

## HOW YOU CAN HELP

Anyone can report concerns about bribery in the NHS.

NHS Protect wants to hear from you if you have any suspicions or concerns about bribery. All allegations will be thoroughly and professionally investigated.

Staff should report any suspicions or allegations of bribery immediately to **one of the following**:

- their Local Counter Fraud Specialist
- their organisation's whistleblowing function
- the relevant regional NHS Protect Area Anti-Fraud Specialist
- the NHS Fraud and Corruption Reporting Line **0800 028 40 60** or the online fraud reporting form at [www.reportnhsfraud.nhs.uk](http://www.reportnhsfraud.nhs.uk).



### Concerned about bribery in the NHS?

Information can be given to a confidential NHS Fraud and Corruption Reporting Line

All calls are dealt with by trained staff and professionally investigated

Freephone Monday to Friday 8am–6pm

Online reporting at [www.reportnhsfraud.nhs.uk](http://www.reportnhsfraud.nhs.uk)

[www.nhsprotect.nhs.uk](http://www.nhsprotect.nhs.uk)

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# BRIBERY ACT 2010 HOW IT AFFECTS THE NHS



## What is bribery?

Bribery is offering an incentive to someone to do something which they wouldn't normally do. For example, someone offering a job might be offered tickets to an event by one of the candidates or someone linked to them. In the context of the Bribery Act 2010, the offence of bribery refers to accepting, as well as offering, a bribe.

## What is the Bribery Act 2010?

The Bribery Act 2010 reforms the criminal law of bribery, making it easier to tackle this offence proactively in the public and private sectors. It introduces a corporate offence which means that relevant commercial organisations will be exposed to criminal liability, punishable by an unlimited fine, for failing to prevent bribery.

## Why is this relevant to NHS organisations, professionals and staff?

NHS organisations are included in the Bribery Act's definition of a 'relevant commercial organisation'. Any senior management or board member who consents to or connives in any active or passive bribery offence will, together with the organisation, be liable for the corporate offence under the act.

Any individual associated with an organisation who commits acts or omissions forming part of a bribery offence may be liable for a primary bribery offence under the act or for conspiracy to commit the offence with others – including, for example, their employer.

A 'twin-track' approach can be used to take action against an individual (under section 1 of the act) and an organisation (under section 7) simultaneously.

## What should NHS organisations do?

There are a number of steps that NHS organisations can take. As soon as possible, they should:

- carry out a bribery and corruption risk assessment
- put in place anti-bribery procedures that are proportionate to the identified risks
- ensure that when *proportionate* anti-bribery procedures are put in place, the principles outlined in the guidance are taken into account (top-level commitment, due diligence, communication and training, and monitoring and review)
- be clear that NHS organisations and their employees, contractors and agents are covered by corporate liability for bribery
- take steps to make their trust employees and contractors aware of the standards of conduct expected of them, particularly in known risk areas such as procurement
- record any steps taken, as they provide the defence against corporate liability under the Act.

## Where can I get more information?

For more information, contact your Local Counter Fraud Specialist, who will have access to training and reference materials produced by NHS Protect for this purpose. These include a guidance document and list of FAQs.