

ROYAL INSTITUTE OF BRITISH ARCHITECTS (the RIBA)

ANTI-BRIBERY AND CORRUPTION POLICY

1. Introduction

- a. The RIBA values its reputation for conducting its business in an honest and ethical manner and takes a zero tolerance approach to bribery and corruption. The RIBA is committed to acting professionally, fairly and with integrity in all its business dealings and relationships wherever it operates.
- b. The RIBA shall uphold all laws relevant to countering bribery and corruption. In particular it is bound by the laws of the UK, including the Bribery Act 2010, in respect of its conduct both at home and abroad.
- c. Offences under the Bribery Act 2010 are punishable by up to 10 years' imprisonment and unlimited fines, for individuals, and by unlimited fines and the possible exclusion from tendering for public contracts, for companies. The consequential reputational damage for a company would be devastating. As a company, the RIBA takes its responsibilities under the Bribery Act 2010 extremely seriously.

2. Who is covered by the policy?

- a. This policy applies to:
 - i. all members of the RIBA's staff (whether employees (both permanent and fixed term), consultants, contractors or agency staff) and to all the RIBA's office holders, Council members, trustees, members of Boards and committees and other individuals holding fiduciary positions within the RIBA (collectively referred to as **staff** in this policy); and
 - ii. any agents, brokers, consultants and other third parties engaged to provide a service on behalf of the RIBA (collectively referred to as **other associated persons** in this policy).

3. What is bribery?

- a. A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.
- b. The bribe might be cash, a gift or other inducement to, or from, any person or company, whether a public or government official, political party or a private person or company, and regardless of whether any of the parties is located in the UK or overseas.
- c. The bribe might be made to ensure that a person or company improperly performs duties or functions (for example by not acting impartially or in good faith or in accordance with that person's or company's position of trust) to gain a commercial, contractual or regulatory advantage for the offeror of the bribe, in either obtaining or maintaining business, or to gain a personal advantage, financial or otherwise, for the offeror of the bribe or anyone connected with the offeror.
- d. The RIBA prohibits staff and other associated persons from offering, promising, giving, soliciting or accepting any bribe.

4. Records

- a. It is essential that all staff and other associated persons take particular care to ensure that all records are accurately maintained in relation to any contract or business activities, including invoices and all payment transactions with clients, suppliers and public officials.
- b. Staff and other associated persons must submit all hospitality, gifts or other expenses for the benefit of third parties in accordance with the RIBA's expense procedure and explicitly record the reason for the expenditure.
- c. For these purposes, a third party is any individual or organisation with whom a member of staff or associated person comes into contact during the course of his/her work. This will include actual and potential customers, suppliers, business contacts, agents, advisors and government and public bodies including their advisors, representative and officials.

- d. All hospitality and gifts offered, given or received to and from third parties must be recorded in the gift and hospitality log unless trivial i.e. with an estimated value of £50.00 or less. For RIBA staff, the gift and hospitality log can be found *in the shared Public 'Q' drive / Business Services / Finance folder*.
- e. Associated persons should provide details at the earliest opportunity to the Executive Director, Finance and Operations who will record these in the gift and hospitality log.

Gifts and hospitality

- f. The RIBA permits gifts and hospitality (including corporate entertainment) undertaken for the following purposes:
 - to establish or maintain good business relationships;
 - to improve the image or reputation of the RIBA; or
 - to present the RIBA's goods and services effectively,provided that the gift or hospitality is arranged in good faith and is not offered, promised or accepted to secure an advantage for the RIBA or any of its staff or other associated persons or to influence the impartiality of the recipient.
- g. The RIBA will only authorise a gift or hospitality to be given or received that is reasonable, appropriate and proportionate and where there is no conflict of interest.
- h. Whilst it is appreciated that the giving and receiving of gifts and hospitality varies between countries and regions, 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.
- i. All hospitality and gifts offered, given or received to and from third parties should be recorded in the gift and hospitality log unless trivial i.e. with an estimated value of £50.00 or less.

5. Hospitality

- a. **Hospitality given**

- i. The giving or offering of reasonable hospitality that falls within the permitted purposes outlined in 5. above and where the cost of that hospitality is no more than £50.00, does not require any prior approval.
 - ii. All hospitality offered or given during the course of contract negotiations and any other hospitality that falls outside the agreed limit requires prior approval from the Executive Director, Finance and Operations
 - iii. In seeking approval, staff or, where appropriate, other associated persons, should identify:
 - the objective of the hospitality;
 - who will be attending;
 - the organisation that the recipient of the hospitality represents; and
 - the rationale for the proposal.
 - ii. The Executive Director, Finance and Operations will monitor free places given to third parties at the RIBA's events on an ongoing basis, as appropriate.
- b. **Hospitality received**
 - i. Acceptance of light refreshment up to a modest level or a reasonable lunch or dinner that does not include the provision of travel or accommodation and that falls within the permitted objectives outlined in 5. above does not require any prior approval. All other hospitality will always require prior approval.
 - ii. Hospitality that involves time away from the office (other than lunch) or an overnight stay requires the approval of the member of staff's manager.

