions you make must be based on merit, best practice, proper consideration of all relevant matters and where relevant achieving best value for money.

6.3 *Accountability and responsibility*

You are accountable for your decisions and actions to the organisation and must comply with whatever scrutiny is appropriate to your duties as an employee or member. You should refer to your line manager or the relevant branch representative when faced with a situation for which you need further guidance. You should complete any relevant learning and development relating to this policy that is made available to you by the RCN Group as part of your employment/membership. Note also there is a range of advice guides available on the RCN website at Get help and advice from the RCN | Royal College of Nursing., RCNi website) and RCN Foundation website

6.4 *Openness and honesty*

You shall seek to uphold and enhance the standing of the RCN Group by maintaining an unimpeachable standard of openness, honesty and impartiality in all your activities as an RCN Group employee, RCN member other unpaid office holder [1] or others acting on the RCN Group's behalf. If you are a decision-maker, including as a committee / board or Council member, you should be as open as possible in all the views and opinions you express and the decisions and actions that you take as part of these roles. You should give reasons for your decisions and restrict information only when the situation clearly demands it. You have a duty to declare any private interests (including perceived and potential interests) relating to your RCN Group duties and responsibilities, which includes declaring any interests, gifts or hospitality offered to you as set out in the relevant policies. You must take steps to resolve any conflicts arising in a way that protects the interests of the RCN Group.

6.5 *Leadership*

You should promote and support the above principles by diligence, leadership and example.

Prohibited acts

It is not acceptable for you (or someone on your behalf) to:

(a) give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
(b) give or accept a gift or hospitality during any commercial negotiations or tender process, if this could be perceived as intended or likely to influence the outcome;
(c) accept a payment, gift or hospitality from a third party that you know or suspect is offered with the expectation that it will provide a business advantage for them or anyone else in return;

(d) offer or accept a gift to or from government officials or representatives, or politicians or political parties;
(e) mislead a third party for the purpose of receiving a gain for yourself or someone connected to you;
(f) engage in any activity that might lead to a facilitation payment or kickback being made or accepted by the RCN Group or on behalf of the RCN Group, or suggest that such a payment will be made or accepted;
(g) threaten or retaliate against another individual who has refused to commit a bribery or fraud offence or who has raised concerns under this policy; or
(h) engage in any other activity that might lead to a breach of this policy (Refer to the RCN's Declaring Interests and Gifts & Hospitality Policy for more advice).

7 Responsibilities of staff and members

7.1 The conduct of staff, members and others acting on behalf of the RCN Group are essential to maintaining standards. To that end, all RCN Group employees, members and others involved in RCN Group activity (as defined in section 2 above) must read, become familiar and comply with this policy.

7.2 As an RCN Group staff, members, other unpaid office holder or others acting on the RCN Group's behalf you are expected to:

- maintain the highest possible standard of integrity in all your relationships, both inside and outside the organisation
- reject or at least question any business practice which might reasonably be deemed improper or contrary to this policy in any way
- never use your authority or position for personal gain
- at all times, act with impartiality, independence and integrity
- avoid being, or giving the appearance of being, in a position which may result in an actual or perceived detriment to the RCN Group's reputation and/or interests.

For RCN staff and members, see also RCN Disciplinary Policy & Procedure section 2 (Roles and Responsibilities) and the RCN Members Code of Conduct sections 1.2, 1.8 and 4.2 on general conduct and accountability.

7.3 The above principles and responsibilities apply equally to your own conduct and your reaction to the conduct of colleagues and fellow members. If you become aware of criminal activity as defined in section 4 above, or what you take to be genuine indications of such activity, you have a responsibility to report it (see section 8 below). The RCN Group commits to ensuring that your report is taken seriously and will be investigated as necessary, and to protect you from any unfair treatment that may result from your reporting the activity or any reasonable concerns that fall within the scope of this policy.

7.4 The RCN Group will support those covered within the scope of this policy through guidance, training and further information as required.

7.5 The RCN Group Audit Committee, on behalf of Council, is responsible for monitoring and reviewing this policy and ensuring that any changes to it are effectively communicated to all of those covered within the scope of the policy.

8 Safeguards

8.1 The RCN Group complies with all laws, rules, and regulations governing anti bribery, fraud and corruption, in relation to all relevant activities and business regardless of location or territory. The zero-tolerance approach applies to acts of bribery, fraud and corruption by RCN Group staff, members, other unpaid office holders [1] or anyone acting on the RCN Group's behalf. Any breach of this policy will be regarded as a serious matter and is likely to result in disciplinary action and could result in criminal liability for the individual concerned.

