

- [Guest spot](#): Ros Hammond of EliAction on the Bribery Act 2010
- [Survey of the month](#): ONS wellbeing measure
- Questionnaire author's [Top Tip](#): Double negatives
- Quantify [sample web survey](#)
- [Blood donation](#)
- Complimentary "How-to" [Guides](#)
- [Training Seminars](#) How to write a questionnaire; How to summarise and report survey results.

Topic of the season

Despite all the accusations of bribery surrounding the awards of the 2018 and 2022 World Cups and the election of the FIFA president, Joseph, "Sepp" Blatter secured a further four year term in the role. Coincidentally, the UK's Bribery Act 2010 takes effect on 1 July and introduces a new offence of "Failure to prevent bribery". If half the stories are true, and if it was based in the UK, FIFA would have a case to answer under the new Act.

We are told that to win contracts from developing countries, UK companies have often had to offer back-handers here and there. Those will be clearly unlawful from July. This issue's guest spot article from Ros Hammond of EliAction is a very brief summary of the main issues facing UK organisations, and the actions they need to take to ensure compliance with the Bribery Act.

The coincidence of the FIFA saga and the UK's new law is one of those situations that occur from time to time, where the same issue bubbles to the top of the agenda in many different contexts and places at the same time, and grabs our attention. While organisations must adapt to the new legal framework in which they operate, it is important not to be distracted from the key issues around managing a business. Income and outgoings, and in commercial organisations, sales and profit are obviously important to track. Less immediately obvious to many, but crucial to the success of the organisation are the questions

- How satisfied (or engaged) are your employees? And
- How satisfied are your clients / customers?

If the answer to either of these is unfavourable, that will handicap your organisation's progress. An Employee Satisfaction Survey and a Client Satisfaction Survey provide data to allow you to monitor and manage these features of your performance. And if your managers aren't contributing effectively to maintaining employee and customer satisfaction, then maybe they would find 360° Feedback helpful in deciding which aspects of their personal development to concentrate on.



David Lusty
Principal Consultant
Quantify London



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For a complimentary initial consultation, please call David Lusty, Quantify London on 020 8704 1296 or [email him](#). Or call Sue Alderson, Quantify Yorkshire, on 0845 241 3450 or [email her](#).



Sue Alderson, Quantify
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Guest Spot



Ros Hammond is a Director of ELiAction; Employment Law in Action, which provides employers throughout the UK with legal and HR support. Employment advice, project work, training, tribunal work or consultancy support, ELiAction offers tailor made solutions delivered by a combination of experienced Legal and HR professionals. For further information, please contact Quantify and we will get Ros to call.

Ros writes:

The Bribery Act 2010

The Act comes into force on 1st July 2011. It is complicated as it tries to encompass bribery in all its forms and prevent loopholes but it is probably fair to say that, if it 'feels like bribery', it is likely to be caught by the Act.

Bribing or being bribed

The Act introduces criminal offences of receiving and of giving bribes and bribery of a foreign official. These offences can be committed by individuals and companies (the body corporate and/or the senior officer) and can be committed directly or via third parties. The maximum penalty for an individual is 10 years imprisonment plus a fine. A company could face unlimited fines.

Even if an offence takes place abroad, the UK courts will have jurisdiction if any part of the offence takes place in the UK or where the party committing the offence has a "close connection" to the UK

Failing to prevent bribery

The Act also introduces an offence of a commercial entity failing to prevent bribery. The entity will have a defence if it can show that it had in place adequate procedures designed to prevent bribery. The Government has issued guidance on this defence, comprising six 6 principles for bribery prevention;

1. Proportionate procedures –i.e. to the risk faced and the size of the organisation.
2. Top Level Commitment – evidenced by internal and external communications, repeated periodically and review of compliance.
3. Risk Assessment – periodic, informed and documented. To consider, in particular, country risk, sectoral risk, transactional risk, business opportunity risks and business partnership risks as well as internal procedures and structures (e.g. deficiencies in training, a bonus culture which reward excessive risks.)
4. Due diligence around who the organisation does business with and how. Included separately from principle 3 to emphasise the value of due diligence processes. May include research on proposed associated persons including high level employees.
5. Communication including practical and accessible policies and procedures on areas such as decision making, financial control, hospitality and promotional expenditure, facilitation payments, training and charitable donations; penalties for breach of the rules and the articulation of management roles at different levels as well as 'speak up' procedures. Policies should be communicated internally and externally.
6. Monitoring and review – could include benchmarking and certified compliance with relevant sector anti bribery standards.

