**ANTI-BRIBERY POLICY**

This policy exists to protect the integrity of DMC’s decision making process so that stakeholders may have confidence in the organisation and to protect the integrity and reputation of staff, trustees and volunteers.

It is illegal to offer, promise, give, request, agree, receive or accept bribes, under the Bribery Act 2010. A bribe could be described as seeking to influence a decision-maker by giving some kind of extra benefit to that decision maker rather than by what can legitimately be offered as part of a tender process. Dorchester Municipal Charities (DMC) aims to prevent the bribery of staff and trustees by reducing and controlling the risk of bribery. The trustees will not tolerate bribery in any form.

The trustees recognise that if staff, trustees or volunteers were to commit a bribery offence such as accepting a bribe, bribing another person, bribing a foreign official, the organisation could be liable for failing to prevent bribery. However, the risk of bribery in a small organisation like DMC is considered low because it is a UK based charity providing social housing in the form of almshouses.

**ACCEPTING GIFTS, HOSPITALITY OR DONATIONS**

* The Charity does not generally provide hospitality other than refreshments for contractors during the course of their work or for trainers during training sessions
* Employees and trustees must decline any offers of gifts, hospitality or entertainment that might create a sense of obligation. The test should be whether a fair minded member of the public, knowing all the facts, would see anything improper or suspicious in the offer of a gift, hospitality or entertainment. In circumstances where the offer is not deemed to create a sense of obligation, then casual gifts may be accepted up to the value of £25. All gifts shall be reported to the General Manager for recording in the Schedule of Gifts. Any unsolicited gifts received with a value in excess of £25 must be reported to the Management Team.
* As a Charity, DMC accepts donations and a record is kept of these by the Financial Clerk.

**NEGOTIATING CONTRACTS**

* Where possible the Charity employs contractors with whom a relationship has been built over time. This negates the need for due diligence eg checks on whether someone is genuine, trustworthy and unlikely to bribe staff or trustees, when a service is required from a contractor.
* DMC requests written quotations from contractors for work to be undertaken on site, where the work is likely to cost over £500. This means that small items of work undertaken as part of the maintenance programme are not quoted.
* Quotations are circulated to the Property Group and the DMC Chairman for consideration
* In the case of a matter unrelated to property, eg where choosing an architect to design a potential new development, quotations are circulated to all trustees for consideration
* A decision is made by trustees and the successful contractor engaged in the work.
* Trustees are expected to announce if there is a conflict of interest in relation to a particular contractor.

**CONFLICTS OF INTEREST**

* A conflict of interest is any situation in which the personal interests of a trustee, staff member, volunteer or someone connected with them, where loyalties could, or could be seen to, prevent them from making a decision only in the best interests of the charity. Examples are:
* where there is a potential financial or measurable benefit directly to the trustee, staff member, volunteer or indirectly through a connected person
* a duty or loyalty to another organisation or person may compete with duty or loyalty to DMC
* Conflicts of interest must be declared and for trustees this fulfils their legal duty to act only in the best interests of the charity
* Trustees, staff and volunteers are required to complete a declaration form when they join DMC. This is reviewed annually
* Conflicts of interest in relation to agenda items are discussed at the start of each Board meeting and any trustee with a conflict of interest shall be prevented from participating in the discussion or voting on this particular issue. Information about the conflict and anyone withdrawing from the discussion shall be recorded in the minutes of the meeting
* A Register of Interests is kept in the Clerk’s Office
* Information provided about conflicts of interest will be handled in accordance with the charity’s Privacy Notice
* The Governing Document states that a charity trustee must:

1. declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the CIO or in any transaction or arrangement entered into by the CIO which has not previously been declared; and
2. absent himself or herself from any discussions of the charity trustees in which it is

possible that a conflict of interest will arise between his or her duty to act solely in the

interests of the CIO and any personal interest (including but not limited to any financial

interest).

Any charity trustee absenting himself from any discussions in accordance with this

clause must not vote or be counted as part of the quorum in any decision of the charity

trustees on the matter.

**Declarable interests**

* Any employment, office, trade, profession or vocation carried out for profit or gain
* Any payment or provision of any other financial benefit made or provided within the relevant period in respect of any expenses incurred in carrying out duties as a member.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a)

* Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the charity:  
  a. under which goods or services are to be provided or works are to be executed; and  
  b. which has not been fully discharged
* Any beneficial interest in land which is owned by the Charity
* Any licence (alone or jointly with others) to occupy land in the area of the charity for a month or longer.

**Trustee benefits**

Potential trustee benefits:

* pay a trustee for carrying out their trustee role
* employ a trustee’s spouse or other close relative at the charity
* pay a trustee, or a person or company closely connected to a trustee, for providing a service to the charity - this covers anything that would be regarded as a service and includes legal, accountancy or consultancy services through to painting or decorating the charity’s premises, or any other maintenance work
* sell, loan or lease charity assets to a charity trustee
* acquire, borrow or lease assets from a trustee for the charity
* pay a trustee for carrying out a separate paid post within the charity, even if that trustee has recently resigned as a trustee
* pay a trustee for carrying out a separate paid post as a director or employee of the charity’s subsidiary trading company
* make a grant to a service user trustee or a service user who is a close relative of a trustee
* allow a service user trustee to influence service provision to their exclusive advantage

Where there is a potential for trustee benefit, trustees shall address these issues:

* + - 1. act only in the best interests of the charity to prevent the conflict of interest associated with the trustee benefit from affecting decision making
      2. ensure there is an appropriate official authority in place from the Charity’s Governing Document, a statutory provision, the Charity Commission or the court, before any decision conferring trustee benefit is made

**RAISING A CONCERN**

* DMC requires all staff and trustees to immediately report any incidents or suspicions of bribery to the General Manager or a member of the Management Team. DMC will not penalise anyone for raising a concern in good faith which is covered in the Whistleblowing Policy.

**BIBLIOGRAPHY**

Bournemouth Council for Voluntary Service, *Conflict of Interest, Gifts and Bribery Policy*, December 2014

Charity Commission, *Managing Conflicts of Interest CC29: A guide for charity trustees*, 1 May 2014

Government website, *Anti-Bribery Policy*, accessed 18/2/2019

<https://www.gov.uk/anti-bribery-policy>

Ministry of Justice, *The Bribery Act 2010, Quick Start Guide*

http://www.justice.gov.uk/downloads/legislation/bribery-act-2010-quick-start-guide.pdf