

Buckinghamshire & Milton Keynes Fire Authority



MEETING	Fire Authority
DATE OF MEETING	12 February 2020
OFFICER	Mark Hemming, Director of Finance and Assets
LEAD MEMBER	Councillor David Hopkins
SUBJECT OF THE REPORT	FIRE AID
EXECUTIVE SUMMARY	<p>FIRE AID is a UK-registered charity which brings together members to provide ethical and sustainable donations of fire and rescue equipment and training to over 50 countries worldwide.</p> <p>It achieves this by providing a unique database for sharing donated fire and rescue equipment and by encouraging and facilitating members to share expertise, best practice, funding and equipment to form joint projects and partnerships.</p> <p>The purpose of this paper is to recommend that the Authority supports the objectives of FIRE AID; and amends its Contract Standing Orders to enable the Authority to provide donations of end-of-life appliances and equipment with a net book value of £10k or less to FIRE AID to help with the furtherance of their charitable objectives.</p>
ACTION	Decision.
RECOMMENDATIONS	<p>It is recommended that:</p> <ol style="list-style-type: none"> 1. FIREAID be approved as a potential donee of end-of-life appliances and equipment. 2. the following amendments to Standing Orders Relating to Contracts, paragraph 21, be approved: <ol style="list-style-type: none"> a) The deletion of the text at subparagraph 21.3: <p>“21.3 Disposal must be either by public auction or by obtaining three quotes from suitable contractors”</p> <p>And the substitution of the following text:</p> <p>“21.3 Except in circumstances in which the Chief Finance Officer is authorising disposal in accordance with 21.2 in which case donation to a charity approved by the Authority may be considered, disposal must be either by public auction or by obtaining three quotes from suitable contractors”</p>

	<p>b) The deletion of the text at subparagraph 21.4:</p> <p>“The Officer responsible for the disposal must ensure that the Authority is receiving value for money; that the contractor used is reputable; and that the necessary anti-money laundering checks are in place by reference to the Chief Finance Officer.”</p> <p>And the substitution of the following text:</p> <p>“21.4 The Officer responsible for the disposal must ensure that the Authority is receiving value for money, <u>except in circumstances in which the Chief Finance Officer is authorising disposal in accordance with 21.2</u> ; that the contractor used is reputable; and that the necessary anti-money laundering checks are in place by reference to the Chief Finance Officer”</p>
<p>RISK MANAGEMENT</p>	<p>Whenever FIRE AID takes delivery of redundant equipment, it will re-deploy it in accordance with the FIRE AID Ethical Donation and Anti-Bribery & Corruption Policies, and to use it, or if necessary, dispose of it in accordance with FIRE AID’s Environmental Policy</p> <p>Copies of the Ethical Donation Policy and Anti Bribery Policy and included in Appendices A and B respectively.</p> <p>In all cases, it will be the responsibility of FIRE AID’s nominated member/organisation who will be receiving any vehicles to ensure that they are roadworthy, properly licensed, insured and where required, tested before any use on the road, either in UK or overseas. It is also the responsibility of the nominated receiving FIRE AID member/organisation to ensure that any volunteer who drives such a vehicle is fully and properly licensed to do so.</p>
<p>FINANCIAL IMPLICATIONS</p>	<p>If end-of-life appliances were to be sold, any capital receipt generated would be re-invested in the future capital programme. However, the market for second-hand fire appliances appears to be becoming increasingly limited, and appliances are taking longer to sell and generating lower capital receipts.</p> <p>If appliances were instead donated, this would be an opportunity cost. The capital receipt forgone needs to be weighed against the cost of storage.</p> <p>Appliances with a net book value of more than £10,000 will not be considered for donation.</p>
<p>LEGAL IMPLICATIONS</p>	<p>The power to amend the Standing Orders Relating to Contracts is reserved to a meeting of the Authority.</p> <p>Under well-established principles the Authority owes a ‘fiduciary duty’ to council taxpayers to take their interests into account when disposing of its assets.</p>

FIRE AID

CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE	No direct impact.
HEALTH AND SAFETY	No direct impact.
EQUALITY AND DIVERSITY	No direct impact.
USE OF RESOURCES	See Financial Implications.
PROVENANCE SECTION & BACKGROUND PAPERS	Standing Orders Relating to Contracts: https://www.bucksfire.gov.uk/files/6015/0894/3533/Contract_Standing_Orders_-_October_2017.pdf
APPENDICES	Annex A – FIRE AID Ethical Donation Policy Statement Annex B – Eastern Alliance for Safe and Sustainable Transport (EASST) Anti Bribery and Corruption Policy
TIME REQUIRED	10 minutes
REPORT ORIGINATOR AND CONTACT	Mark Hemming mhemming@bucksfire.gov.uk 01296 744687



FIRE AID

AID AND INTERNATIONAL DEVELOPMENT

Ethical Donation Policy Statement

This policy statement sets out guidelines that should assist FIRE AID member organisations in developing and implementing their own ethical donation policies.

