	EnViva Complex Care Policies and Procedures		
	TITLE: ANTI-BRIBERY AND PREVENTION OF CORRUPTION POLICY		
Ref Number:PP/CO1	Date Approved: December 2018	Review Date: December 2020	Version:PP/CO1.1

1. References:

- Bribery Act 2010
- Fraud Act 2006
- Public Contracts Regulations 2015

2. Scope:

- All Employees

3. Policy Statement:

The directors of EnViva Complex Care are committed to transparent and ethical business practice. There is zero tolerance for any corrupt behaviour including bribery. Employees encountering any behaviour constituting corruption or other malpractice must bring it to the attention of the person responsible for anti-corruption, the Finance Director.

4. Overview:


The effective provision of healthcare and associated support services is contingent upon the client, customer and management having complete confidence in the individuals and organisation providing care. Competence in this instance is not merely the technical ability to undertake various tasks. It is imperative that all stake holders are confident that EnViva Complex Care is providing services in the most cost-effective way and has rigorous processes to deal with any corruption which ultimately has a cost to the State and other commissioners. In addition to existing corporate and standing financial instructions, the company is obliged to ensure it has adequate measures to prevent corruption and bribery in accordance with the Bribery Act which came into force on 1st July 2011. Bribery is broadly defined as “the giving or taking of a reward in return for acting dishonestly and/or in breach of the law”.

This document describes the company’s policy in respect to corruption and gives guidance to managers who may encounter bribery or other forms of corruption.

The giving, receiving or facilitation of a bribe is considered an act of gross misconduct and will be dealt with in line with the company’s disciplinary procedure.

5. The Policy:

- 5.1 EnViva Complex Care takes our responsibilities under the Bribery Act very seriously. If found to be in breach of the Bribery Act 2010, it may result in an unlimited fine and considerable reputational damage. In addition, EnViva Complex Care may also be debarred from participation in public tenders.

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- 5.2 EnViva Complex Care requires all employees to act honestly and with integrity at all times in order to comply with our safeguarding obligations.
- 5.3 This policy is essential to ensure that EnViva Complex Care can demonstrate that it has adequate procedures in place in order to prevent bribery.
- 5.4 It is the person's responsibility to read and be confident that they understand and fully comply with this policy. In any area of doubt the Finance Director should be approached to provide a further explanation.

5.5 What is not acceptable?

It is not acceptable for an individual engaged by EnViva Complex Care (or someone on their behalf) to:


- 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
- Give, promise to give or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure
- Accept payment from a third party that you know, or suspect is offered with the expectation that it will obtain a business advantage for them
- Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return
- Threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy
- Engage in any activity that might lead to a breach of this policy

- 5.6 Facilitation payments may be experienced where a client, relative or other agent offers a payment to obtain a level of service for a client that would not normally be provided. We do not make and will not accept facilitation payments or "kickbacks" of any kind. Kickbacks are typically payments made in return for favour or advantage. Our absolute policy is that such payments are not to be accepted and should be reported to the Finance Director.

All workers must avoid any activity that might lead to or suggest that a facilitation payment or kickback will be made or accepted. If you are asked to make a payment on behalf of EnViva Complex Care, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the service or goods provided. You must always obtain a receipt detailing the reason for the payment.

If you have any suspicions or concerns, you must raise them directly with your line manager, or where this is not appropriate, any other manager/senior employee.

- 5.7 During any form of tendering process, gifts and hospitality (even if proportionate) must not be

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accepted and, if offered, should be politely declined and referred to the Finance Director.

- 5.8 Reasonable and proportionate gifts as a token of appreciation or as part of facilitating normal business relationships are acceptable; the key is that they must not be an inducement to act improperly.

If you receive a gift, you should report it to your line manager, providing details of the gift, its worth, whether it has been accepted and if so, the reasons for this. Read in conjunction with our Acceptance of Gifts Policy.

- 5.9 Genuine hospitality or other similar business expenditure that is reasonable and proportionate, is not prohibited under the Act. All hospitality must however, be bona fide.

