

BRIBERY ACT POLICY

1 INTRODUCTION

- 1.1 Bribery is a criminal offence. It consists of the offering, promising or giving of a financial or other advantages designed to induce an individual to take an improper decision or action. These inducements can take many forms, not just the payment of cash. Decisions could relate to a range of matters, including recruitment, the award of contracts and planning consents.
- 1.2 This policy provides a coherent and consistent framework to enable employees to understand and implement arrangements enabling compliance with the Bribery Act 2010 and to identify and effectively report a suspected breach.
- 1.3 This policy applies to all of the organisation's activities, its personnel, including all levels and grades, those permanently employed, temporary staff, agency workers, contractors, agents, Members (including co-opted members) and volunteers.
- 1.4 For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.

2 POLICY STATEMENT

- 2.1 The Council is committed to conducting its activities fairly, honestly and openly, in accordance with relevant legislation, and to the highest standards of integrity. The Council will apply a "zero tolerance" approach to acts of bribery and corruption by any of its Members, employees, or persons and partners acting on its behalf.
- 2.2 Any breach of this policy will be regarded as a serious matter and is likely to result in disciplinary action and possibly criminal prosecution.
- 2.3 The Council will not pay bribes, or offer improper inducements to anyone for any purpose, nor will the Council accept bribes or improper inducements. The use of a third party to channel bribes is also a criminal offence. The Council will not engage indirectly in or otherwise encourage bribery.
- 2.2. The Council will commit to policies and procedures to prevent, deter, and detect acts of bribery. The Council will ensure that anti-bribery compliance is an essential aspect of its governance processes.

3 POLICY COMMITMENT

- 3.1 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 employees so that they can recognise and avoid the use of bribery by themselves and others;
- Encouraging Members, employees and partners to be vigilant and to report any suspicions of bribery and providing suitable channels for reporting;
- Rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution;
- Taking firm action against any individual(s) involved in bribery;
- Reporting breaches and suspected breaches of this policy to Members, employees and partners in an open and transparent way;
- Including appropriate clauses in contracts with suppliers to advise on the Council's approach to the provisions of the Bribery Act 2010; and
- Undertaking a Bribery Act risk assessment from time to time in respect of the council's activities, in particular in the case of new and/or commercial activities.

3.2 It is unacceptable for persons acting for or on behalf of the Council 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 is known to be, or suspected to have been, offered with the expectation that it will obtain a business advantage for them;
- Accept a gift or hospitality from a third party if it is known to be, or suspected to have been, offered with an expectation that a business advantage will be provided by the Council in return;
- Retaliate against or threaten a person who has refused to commit an act of bribery or who has raised concerns under this policy; and
- Engage in any activity in breach of this policy.

3.3. All staff must:

- Ensure that they have read, understood and comply with the Bribery Act Policy;
- Raise concerns as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future.

4 THE BRIBERY ACT 2010

4.1. The Bribery Act 2010 includes four offences:

- Bribing a person to induce or reward them to perform a relevant function improperly;
- Requesting, accepting or receiving a bribe as a reward for performing a relevant function improperly;
- Using a bribe to influence a foreign official to gain a business advantage; and
- As a commercial organisation (the definition of which includes the council) failing to prevent bribery.

4.2. Penalties under the Bribery Act are severe. The commercial organisation offence is punishable with an unlimited fine. An individual guilty of an offence may be liable to imprisonment for up to 10 years or to a fine, or to both.

5 OTHER RELEVANT POLICIES

5.1 This policy should be read in conjunction with related policies and documents, in particular:

Employees Code of Conduct
Members Code of Conduct
Whistleblowing Policy
Procurement Rules
Financial Regulations
Anti-fraud strategy
Gifts and hospitality and officer declaration of conflicts of interest processes
Disciplinary Procedures

Contacts

If you have any questions about these procedures, please contact:

The Head of Audit or the Monitoring Officer (Assistant Chief Executive, Governance and HR