It should also provide reassurance to donor organisations, and their governing bodies, that aid donated to, or via, FIRE AID member organisations will be used strictly in accordance with, and fully support, their responsible disposal policies and procedures.

This statement should be read in conjunction with FIRE AID's Anti-Bribery and Corruption Policy statement.

1. All donations should be planned to ensure that they benefit the recipient to the maximum extent possible.
2. Aid will always be donated with absolute impartiality, with no consideration or favour given to one recipient over another. All decisions about allocation of donated resources will be made strictly according to a thorough needs assessment.
3. Consideration will always be given to the sustainability of donated aid, particularly the recipient's ability to operate and maintain equipment and procedures safely and effectively for the intended lifespan of the aid.
4. Donations will be made with due respect for the wishes and authority of the recipient, and in conformity with government policies and administrative arrangements of the receiving country.
5. There should be no double standards in quality. If the quality of a donation is unacceptable in the donor country, it is unacceptable as a donation.
6. Equipment that has reached the end of its life according to regulation is unacceptable as a donation.



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7. Equipment available for donation because it has reached the end of its policy life within a donor organisation may, however, be perfectly serviceable and acceptable to the recipient, subject to compliance with the recipient country's standards and regulations.
8. There will always be effective communication between aid delivery organisations and recipients, and all donations will be made in accordance with a documented plan formulated by both parties.
9. No equipment will be donated unless it is supported by suitable and sufficient training to ensure its safe and effective use.
10. Delivery organisations will provide such information and instruction as is necessary to ensure the safe and effective maintenance of donated equipment.
11. Delivery organisations will assure donor organisations that the aid donated will be used for the purpose for which it was donated. If, after repeated attempts, it is not possible to allocate equipment to a recipient, the donor will be consulted about how the equipment is to be disposed of.
12. Delivery organisations will carry out a thorough follow-up evaluation of the use of any aid donated and where appropriate will report back to the donor organisations on the effective deployment of their donation. A critical evaluation of the success or failure of the donation of equipment and training will be conducted.
13. Delivery organisations will clarify with donor whether removal of any logos or branding is required. If required it is the responsibility of the delivery organisation to remove logos and branding to donors required standards.

EASTERN ALLIANCE FOR SAFE AND SUSTAINABLE TRANSPORT ANTI BRIBERY AND CORRUPTION POLICY

1. POLICY STATEMENT

- 1.1 We take a zero tolerance approach to bribery and corruption and will uphold all laws relevant to countering bribery and corruption in all the jurisdictions in which we operate. We welcome the international community's efforts to stamp out bribery and corruption and support the implementation of the United Nations Anti-Corruption Convention and the Group of Twenty Anti-Corruption Action Plan. As a UK registered charity (charity no. 1133552) we remain bound by the laws of the UK, including the Bribery Act 2010 (the "**Act**"), in respect of our activities both at home and abroad. We undertake due diligence on our partners, grant recipients, and associates and take reasonable steps to ensure that they apply all applicable anti-bribery and anti-corruption laws.
- 1.2 The purpose of this policy is to:
- (a) set out our responsibilities in observing and upholding our policy on bribery and corruption; and
 - (b) provide information and guidance to our employees and partners, grant recipients and their associates on how to recognise and deal with bribery and corruption issues.
- 1.3 Under the Act, bribery and corruption are punishable for individuals by up to ten years' imprisonment and if we are found to have taken part in corruption EASST could face an unlimited fine, be excluded from tendering for public contracts, and face damage to our reputation. We therefore take our legal responsibilities very seriously.

2. WHO IS COVERED BY THE POLICY?

- 2.1 This policy applies directly to our trustees and to all individuals working within EASST as employees or agents. The policy is provided to our other partners, grant recipients and associates, who will be required to take reasonable steps to ensure that in carrying out activities supported by EASST they and their employees, directors and associates comply, with all applicable anti-bribery and anti-corruption laws.
- 2.2 In this policy, "third party" means any individual or organisation you come into contact with during the course of your role.

3. WHAT IS BRIBERY AND CORRUPTION?

- 3.1 A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.
- 3.2 Corruption is the misuse of public office or power for private gain or the misuse of private power in relation to business outside the realm of government.
- 3.3 Acts of bribery or corruption are intended to influence an individual in the performance of their work to act dishonestly and/or improperly. The person being bribed is usually someone who can obtain, retain or direct business for example during a tender or contracting process or it may be through the handling of administrative tasks or customs matters.

3.4 A bribe can take many forms, for example, a direct or indirect promise or offer of something of value, the offer or receipt of a kickback, fee, reward or other advantage, the giving of aid, donations or voting designed to exert improper influence.

3.5 Those engaged in bribery and corruption can include an employee, officer, trustee or director, any person acting on behalf of EASST i.e. our agents, individuals or organisations who authorise someone else to carry out these acts, Government or public officials whether foreign or domestic.

4. **GIFTS AND HOSPITALITY**

4.1 This policy does not prohibit gifts, entertainment, hospitality or other promotional expenditures (given and received) to or from third parties which are proportionate, transparent, reasonable and for bona fide purposes related to the aims and objectives of EASST.

