

GIFTS AND HOSPITALITY AND ANTI-BRIBERY POLICY

POLICY MONITORING	
Person responsible for Policy	Chief Executive
Committee responsible for Review	Board of Trustees
Policy approved	February 2023
Frequency of Review	Annually
Date of next Review	February 2024

Application of this policy

This policy applies to Trustees, members of staff (permanent and temporary) and volunteers (hereafter referred to as staff, unless indicated otherwise).

In this policy, third party means any individual or organisation that staff come into contact with during the course of their work, and includes actual and potential service users, customers, suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

Purpose

The purpose of this policy is to:

- establish controls to ensure the proper handling of any gifts and hospitality received by the organisation and its staff;
- ensure compliance with all applicable anti-bribery and corruption legislation and regulatory policy; and
- ensure that Lymphoma Action’s business is conducted in a socially responsible manner.

This policy will also protect Lymphoma Action and its staff from perceived impropriety even where none was intended. It should be read in conjunction with Staff Handbook and the organisation’s Financial Regulations.

Policy statement

Bribery is the offering, promising, giving, accepting or soliciting of an advantage as an inducement for action which is illegal or a breach of trust. A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.

It is Lymphoma Action’s policy to conduct all of our business in an honest and ethical manner. We take a zero-tolerance approach to bribery and corruption. We are committed to acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate and implementing and enforcing effective systems to counter bribery.

Bribery and corruption are punishable for individuals by up to ten years' imprisonment and a fine. If the organisation is found to have taken part in corruption, we could face an unlimited fine, be excluded from tendering for contracts in the future and face damage to our reputation. We therefore take our legal responsibilities very seriously.

Gifts and hospitality

Staff must not offer or give any gift or hospitality:

- which could be regarded as illegal or improper, or which violates the recipient's policies; or
- to any public employees or government officials or representatives, or politicians or political parties; or
- which exceeds £20 (twenty pounds sterling) in value for each individual gift or £100 (one hundred pounds sterling) in value for each hospitality event (not to exceed a total value of £500 (five hundred pounds sterling) in any financial year), unless approved in writing by a member of the senior management team (SMT) or the Chief Executive. Any such gifts and hospitality should be recorded in the Register (see further below).

Staff may not accept any gift or hospitality from our suppliers or business partners if:

- it exceeds £20 (twenty pounds sterling) in value for each individual gift or £100 (one hundred pounds sterling) in value for each hospitality event (not to exceed a total of £500 (five hundred pounds sterling) in any financial year), unless approved in writing by an SMT member or the Chief Executive; or
- it is in cash; or
- there is any suggestion that a return favour will be expected or implied.

When a gift or hospitality is offered the staff member, in consultation with an SMT member or the Chief Executive, should consider whether or not to accept it formally. Irrespective of whether they accept or decline, the offer, the decision and any accompanying explanation should be clearly and accurately recorded in the Register of Gifts and Hospitality (for all gifts) (see Appendix 1.) This means that even if an offer is rejected the details of the offer are still recorded on the register along with the fact that the gift or hospitality was not accepted.

The Register is maintained by the Personal Assistant to the Chief Executive and is reviewed by the SMT on at least quarterly basis. As noted above, staff are expected to record any offers or acceptances of gifts and hospitality as and when they arise. However, in addition, the Personal Assistant to the Chief Executive will issue prompts and reminders every quarter and all staff will be expected to record either:

- any gifts and hospitality received during that period; or
- where no gifts and hospitality have been received during that period, then formal confirmation that no such gifts and/or hospitality have been offered or accepted during that period.

If it is not appropriate to decline the offer of a gift, with permission from the relevant Senior Manager or Chief Executive the gift may be accepted and donated to charity. This must be recorded in the register and the donor must be informed.

We appreciate that the practice of giving business gifts varies from sector to sector or from culture to culture and what may be normal and acceptable in one sector or culture may not be in another. The

test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

Trustees

Trustees are expected to declare any gifts or hospitality that they receive in relation to their role as a Trustee of Lymphoma Action, or that is relevant to Lymphoma Action, or where the donor has a relationship with Lymphoma Action. They are not expected to declare all gifts or hospitality in relation to other work or roles they have or are involved in outside of being a trustee.