Again, if you receive an offer of hospitality this must be recorded.

- 5.10 Charitable support and donations are acceptable under law whether of in-kind services, knowledge, time, or direct financial contributions. However, any EnViva Complex Care employee must be careful to ensure that charitable contributions are not used as a cover to conceal bribery. Only make charitable donations that are legal and ethical. No donation must be offered or made without the prior approval of EnViva Complex Care.

- 5.11 In the first instance, employees and others that this policy is relevant for should notify the Finance Director if it is suspected that a breach of this policy has occurred.


- 5.12 Any situation should be avoided where personal benefit may arise from decisions taken. If there is any doubt, you should report to the Finance Director.

- 5.13 If the Finance Director is suspected of being in breach of the Bribery Act 2010, then the informer should contact the Chief Executive for the service.

- 5.14 In any situation where the Finance Director may be compromised by a conflict of interest or possible personal benefit that may be in conflict with the Bribery Act 2010, the Chief Executive must be informed.

- 5.15 The Public Interest Disclosure (Whistleblowing) Policy and Procedure is also relevant and will be used to cover situations when the organisation may have been alerted of possible breaches of the Bribery Act 2010.

- 5.16 If an individual is an employee of EnViva Complex Care and is in breach of this policy, then the service may take disciplinary action (including possibly dismissal for Gross Misconduct) against the person concerned.

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5.17 If the person is not an employee, the person's contract with the service may be terminated without notice as appropriate.

5.18 Individuals can also be punished by up to ten years imprisonment and a fine if found to be in breach of the Bribery Act 2010.

5.19 If you are offered a bribe by a third party, are asked to make one or suspect this may happen in the future, you must tell your line manager as soon as possible.

5.20 This policy does not form part of an employee's contract of employment and we may amend it at any time.

6. The Procedure:

6.1 The Bribery Act covers four offences: -

6.1.1 Bribing another person (offering an inducement to an individual to perform a function or duty improperly).

6.1.2 Being bribed yourself, by allowing another individual to give you an inducement/reward in return for performing a duty improperly.

6.1.3 Bribing a foreign public official. This is not likely to be an issue for EnViva Complex Care.


6.1.4 Failure to prevent bribery within an organisation. This is a "corporate offence" and relates to the Board of Directors failing in their duty to prevent systematic corruption.

6.2 It is an offence for any employee, consultant, agency worker, agent or anyone otherwise authorised by EnViva Complex Care from receiving or offering any reward which could be considered a bribe.

6.3 Client hospitality (e.g. a dinner) does not constitute a bribe. However, any hospitality must be proportionate. Proportionate expenditure is one that the individual being entertained would, as a routine spend on him/herself, and is in any case approved by the management team.

6.4 If there is any concern that the hospitality being offered is not proportionate, the employee must refer either to the Finance Director or the Chief Executive.

6.5 Employees should follow the Acceptance of Gifts Policy and all gifts must be declared to the line manager and escalated to the Finance Director if appropriate.

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- 6.6 If there is the slightest suggestion an employee might receive a legacy from a client, then this should be referred to the Finance Director immediately and legal advice will be sought.
- 6.7 No donation to a Charity or Political Party/Candidate may be made or offered in the name of EnViva Complex Care without the prior approval of the Finance Director.
- 6.8 Any non-employed individual found to be engaged in corrupt activity will be removed from the approved list of suppliers.
- 6.9 The company (through the Finance Director or Chief Executive) will notify the statutory agencies if any suspected corruption or breach of the Bribery Act is suspected.
- 6.10 If an employee is offered a bribe, they must make the Finance Director or Chief Executive aware, who will investigate.
- 6.11 If an employee suspects another colleague of being involved in bribery, they must notify the responsible individual, namely the Finance Director.
- 6.12 If an employee suspects that a competitor has been involved in corrupt practices with a commissioner which results in a potential material loss to EnViva Complex Care, he/she must notify the Chief Executive.

Procedure Review		
Review Date	Sections changed	Reasons