

Dorset Local Enterprise
Partnership CIC

Hospitality and Anti-Bribery Policy

September 2023

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1. Introduction

- 1.1. Dorset LEP is committed to ethical standards of business conduct.
- 1.2. Dorset LEP believes that transparency is critical to ensuring hospitality does not cross the line into bribery.
- 1.3. Dorset LEP adopts a zero-tolerance approach to bribery and corruption.
- 1.4. Dorset LEP will uphold relevant laws for countering bribery and corruption, in particular the Bribery Act 2010 (the Act).
- 1.5. This policy is intended to set out Dorset LEP's approach to monitoring, identifying and avoiding incidents and/or risks of bribery.
- 1.6. The Dorset LEP Board has overall responsibility for the implementation, monitoring and review of the Dorset LEP's Hospitality and Anti-Bribery Policy and Procedures.
- 1.7. The Dorset LEP Board has delegated oversight of 'day-to-day' hospitality and anti-bribery compliance to the Dorset LEP Director.

2. Scope and Purpose

- 2.1. This policy and its associated implementing procedures apply to all employees of Dorset LEP, whether permanent or temporary (staff), and all members of the Dorset LEP Board when acting in that capacity (members).
- 2.2. Preventing, detecting and reporting bribery in line with this policy is the responsibility of all staff and members.
- 2.3. All staff and members must be vigilant and seek to identify and avoid bribery and corruption.
- 2.4. Breach of this policy and its associated procedures in force from time to time may constitute a disciplinary offence for staff and will be subject to investigation under Dorset LEP's disciplinary procedures. For members, breach of this policy and its associated procedures, may result in other contractual or legal sanction.
- 2.5. Criminal penalties may also apply, but are outside the scope of this policy.

3. Policy

- 3.1. Each staff member and Board member must:
 - 3.1.1. Take all action and comply with all prohibitions required by this policy and its associated procedures.
 - 3.1.2. Comply with the hospitality reporting requirements contained in this policy.
 - 3.1.3. Identify and report bribery situations where there is a suspicion or risk of bribery.
 - 3.1.4. Consider their related duties to make appropriate disclosures under Dorset LEP's Conflict of Interest policy.

4. Hospitality

- 4.1. **What is Hospitality?** Dorset LEP defines hospitality as including gifts, entertainments or 'perks' offered or received by reason of or in connection with employment or relations with Dorset LEP. This could include the offer of a meal, tickets to a sporting or professional event, or an individual present, for example a bottle of alcoholic drink.

- 4.2. **What is allowed?** Normal and proportionate hospitality whether given or received where this is genuinely aimed at building a good business relationship or improving the profile of Dorset LEP.
- 4.3. **What is not allowed?** The gift or receipt of hospitality by staff and members which is aimed at securing an improper business or other advantage or which may affect the recipient's independence.
- 4.4. Further help to decide whether hospitality is acceptable is found in **Appendix A**.

5. Hospitality Reporting

- 5.1. The following reporting procedures do not apply to staff or members, in their capacity as staff or members, at formal corporate events organised by Dorset LEP.
- 5.2. Where hospitality might reasonably exceed £50 in overall value, staff and members must seek approval from the Dorset LEP Director and log in the hospitality register (**Appendix B**) all hospitality offered by them or to them or received by them, whether or not accepted.
- 5.3. The 'overall value' is to be taken as an aggregate of any hospitality offered or received by an individual (or any parties related to them) within a three month period. *For example, a business or personal contact buys you lunch every day for a week. The overall value of the hospitality offered is likely to exceed £50. If must, therefore, be logged.*
- 5.4. Staff and members must exercise discretion in relation to hospitality. If in doubt about the propriety of hospitality, do not offer or receive it (as the case may be).
- 5.5. In addition to the requirement to log hospitality, where it might reasonably exceed £100 in overall value, staff and members should seek prior approval from the Chair of the Dorset LEP Board and log in the hospitality register.
- 5.6. In exceptional circumstances where it has not been possible to seek approval in advance then it must be logged, and approval must still be sought at the first available opportunity.
- 5.7. Dorset LEP Director will periodically review the contents of the hospitality register and submit a report to the Dorset LEP Board every six months.