Relationship with Pharmaceutical Industry

Given the role of the pharmaceutical industry in the treatment and management of cancer, including lymphoma, we will log all the support we receive from pharma, whether through funding, sponsorship or benefits in kind, and ensure this is the subject of regular managerial review. The Chief Executive and the SMT, and on occasion other members of staff, are frequently invited to participate in a range of pharma-supported or initiated events or initiatives. At this point, it is rarely possible to identify or quantify whether and to what extent gifts or hospitality will be involved, until the invite is accepted. In many such cases the invite will be declined as the event or initiative is not of interest to Lymphoma Action or the organisation does not have the capacity to be involved. Where the gift or hospitality has not been defined or quantified (and not formally offered as such), then the event or initiative will not be recorded in the register of interests.

Bribes

Staff must not engage in any form of bribery, either directly or through any third party (such as an agent or distributor). Specifically, staff must not bribe a foreign public official anywhere in the world.

Facilitation payments and kickbacks

Facilitation payments are a form of bribery made for the purpose of expediting or facilitating the performance of a public official for a routine governmental action, and not to obtain or retain business or any improper business advantage. While we believe the risk that our staff will find themselves in such situations is extremely low (and may only be relevant currently in relation to the small number of statutory funding applications that we make), nonetheless we take the possibility of such circumstances seriously. In such cases, facilitation payments tend to be demanded by low level officials to obtain a level of service which one would normally be entitled to. Our strict policy is that facilitation payments must not be paid.

Political contributions

As a charity, Lymphoma Action cannot have political purposes. While political campaigning and political activity may be a legitimate part of the organisation pursuing its charitable objectives, it must remain politically independent and neutral. As such, Lymphoma Action does not make donations, whether in cash or kind, in support of any political parties or candidates, or any organisations that have a strong and known political bias or preference.

Charitable contributions

As a charitable organisation, Lymphoma Action can only make charitable donations that expressly further its charitable objectives. Staff should only make charitable donations or contributions on the part of Lymphoma Action with the prior approval of an SMT member or the Chief Executive.

All charitable contributions should be publicly disclosed.

Record-keeping

Lymphoma Action will keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off-book" to facilitate or conceal improper payments.

Staff responsibilities

All staff must ensure that they have read, understand and comply with this policy. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all staff and any volunteers, contractors, consultants, etc, that are under our control or influence or work on our behalf. All staff are required to avoid any activity that might lead to, or suggest, a breach of this policy.

In particular, staff must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with our expenses policy and specifically record the reason for the expenditure.

All staff must notify an SMT member, the Chief Executive or the Chair of the Board of Trustees as soon as possible if s/he believes or suspects that a conflict with or breach of this policy has occurred, or may occur in the future.

Any staff member who breaches this policy may face disciplinary action, which could result in dismissal for gross misconduct.

How to raise a concern

Staff are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If staff are unsure whether a particular act constitutes bribery or corruption, or if they have any other queries or concerns, these should be raised with an SMT member, the Chief Executive or the Chair, as appropriate.

What to do if you are a victim of bribery or corruption

It is important that staff tell an SMT member, the Chief Executive or the Chair, as appropriate, as soon as possible if they are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that they are a victim of another form of unlawful activity.

Protection

Staff who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. We aim to encourage openness and will support anyone who has a reasonable belief that wrongdoing and/or breach of this policy has happened, even if they turn out to be mistaken. Further reference should also be made to Lymphoma Action's Whistleblowing Policy.

We are committed to ensuring no-one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reasonable belief or 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 staff believe they have suffered any such treatment, they should inform the Chief Executive or the Chair, as appropriate, immediately. If the matter is not remedied, they should raise it formally using the organisation's Grievance Procedure.

Training and communication

Training on this policy forms part of the induction process for all new staff, and updates will be provided from time to time for existing staff.

Who is responsible for the policy?

The Board of Trustees has overall responsibility for ensuring this policy complies with Lymphoma Action's legal and ethical obligations, and that all those under the organisation's control or influence comply with it.

The Chief Executive has primary and day-to-day responsibility for implementing this policy, and for monitoring its use and effectiveness and dealing with any queries on its interpretation. Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this policy and are given adequate and regular training on it.

Monitoring and review

The Chief Executive will monitor the effectiveness and review the implementation of this policy on annual basis, and report back to the Board of Trustees.

Last approved February 2019; reviewed January 2021; reviewed January 2022

Re-approved by the Board of Trustees, 9 February 2023

