

## **ANTI-BRIBERY POLICY**

### What is bribery?

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

### Bribery could be through:

- The giving, promising to give or offering payment, gift or hospitality in the hope of gaining a business advantage.
- Accepting a payment from a third party when you know or suspect that it is offered with the expectation of business advantage.

Anyone receiving, or providing, gifts and hospitality, or having a business or personal interest beyond their main role within the Council, needs to consider whether their actions leave themselves and/or the Council vulnerable to allegations of bribery. Procurement, recruitment, key decision-making, and contract management are all areas of vulnerability.

### Council's statement

Bribery is a criminal offence. The Council does not pay or accept bribes or offer or accept improper inducements.

The Council is committed to the prevention and detection of bribery and aims to maintain arrangements to ensure compliance.

### The Council is committed to:

- setting and maintaining a clear anti-bribery policy
- making all members and employees aware of this policy
- ensuring there are appropriate mechanisms for Members and employees to report any potential conflicts of interest
- encouraging vigilance
- ensuring there are suitable channels for Members, employees and the general public to report concerns.
- taking appropriate action when a concern comes to light.

### Bribery Act 2010

The Act sets out the offences that relate to the behaviour of an individual.

- Bribery of another person (section 1)
- Accepting a bribe (section 2)
- Bribing a foreign official (section 6)

The Act also sets out the corporate responsibility by the offence of failing to prevent bribery (section 7). The organisation will have a defence to this corporate offence if it can demonstrate that it had adequate procedures in place to prevent bribery.

## What are the penalties?

For an individual who commits an offence under this act the maximum penalties are:

- Conviction in a magistrates' court – imprisonment term of 12 months and a fine of £5,000
- Conviction in a crown court – imprisonment term of 10 years and an unlimited fine

If the Council was found to have committed the offence under section 7 there is an unlimited fine.

Employees who are found to have breached this policy may also be subject to disciplinary action.

## Who in the Council is covered by this policy?

This policy covers all personnel.

This includes all levels and grades of employees, employed on a permanent or temporary basis, working in all areas of the Council's business. It also includes contractors, volunteers and consultants. For ease of reference when this policy refers to "employees" it relates to all of the above. The policy is also relevant to Members.

The Council will share this policy with schools to ensure that they are aware of the policy and are able to introduce their own policy which should be complied with.

The Council will also seek to promote this policy with partners and suppliers and will expect them to bring it to the attention of their staff when they are working for the Council and for large partner organisations and suppliers to have similar policies in place.

## Employee responsibilities

All employees are required to:

- act with honesty and integrity at all times
- avoid activity that breaches this policy
- read and understand this policy
- raise concerns if they believe/suspect a conflict with this policy has occurred, or is likely to occur in the future

## Corporate responsibilities

There is a corporate responsibility to ensure that the policy and procedures in place are appropriate.

## Proportionality

The policy and procedures have been developed based on the nature of the risk that the Council faces. In order to determine this the level and nature of the risk has been assessed.

## Top level commitment

The lead officer is the Director of Law and Democratic Services (The Monitoring Officer). The Corporate Management Team is committed to upholding the highest standards of probity and integrity. The policy is presented to Audit Committee and formally approved by Council for inclusion within the Constitution.

## Due diligence

The Council applies due diligence procedures taking a proportionate and risk based approach.

## Communication/training

This policy is published to all employees, and on the Council's website, thereby demonstrating the top level commitment.

## Monitoring/review

The number and nature of incidents reported will be recorded and reported annually to Audit Committee. Detailed reports of any investigations undertaken will also be provided to Audit Committee along with any lessons learned.

The policy will be subject to annual review.

## Raising a concern

Employees and Members have a responsibility to raise any concern that bribery may be taking place within the organisation.

Employees and Members can raise their concerns by following the guidance in the Whistleblowing policy.

Any subsequent investigations will be undertaken in line with the process detailed in the Whistleblowing policy.

## Reporting mechanism

The Director of Law and Democratic Services has overall responsibility for this policy and will report annually to Audit Committee.

Any investigated incidents will be reported to the Audit Committee.

This policy should be read in conjunction with:

- Financial Regulations
- Contract Procedure Rules
- Members code of conduct
- Employee code of conduct
- Whistleblowing policy