6. When does Hospitality lead to Bribery?

- 6.1. The key point is the need for great care, transparency and proper processes when dealing with hospitality. This applies equally where hospitality is given (or proposed to be given) as to where it is received (or offered).
- 6.2. There is no "cut off" point at which gifts and hospitality are considered too small to amount to bribery at law. This is because the purpose behind the hospitality is always important.

7. What is Bribery?

- 7.1. Offering, promising or giving a financial or other advantage to another person (either directly or indirectly) with the intent to induce a person to improperly perform a relevant function or activity or to reward a person for the improper performance of a relevant function or activity.
- 7.2. Offering, promising or giving a financial or other advantage to another person (either directly or indirectly) knowing or believing that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity.
- 7.3. Requesting, agreeing to receive or accepting a financial or other advantage (either directly or indirectly) intending that, in consequence, a relevant function or activity

will be improperly performed or as a reward for the improper performance of a relevant function.

- 7.4. Requesting, agreeing to receive or accepting a financial or other advantage (either directly or indirectly) where the request, agreement or acceptance itself constitutes the improper performance of a relevant function or activity.
- 7.5. Offering, promising or giving any financial or other advantage (either directly or indirectly) to a foreign public official with the intention of influencing that official in order to obtain or retain business or other advantage in the conduct of business.
- 7.6. The following are examples of bribery. The list is not exhaustive:
 - 7.6.1. Offering excessive hospitality to a contact to secure a commercial advantage.
 - 7.6.2. Receiving concert tickets from a contact on the understanding that you will, as a result, put business "their way" or award or renew an existing contract.
 - 7.6.3. A contact offers your partner a free long-haul flight if you ensure that their tender response receives preferential treatment.

8. What is not acceptable?

- 8.1. Without limitations it is not acceptable for staff or members or anybody on behalf of any of them to:
 - 8.1.1. Engage in bribery (whether giving or receiving) as defined in section 4 above.
 - 8.1.2. Otherwise engage in any activity that might lead to a breach of this policy and its associated procedures as they apply to staff and members.
 - 8.1.3. In addition, it is not acceptable for staff and members to fail to report any concerns which are required to be reported under this policy and its associated procedures.

9. What do I do if I suspect Bribery?

- 9.1. Any staff or member who has reason to suspect or be concerned that bribery has occurred or may occur or encounters any of the 'red flags' listed in **Appendix C** must promptly report their concerns to the Dorset LEP Director.
- 9.2. The Dorset LEP Director shall take such further action as they deem appropriate to ensure legal compliance and appropriate remediation (where applicable).
- 9.3. Where the concerns may be linked in some way to the Dorset LEP Director, the report must be made directly to the Chair of the Dorset LEP.

10. Legal Penalties

- 10.1. Individuals found guilty of a bribery offence can face fines or prison sentences of up to ten years.
- 10.2. Dorset LEP may face unlimited fines if it is found to have "failed to prevent" bribes being made by staff or persons associated with Dorset LEP. This is why this policy extends to members.

11. Freedom of Information

- 11.1. Information provided by staff and members under this policy will be recorded in the hospitality register.
- 11.2. Extracts of hospitality registers may be subject to disclosure in response to requests under the Freedom of Information Act 2000. The Dorset LEP will consider whether any relevant exemptions to disclosure apply before responding to requests.
- 11.3. Personal data provided in compliance with this policy and procedures will be processed in accordance with the Data Protection Act 1998. Data will be processed

only to ensure the aims of this policy and procedures are met and that legal obligations are complied with.

Appendix A – Helping to decide whether Hospitality is acceptable

The following is a non-exhaustive list of questions for staff and members to consider when faced with a decision around hospitality, including an approval request.

