

<b>Title:</b>	<b>ANTI-BRIBERY POLICY</b>
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## **POLICY STATEMENT**

Bribery is a criminal offence. It is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

The Council and its staff do not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor accept bribes or improper inducements.

To use a third party as a conduit to channel bribes to others is a criminal offence. The Council and its staff do not, and will not, engage indirectly in or otherwise encourage bribery.

The Council is committed to the prevention, deterrence and detection of bribery. The Council has zero-tolerance towards bribery. The Council aims to maintain anti-bribery compliance “business as usual”, rather than as a one-off exercise.

## **1 THE POLICY**

### **1.1 Objective of this policy**

This policy provides a coherent and consistent framework to enable the Council’s employees to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.

The Council requires that all personnel, including those permanently employed, temporary staff, agency staff and contractors:

- ♦ act honestly and with integrity at all times and to safeguard the Council’s resources for which they are responsible
- ♦ comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Council operates, in respect of the lawful and responsible conduct of activities

### **1.2 Scope of this policy**

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This policy applies to all of the Council's activities. For partners, joint ventures and suppliers, the Council will seek to promote the adoption of policies consistent with the principles set out in this policy.

Within the Council, the responsibility to control the risk of bribery occurring resides at all levels of the organisation. It does not rest solely within assurance functions, but in all directorates and corporate functions.

This policy covers all personnel, including all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, Members (including independent members), volunteers and consultants.

### 1.3 The Council's commitment

The Council commits to:

- ♦ Setting out a clear anti-bribery policy and keeping it up to date
- ♦ Making all employees aware of their responsibilities to adhere strictly to this policy at all times
- ♦ Training all employees so that they can recognise and avoid the use of bribery by themselves and others
- ♦ Encouraging its employees to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately
- ♦ Rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution
- ♦ Taking firm and vigorous action against any individual(s) involved in bribery
- ♦ Providing information to all employees to report breaches and suspected breaches of this policy
- ♦ Including appropriate clauses in contracts to prevent bribery.

### 1.4 The Bribery Act

There are four key offences under the Act:

- ♦ bribery of another person
- ♦ accepting a bribe
- ♦ bribing a foreign official
- ♦ failing to prevent bribery

The Bribery Act 2010 makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.

There is also a corporate offence under Section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. This is what is known as a "strict liability" offence. This means

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that there is no need to prove negligence or management complicity. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

## **2 ANTI BRIBERY PROCEDURES**

### **2.1 The Council's procedures cover six principles:**

#### **Proportionality**

The Council has procedures in place to prevent bribery by persons associated with it. These are proportionate to the bribery risks faced by the Council and to the nature, scale and complexity of the Council's activities. They are also clear, practical, accessible, effectively implemented and enforced.

#### **Top level commitment**

The Chief Executive and Directors are committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery is never acceptable.

#### **Risk Assessment**

The nature and extent of the Council's exposure to potential external and internal risks of bribery on its behalf by persons associated with it is periodically assessed. This includes financial risks but also other risks such as reputational damage.

#### **Due diligence**

The Council takes a proportionate and risk based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, in order to mitigate identified bribery risks.

#### **Communication (including training)**

The Council seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.

#### **Monitoring and review**

Procedures designed to prevent bribery are monitored and reviewed and improvements are made where necessary.

**The Council is committed to proportional implementation of these principles.**

### **2.2 Bribery is not tolerated**

It is unacceptable to:

- ♦ give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given

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- ♦ 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
- ♦ accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them
- ♦ accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return
- ♦ retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy
- ♦ engage in activity in breach of this policy

Bribery is a serious offence against the Authority and employees will face disciplinary action if there is evidence that they have been involved in this activity, which could result in summary dismissal for gross misconduct. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case.

### 2.3 Facilitation payments

Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

### 2.4 Gifts and hospitality

This policy is not meant to amend the existing Gifts and Hospitality procedures already in place. These arrangements, which form part of the Officer's Code of Conduct, make it clear that:

- ♦ a significant personal gift should never be accepted from a contractor or outside supplier and employees should never accept hospitality from a contractor during a tendering period
- ♦ employees should only accept a gift or hospitality if they are satisfied that doing so would not compromise any purchasing, planning or other Council decision
- ♦ employees should ensure that they do not accept a gift or hospitality which could call their integrity or that of the Council into question
- ♦ although the Code sets no absolute limit to the value of gifts and hospitality that may be accepted, employees are reminded that the higher the value, the more difficult it would be to accept without casting doubt on an employee's own or the Council's integrity

### 2.5 Staff responsibilities

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Council or under its control. All staff are required to avoid activity that breaches this policy.

Employees must:

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- ♦ read, understand and comply with this policy
- ♦ raise concerns as soon as possible as the result of any suspicion that a conflict with this policy has occurred, or may occur in the future.

## 2.6 Raising a concern

The Council is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. It is important that each and every member of staff knows how they can raise concerns.

All employees have a responsibility to help detect, prevent and report instances of bribery. The proper vehicle for raising a concern regarding a suspected instance of bribery or corruption is the Whistleblowing Policy.

Concerns can be anonymous. In the event that an incident of bribery, corruption, or wrongdoing is reported, the Council will act as soon as possible in accordance with the Whistleblowing Policy to evaluate the situation. We have clearly defined procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind.

## 3. CORPORATE FRAMEWORK

### 3.1 Other Relevant Policies

This Policy forms an important part of the Council's approach to dealing with fraud and corruption by setting the scope, culture and standards of the Council, as part of the corporate framework.

The corporate framework requires a whole range of high level component parts if it is to contribute to the Council having an effective counter-fraud strategy. A range of documents have been issued to reinforce this, including:

- ♦ Anti-fraud and Corruption Policy
- ♦ Anti-fraud and Corruption Strategy
- ♦ Whistleblowing Policy
- ♦ Anti-Money Laundering Policy
- ♦ Contract Procedures and Financial Regulations
- ♦ Codes of Conduct for members and employees
- ♦ Disciplinary Procedure
- ♦ Recruitment Policy

### 3.2 Review

This policy is available to all Council employees via its inclusion in the Corporate Policies and Strategies page on the Intranet. Copies of the Policy are available for reference by staff on request.

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It may also be made available on request to any interested external parties. This could include contractors, partners and other external stakeholders.

The Director of Resources or his/her nominated representative will review the Policy on an annual basis. Any need for change will be reported to the Audit and Standards Committee for approval.

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