8.2 The RCN Group maintains records and appropriate internal controls which explicitly show the reason for making payments to third parties. Corruption offences of the kind covered by this policy often involve ineffective or inaccurate record-keeping. We ensure that we maintain reliable, accurate and transparent records and financial reporting within all RCN Group activities, including in relation to third parties working on our behalf. Accounts must not be kept "off-book" to facilitate or conceal improper payments.

8.3 The RCN Group maintains an effective risk assessment framework through its governance and policy systems. These will help to identify specific areas where there may be risk of bribery, fraud and corruption and enables evaluation and mitigation of these risks. RCN Group staff, members, other unpaid office holder [1] or anyone acting on the RCN Group's behalf must therefore assess the vulnerability of each activity on an ongoing basis. The Appendix to this policy sets out a list of potential high risk scenarios – this list is not exhaustive and is intended to highlight potential "red-flag" activities that may raise concerns under anti-bribery, fraud and corruption rules. Across the RCN Group, responsibility for RCN Group risks rests with the Group Audit Committee with authority delegated by RCNi Board, RCN Foundation Board and RCN Council.

8.4 For RCNi risks responsibility solely rests with RCNi Board. For RCN Foundation risks, responsibility solely rests with RCN Foundation Board and RCN Council is responsible for RCN risks.

8.5 The RCN Group maintains an effective system of internal control and monitoring of transactions. If any bribery and corruption risks have been identified and highlighted through the risk assessment process, procedures will be developed to help mitigate any risks on an ongoing basis.

8.6 The RCN Group neither accepts nor engages in any direct political activity and nor does the RCN Group make contributions to political parties. Therefore, any financial political contribution or facilitation payment will be considered unauthorised and in breach of this policy.

9 Reporting a concern and action taken

9.1 If you have a genuine concern or suspicion of corrupt activity as defined in section 4 above, you must report it to the Group Finance Director or the most appropriate person identified within the relevant Whistleblowing Policy (note that the provisions of the latter, including protection of those making allegations, will apply). There are clearly defined procedures for dealing with allegations against staff and members which may apply in cases of corruption allegations if investigation reveals a breach of this policy. Such a finding may lead to dismissal of an employee or removal from membership of a member at any level. Breach of this policy by an agent, supplier, contractor or consultant acting on the RCN Group's behalf will lead to immediate termination of their contract. In addition to enacting its internal procedures the RCN Group will notify the police or other authorities as appropriate.

9.2 If an investigation reveals that an employee. member, other unpaid office holder [1] or anyone acting on the RCN Group's behalf had knowledge of corrupt actions as defined in section 4 above but not reported it, that person will be liable to the relevant disciplinary process as described above regardless of whether they had direct involvement with the corrupt activity.

Protection

9.3 Individuals who refuse to accept or offer a bribe, or who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. The RCN Group encourages openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

9.4 The RCN Group is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager or the Group Finance Director immediately. If the matter is not remedied, and you are an employee, you should raise it formally using our Grievance Policy, which is available on the RCN intranet (mySpace).

10 RCN Foundation

In the event of suspected bribery, corruption or other fraudulent activity within the RCN Foundation. The Trustees of the RCN Foundation must consider whether it is necessary to report that incident as a serious incident[1] to the Charity Commission.

[1] https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity

Appendix – Red-flag Scenarios

The following is a list of possible red flags that may arise during the course of you working for, or otherwise engaging with, the RCN Group and which may raise concerns under various anti-bribery, fraud and anti-corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only.

If you encounter any of these red flags in the course of your work or engagement with the RCN Group you must report them promptly to the Group Finance Director or the most appropriate person identified within the relevant Whistleblowing Policy:

(a) you become aware that a third party engages in, or has been accused of engaging in, improper business practices;
(b) you learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a "special relationship" with foreign government officials;
(c) a third party insists on receiving a commission or fee payment before committing to sign up to a contract with the RCN Group, or making a donation or process for the RCN Group;
(d) a third party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made;
(e) a third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business;
(f) a third party requests an unexpected additional fee or commission to "facilitate" a service;
(g) a third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
(h) a third party requests that a payment is made to "overlook" potential legal violations;
(i) a third party requests that you provide employment or some other advantage to a friend or relative;
(j) you receive an invoice from a third party that appears to be non-standard or customised;
(k) a third party insists on the use of side letters or refuses to put terms agreed in writing;
(l) you notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
(m) a third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to the RCN Group;

(n) you are offered an unusually generous gift or offered lavish hospitality by a third party;

(o) a third party asks you to amend accounting practises in relation to a donation or payment.