4.2 The giving or receipt of gifts is not prohibited if all of the following requirements are met:

- (a) it is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
- (b) it complies with local law;
- (c) it is given in our name, not in your name;
- (d) it does not include cash or a cash equivalent (such as gift certificates or vouchers);
- (e) it is appropriate in the circumstances. For example, it is given as a ceremonial gift on a festival or at another special time (e.g. Christmas);
- (f) taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time;
- (g) it is given openly, not secretly; and
- (h) gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the Director or Chairman.

4.3 We appreciate that the practice of giving business gifts varies between countries and regions and what may be normal and acceptable in one region 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.

4.4 Gifts to a value of more than £100 (or of comparable value in a different country)¹ should not be given or offered (to or from a single source on a single occasion) unless they have

¹ In deciding whether a gift is of comparable value, the relevant employee or trustee should consider all surrounding circumstances including, but not limited to, the average income in the location where the recipient of the gift is based.

the written approval of the Director or the Chairman.

- 4.5 All gifts and hospitality to a value of more than £100 (or of comparable value in a different country) accepted or offered by any employee or trustee should be entered on the register of gifts. Any gift received exceeding this amount should be recorded and auctioned or paid for/given away.
- 4.6 Gifts to a value of more than £50 (or of comparable value in a different country) received or offered by EASST's grant recipients in connection to their EASST grant project must be recorded on the register of gifts.
- 4.7 A record of all hospitality received or offered e.g. travel and dinners, will be kept by the Compliance Officer.
- 4.8 Any approval required by the above policies relating to the Director must be provided by the Chairman and vice versa.

5. **WHAT IS NOT ACCEPTABLE?**

- 5.1 It is not acceptable for you (or someone on your behalf) to:
 - (a) give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope or that this will influence the decision-making of EASST or that a business advantage will be received, or to reward a business advantage already given; or
 - (b) give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure; or
 - (c) accept payment from a third party that you know or suspect is offered with the expectation that EASST's decision making will be influenced in any way and that it will obtain a business advantage for them; or
 - (d) accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that EASST's decision making will be influenced in any way and that a business advantage will be provided by us in return; or
 - (e) threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or
 - (f) engage in any activity that might lead to a breach of this policy.

6. **FACILITATION PAYMENTS**

- 6.1 We do not make, and will not accept, facilitation payments or "kickbacks" of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action by a government official (e.g. processing a visa, customs invoice or other governmental paper). They are not commonly paid in the UK, but are common in some other jurisdictions.
- 6.2 If you are asked to make a payment on our behalf, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the

payment. If you have any suspicions, concerns or queries regarding a payment, you should raise these with your line manager.

6.3 If such a payment is extorted or forced under duress or because of a threat to personal safety then the payment may be made provided that either the Director or Chairman is promptly informed, a written report submitted, and the payment recorded in EASST's financial records.

6.4 Kickbacks are typically payments made in return for a business favour or advantage. All our partners, grant recipients and associates must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by us.

7. **YOUR RESPONSIBILITIES**

7.1 You must ensure that you read, understand and comply with this policy.

7.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for EASST or under our control. You are required to avoid any activity that might lead to, or suggest, a breach of this policy.

7.3 You must notify the Director as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future. For example, if a partner, grant recipient, associate or potential partner offers you something to gain an advantage with us, or indicates to you that a gift or payment is required to secure their co-operation with EASST supported activities.

7.4 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. We reserve our right to terminate our contractual relationship with our partners, grant recipients, and associates if they breach this policy.

8. **RECORD-KEEPING**

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

8.2 You must declare and keep a written record of all hospitality or gifts to a value of more than £100 (or of comparable value in a different country) accepted or offered on the gifts register, which will be subject to managerial review.

8.3 You 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.

8.4 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.

9. **HOW TO RAISE A CONCERN**

You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with the Director or the Chairman. Statutory protection of whistle blowers is afforded under the Public Interest Disclosure Act 1998.

10. **PROTECTION**

- 10.1 Employees 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 raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.
- 10.2 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 reporting in good faith their 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 you believe that you have suffered any such treatment, you should inform the Compliance Officer immediately.

11. **TRAINING AND COMMUNICATION**

- 11.1 All employees will receive relevant training on how to implement and adhere to this policy.
- 11.2 Our zero-tolerance approach to bribery and corruption will be communicated to all partners, grant recipients, associates, suppliers, and contractors at the outset of our relationship with them and as appropriate thereafter.

12. **WHO IS RESPONSIBLE FOR THE POLICY?**

- 12.1 The Board of Trustees has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it.
- 12.2 The Compliance Officer 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.

13. **RISK ASSESSMENT, MONITORING, AND REVIEW**

- 13.1 As part of its annual risk assessment process the Director will monitor the effectiveness and review the implementation of this policy, considering its suitability, adequacy and effectiveness. The Compliance Officer will carry out regular audits of our control systems and procedures to provide assurance that they are effective in countering bribery and corruption.
- 13.2 All employees are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.
- 13.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.