Some practical steps

For business, a key concern will no doubt be the offence of failing to prevent bribery and being able to establish a defence that it has in place adequate procedures designed to prevent bribery.

Businesses will be well advised to study the Guidance very carefully including the examples given; to carry out a risk assessment and due diligence and then consider what might need to be put in place (e.g. a Policy and a Code of Conduct covering the company and its dealings with other businesses, procedures and personnel for identifying, reporting and monitoring potential bribery) . Ongoing monitoring and review are crucial too.

On the website of the Department of Business, Innovation and Skills there are links to some very useful practical guidance. In particular, the government sponsored web site on managing the risks of international corruption has examples of a policy and code of conduct as well as plenty of practical advice and checklists. This is found at <http://www.business-anti-corruption.com/about-this-portal/>

Transparency International publishes guidance including a very comprehensive check list on steps to establish the adequate procedures defence <http://www.transparency.org.uk/>

If you would like to hear more from Ros about the Bribery Act or any other employment law matters, please contact Quantify and we will put you on touch.

Blood Donation



I am currently suspended from donations but **I hope soon to be back on the blood donations trail.**

David

P.S. If you aren't already a blood donor, click the logo below to visit the National Blood Service site to find out more about why it is so important and how easy it is.



David is the proud possessor of a Gold Award for 50 donations (illustrated on the left), and these days, he is a [blood platelet donor](#). The process involves being connected for an hour or more to a machine which draws out blood, separates the platelets, and returns the rest of the blood.

Because most of the blood is returned to the donor, platelet donors can donate every four weeks. "Normal" whole blood donors give only three donations a year. The procedure is much simpler and their donation is limited to ten minutes.

Survey of the month

The survey of the month is not one of ours.

It might not always be particularly topical, or very important or even serious, but we hope you will find it interesting.

Our surveys are more than just interesting. They provide **management information** about how people **feel** doing business with you or working in your organisation. This allows you to manage your relationship with clients and employees, to retain clients and employees better, to reduce costs, improve customer satisfaction and to compete more successfully.

ONS Measures of National Wellbeing

The Office of National Statistics (ONS) is developing new measures of national well-being. The aim is that these new measures will assess the quality of life of people in the UK, environmental and sustainability issues, as well as the economic performance of the country.

ONS has been consulting on the best way to carry out the measurement and they expect to have some conclusions in July 2011. We look forward with interest to seeing what they propose.

See the ONS page about the consultation [here](#) .

Questionnaire authors' Top Tips

These tips are drawn from our popular and successful one-day seminar, [Developing, Authoring and Designing Survey Questionnaires](#).

Forthcoming open course dates are on the web page.

We also offer a seminar about analysing and interpreting the results of surveys.

Double negatives

We should express our questionnaire items (questions) as clearly and simply as possible. This helps ensure that they are understood in the way we intended, and responses really indicate the opinions we take them to. How confident could you be that every informant had successfully negotiated the mental gymnastics involved in the following customer satisfaction item about returning faulty or unwanted items, and that the tick, wherever you find it, genuinely represents their feeling?

ABC does not give enough attention to its returns procedure

Strongly disagree	Disagree	In between	Agree	Strongly agree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If I think the returns procedure is OK, I need to disagree with this, so a favourable answer is on the disagree side of the response frame. The unnecessary complexity introduced by expressing the item negatively causes confusion and calls into question the validity of any conclusion you draw from the results.



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