- The known intent behind the hospitality. Is the hospitality offered in “good faith” to build a business relationship, or might it be to secure an improper advantage? For example, a modest meal offered or received during a business meeting is likely to be more transparent and acceptable than any dinner from a supplier – even an existing supplier - during a tender period potentially affecting that supplier.
- Might the “man in the street” consider the hospitality given to have an underlying purpose of securing an economic or business advantage? Consider how the hospitality would look if the parties were reversed. Might it look suspicious or improper?
- Is the hospitality proportionate to the situation and the sector norms? Bear in mind that sector norms may change because of the new legislation, so what was once acceptable may no longer be considered to be.
- Does the timing give rise to any concerns? What activity is being undertaken, and how might the hospitality be seen in the light of that?
- Is the hospitality directed at a particular individual or is it more corporate? For example, is the hospitality offered to all those holding a particular position at Dorset LEP, and therefore potentially more likely to amount to relationship building?
- For hospitality proposed by Dorset LEP, is it to be given as part of normal proportionate practice to improve the image of Dorset LEP or its relations with external business and partners? It must not be given to attempt to influence potential decisions by the recipient.

What Do I Do if I am Unsure?

- In cases of uncertainty staff should seek further advice from the Dorset LEP Director before proceeding.

Appendix B – Hospitality Register

This will be attached as an excel document.

Dorset Local Enterprise Partnership Hospitality Register											
Your Name	Your Position	Details (name and company) of person offering or receiving hospitality	Details of Hospitality	Overall Value of Hospitality (where the overall value of the hospitality might reasonably exceed an aggregate value of £50 in any 3 month period you are required to log it, see 10.2 of Anti-Bribery Policy)	Was the hospitality offered or received? (O/R)	Date the hospitality was offered or received	Was the hospitality accepted? (Y/N)	Justification	Did the hospitality exceed £50 in Overall Value? (Y/N) (where the overall value of the hospitality might reasonably exceed an	If the answer to the previous question is "yes", state level of approval.	Has this been published in your Conflict of Interest Form?
Name	Board Member	AFC Bournemouth	AFC Bournemouth Sportsmans Dinner	£60	Received	27-Feb-19	Yes		Yes	Approved by the Chair	No

Appendix C – Potential Risk Scenarios

The following is a list of possible 'red flag' situations in which increased vigilance in respect of bribery and corruption risk should be exercised. The list is illustrative, and not exhaustive.

If any staff or member (all referred to as you below) encounter any of the following working for Dorset LEP in relation to a party with whom Dorset LEP is involved or proposed to be involved (or, where the context permits, in relation to any member of staff or member of Dorset LEP) you must report this promptly. Staff or members must use the procedure set out in section 7 of the policy.

Examples of 'red flag' situations are:

- You become aware that a third party engages in, or has been accused of engaging in improper business practices.
- You learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them.
- A third party insists on receiving a commission or fee payment before committing to signing up to a contract with Dorset LEP or carrying out a government function or process for Dorset LEP.
- A third party requests payment in cash and/or refuses to sign a formal commission or fee arrangement, or to provide an invoice, or receipt for a payment made.
- A third party requests an unexplained additional fee or commission to facilitate a service.
- A third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services.
- A third party requests that a payment is made to "overlook" potential legal violations.
- A third party requests that you provide employment or some other advantage to a friend or relative.
- You receive an invoice from a third party that appears to be non-standard or customised.
- A third party insists on the use of side letters or refuses to put terms agreed into writing.
- You notice that we have been invoiced for a commission or fee payment that appears large in comparison with the service provided.
- A third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used or known to Dorset LEP.
- You are offered an unusually generous gift or offered lavish hospitality by a third party.

Certain areas and business relationships require particular scrutiny, for example:

Joint Ventures and Contracts

- Dorset LEP could be liable for any bribery or corruption committed by a fellow joint venture party or a contractor which accrues to Dorset LEP's commercial or financial benefit. It is therefore vital that detailed due diligence is carried out on any prospective joint venture party or contractor before committing Dorset LEP to any such arrangement.
- It may be necessary, as a result of the due diligence, for Dorset LEP to require the joint venture party or contractor to "sign up" to equivalent anti-bribery measures and/or indemnify Dorset LEP for any bribery or corruption risk and/or institute on-going monitoring arrangements.

Existing joint venture partners and contractors may need to be made subject to greater operational scrutiny by Dorset LEP.