

**UNIVERSITY HOSPITALS OF LEICESTER NHS TRUST**

**Trust Board Bulletin – 2 June 2011**

The following reports are attached to this Bulletin as items for noting, and are circulated to UHL Trust Board members and recipients of public Trust Board papers accordingly:-

- **Briefing on the Bribery Act 2010.** Lead contact point – Mr S Ward, Director of Corporate and Legal Affairs (0116 258 5488) – **paper 1.**

**It is intended that these papers will not be discussed at the formal Trust Board meeting on 2 June 2011, unless members wish to raise specific points on the reports.**

This approach was agreed by the Trust Board on 10 June 2004 (point 7 of paper Q). Any queries should be directed to the specified lead contact point in the first instance. In the event of any further outstanding issues, these may be raised at the Trust Board meeting with the prior agreement of the Chairman.

**UNIVERSITY HOSPITALS OF LEICESTER NHS TRUST**

**REPORT TO: TRUST BOARD**

**DATE: 2 JUNE 2011**

**REPORT BY: DIRECTOR OF CORPORATE AND LEGAL AFFAIRS**

**SUBJECT: THE BRIBERY ACT 2010**

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The Board will be aware that the highest standards of probity and conduct are expected from Trust staff and the trust currently has put in place a number of measures to ensure that this occurs.

However, the landscape in this area will change when on 1<sup>st</sup> July 2011 the Bribery Act 2010 comes into force.

The Act both codifies the law and introduces a new offence. It contains three main offences:

1. the offence of bribing another person; and
2. the offence of bribery of a foreign public official; and
3. the new offence of failure by a commercial organisation to prevent bribery.

The Act provides a full defence to the new offence where an organisation had adequate measures in place to prevent persons associated with it from carrying out acts of bribery. The meaning of “commercial organisation” is considered to include public bodies and is therefore of importance to UHL.

The guidance sets out the following six principles for the implementation of anti bribery policies and procedures:

**Proportionate procedures** – the procedures put in place by each organisation should be proportionate to the bribery risks that organisation faces and the size, nature and scale of the organisation.

**Top level commitment** - the top level management of the organisation must be committed to preventing bribery and foster a culture in which bribery is never accepted.

**Risk assessment** - the organisation must assess the nature and extent of its exposure to potential external and internal risks of bribery which is periodic, informed and documented.

**Due diligence** - the organisation must apply due diligence procedures taking a proportionate and risk based approach.

**Communication** – the organisation must seek to ensure that its bribery prevention policies and procedures are embedded throughout the

organisation through internal and external communication proportionate to the risks.

**Monitoring and review** – the organisation should monitor and review its procedures designed to prevent bribery and make improvements where necessary.

The guidance makes it clear that it is not the intention of the legislation to outlaw hospitality and promotional expenditure.

The Assistant Director of Corporate and Legal Affairs (Head of Legal Services) is seeking legal advice to ensure that we put in place the necessary arrangements to comply with our obligations under the Act.

The Director of Corporate and Legal Affairs will report subsequently to the Trust Board and to the Audit Committee on any additional actions required to supplement our existing arrangements once the legal advice has been received and reviewed.

The Trust Board is invited to receive and note this report.

Stephen Ward  
Director of Corporate & Legal Affairs

26 May 2011