6. Gifts

- a. Any gift with a value of £50.00 or less may be kept but any gift with a greater value must be handed to the Executive Director, Finance and

Operations who will distribute such gifts to staff in a fair manner e.g. through a staff raffle.

7. Facilitation Payments

- a. The RIBA prohibits its staff or other associated persons from making or accepting any facilitation payments. These are payments made to government officials for carrying out or speeding up routine procedures. Facilitation payments or offers of such payments will constitute a criminal offence by both the individual concerned and the RIBA under the Bribery Act 2010, even where such payments are made or requested overseas. Staff and other associated persons are required to act with greater vigilance when dealing with government procedures overseas.
- b. Where a public official has requested a payment, staff and/or other associated persons should ask for further details of the purpose and nature of the payment in writing. This should be reported to the Executive Director, Finance and Operations who will consider the nature of the payment. If it is concluded that the payment is a legitimate fee, for example part of a genuine fast track process, or is permitted locally, the RIBA will authorise the member of staff or associated person to make the payment.
- c. Where the Executive Director, Finance and Operations considers that the request is for a facilitation payment, the member of staff or associated person will be instructed to refuse to make the payment.
- d. When travelling abroad, if a member of staff or other associated person is requested to make a facilitation payment and believes his/her own welfare and safety could be at risk, the payment should be made and reported to the Executive Director, Finance and Operations. The RIBA will not take disciplinary action against a member of staff or other associated person who makes such a payment in the belief that he/she will be at risk if he/she does not do so.

8. How to raise a concern

- a. The RIBA depends on its staff and other associated persons to ensure that the highest standards of ethical conduct are maintained in all its business dealings. Staff and other associated persons are requested to assist the RIBA and to remain vigilant in preventing, detecting and reporting bribery.
- b. The RIBA encourages staff and other associated persons to raise concerns about any issue or suspicion of malpractice at the earliest opportunity. Where you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with your manager or otherwise in accordance with the RIBA's Whistle Blowing Policy and Procedure [attached].
- c. Any report of bribery will be thoroughly and promptly investigated in the strictest confidence.
- d. Staff and other associated persons will be required to assist in any investigation into possible or suspected bribery.
- e. Staff or other associated persons who raise concerns or report incidents of bribery will not suffer any detrimental treatment as a result of refusing to take part in bribery or corruption or because of reporting their suspicions in good faith. Any instance of detrimental treatment by a fellow employee as a result of a report of bribery being made will be treated as a disciplinary offence.
- f. Staff suspected of bribery may be suspended from their duties while the investigation is being carried out. The RIBA will invoke disciplinary procedures where the member of staff is suspected of bribery and proven allegations may result in a finding of gross misconduct and immediate dismissal.
- g. The RIBA may terminate the contracts of any other associated persons who are found to have breached this policy.
- h. The RIBA may also report any matter to any relevant authority, whether the Director of Public Prosecutions, Serious Fraud Office, Revenue and Customs Prosecutions Office, any professional institute and the police.

The RIBA will provide all necessary assistance to the relevant authorities in any subsequent prosecution.

9. Training and communication

- a. This policy will be communicated to all staff and other associated persons and as amended from time to time.
- b. Communication of this policy forms part of the induction process for all new staff and Council Members.

10. Responsibilities

- a. Members of Council, as the trustees of the RIBA, have overall responsibility for ensuring this policy complies with the RIBA's legal and ethical obligations and that all those under the RIBA's control comply with it.
- b. The Executive Director, Finance and Operations has primary and day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness.
- c. This policy may be amended at any time but, in any event, the Executive Director, Finance and Operations should review this policy from a legal and operational perspective at least once a year.
- d. Council will approve any material amendments to the policy.
- e. All staff and other associated persons are responsible for the success of this policy and should ensure they use it to disclose any suspected danger of wrongdoing.
- f. Anti-bribery clauses, including reference to this policy, will be included in all contractual arrangements with third parties from the first approval of this policy by Council.
- g. This policy (and any material amendments to it) will be communicated to all staff.