

ANTI-BRIBERY POLICY

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ANTI-BRIBERY POLICY

1. INTRODUCTION

1.1 The Council's Bribery Policy was implemented following the introduction of the Bribery Act 2010.

2. SCOPE OF THE PROCEDURE

2.1 This procedure applies to all permanent Council employees, except those teachers directly employed by the Council and all staff appointed by schools operating under the Local Management of Schools, which have their own procedure. The policy also covers the activities of temporary agency staff, elected Members, contractors, volunteers and consultants.

3 GENERAL PRINCIPLES

1. Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. Bribery is a criminal offence. The Council does not, and will not, pay bribes or offer improper inducements to anyone for any purpose. Nor does the Council accept bribes or improper inducements.
2. To use a third party to channel bribes to others is a criminal offence. The Council does not, and will not, engage indirectly in or otherwise encourage bribery.
3. The Council is committed to the prevention, deterrence and detection of bribery and has no tolerance whatever towards bribery. The Council aims to maintain anti-bribery compliance as "business as usual", rather than as a one-off exercise.
4. This policy provides a coherent and consistent approach as part of the Council's overall Anti-Fraud and Corruption framework: to enable the Council workers to understand and implement arrangements enabling compliance. In conjunction with related policies it will also enable workers to identify and effectively report a potential breach.

5. The Council requires that all workers:
 - act honestly and with integrity at all times and to safeguard the Council's resources for which they are responsible; and
 - comply with the spirit, as well as the letter, of the laws and regulations within which the Council operates, in respect of the lawful and responsible conduct of activities

4. THE COUNCIL'S COMMITMENT

4.1 The Council commits to:

- Setting out a clear anti-bribery policy and keeping it up to date;
- Making all employees and Members aware of their responsibilities to adhere strictly to this policy at all times;
- Providing guidance to all employees and Members as part of the ethics and governance agenda so that they can recognise and avoid the use of bribery by themselves and others;
- Encouraging employees to be vigilant and to report any suspicion of bribery;
- 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; and
- Including appropriate clauses in contracts to prevent bribery.

5. OFFENCES AND PENALTIES UNDER THE BRIBERY ACT 2010

5.1 Offences

There are four key offences under the Act:

1. bribery of another person (section 1);
2. accepting a bribe (section 2);
3. bribing a foreign official (section 6); and
4. failing to prevent bribery (section 7).

Failure by a commercial organisation to prevent bribery is a corporate offence. For the purposes of the Bribery Act 2010, the Council is a "*commercial organisation*".

Soliciting or accepting bribes is considered to be an act of gross misconduct and will be dealt with in line with the Council's Disciplinary Policy.

5.2 Penalties

An individual guilty of an offence under sections 1, 2 or 6 (as 5.1 above) is liable:

- On conviction in a magistrates court, to imprisonment for a maximum term of 12 months, or to a fine not exceeding £5,000, or to both; and

- On conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or to both

Organisations are liable for these fines and, if found guilty of an offence under section 7 (as 5.1 above), are liable to an unlimited fine.

5.3 Anti-bribery Procedures

The Council has a Code of Conduct which clearly outlines the conduct and standards which all staff are expected to adhere to. Any contravention of this Code relating to bribery or corruption will be considered to be gross misconduct and will be dealt with by the disciplinary policy, with dismissal as the final sanction.

5.4 Risk Assessment

The Council assesses the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment is completed as part of the Council's ongoing risk management framework. It includes financial risks but also other risks such as reputational damage.

6. UNACCEPTABLE ACTIONS

6.1 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;
- 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 in return;
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy; and
- engage in activity in breach of this policy.
- Offer a 'Facilitation Payment' (an unofficial payment to a public official in order to secure or expedite actions.

6.2 Public contracts and failure to prevent bribery

Under the Public Contracts Regulations, a company is automatically and perpetually barred from competing for public contracts where it is convicted of a corruption offence. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. The Council has the discretion to exclude organisations convicted of this offence.

7. EMPLOYEE'S RESPONSIBILITIES

7.1 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.

You must:

- ensure that you read, understand and comply with this policy; and
- raise concerns as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.

7.2 Raising a concern

The Council is committed to ensuring that everyone has a safe, reliable, and confidential way of reporting any suspicious activity. The Council wants each and every member of staff to know how they can raise concerns.

Everyone has a responsibility to help detect, prevent and report instances of bribery. If you have a concern regarding a suspected instance of bribery or corruption, please speak up – your information and assistance will help. The sooner you act, the sooner it can be resolved.

Please refer to the Whistle blowing policy for the appropriate channel to raise your concern.

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

