

## Anti-Corruption

### INTRODUCTION

This factsheet has been prepared to provide guidance to all employees and other persons who may act for the Council such as agents, consultants and temporary workers on the practical arrangements introduced by the Council to ensure employees demonstrate the levels of honesty and integrity expected of public servants. It also ensures compliance with relevant legislation including the Local Government Acts 1972 and 2000, and the Bribery Act 2010.

### PUBLIC FUNDS

As a Council Officer you are expected to:

- Follow the Council's Contract Procedure Rules and Financial Regulations in any financial transactions and other dealings on its behalf;
- Use any public funds entrusted to or handled by you in a responsible and lawful manner. It is a serious criminal offence for you to receive or give in a corrupt manner any gift, loan, fee, reward or advantage from or to another person;
- Fulfil your legal obligations when in receipt of Council Administered Benefits. For example, if you are in receipt of any allowances or rebates administered by the Council (e.g. rent allowances or council tax rebates) you must notify the appropriate department promptly, in writing, of any change in circumstances that may affect entitlement. To deliberately fail to notify any material change of circumstance that results in overpayments being made may be deemed a fraudulent act against the employer. This will be regarded as gross misconduct and may lead to dismissal as well as criminal sanctions.
- Notify the appropriate department promptly if you have any reason to suspect that a member of the public is claiming Council administered benefits fraudulently, regardless of the circumstances as to how this information is obtained.

### CONTRACTS

If you have a direct financial interest in a contract or proposed contract you are required to declare that in writing to your Director as soon as possible. You will then have no further involvement in the matter. Examples of direct financial interests include if you are a shareholder or owner/part owner of business in whose favour the contract is being made, or if you have any of the following connections to the person in whose favour the contract is being made:

- Business partner
- Personal partner
- Employer
- Close relative (grandparent, parent, brother, sister, child, grandchild and in-laws)

If you are unsure whether your connection amounts to an interest you should make the declaration.

If you have a non-financial interest in a contract or proposed contract you are required to declare that in writing to your Director as soon as possible. Your Director will decide whether you may have any further involvement in the matter. A non-financial interest could include a family relationship (such as aunt/uncle or cousin) or close friendship with a contractor.

You must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.

If you are involved in the tendering process and dealing with contractors, you should be clear on the separation of client and contractor roles within the Council and be aware of the need for accountability and openness.

If you are privy to confidential information on tenders or costs for either internal or external contractors, you should not disclose that information to any party or organisation without express authority.

### CONFLICTS AND REGISTRATION OF INTERESTS

You must not in your official or personal capacity:

- Allow yourself to be put in a position where your personal interests conflict with your public duties and you must tell your manager if you have any personal interests that could create a conflict.
- Use your position to improperly to confer an advantage or disadvantage on any person including yourself. For example, you must take no part either directly or indirectly in consideration any planning application made by yourself, a relative, a friend, a close associate or a neighbour.

You must comply with any requirements of the Council:

- to register or declare interests;
- to declare hospitality, benefits or gifts received as a consequence of your employment (see below).

### GIFTS, PRIZES AND HOSPITALITY

It is an offence for any employee to accept any fee or reward other than his or her proper remuneration in the course of their duties. It is important that you are able to recognise what is and what is not acceptable.

In general, all gifts and prizes should be refused unless it is of small value such as a desk calendar or a pen. If you are unsure of the value of the gift, or if you are concerned that refusal of the gift may cause offence, you should speak with your line manager.

Cash or items with a cash value such as gift vouchers must not be accepted under any circumstances.

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Employees must not use their employment with the Council to obtain the benefit of discount from other companies/organisations other than those negotiated for the benefit of all employees. Therefore, any discount offered to an employee in their personal capacity in excess of those generally available to members of the public must be declined.

Hospitality shall only be permitted where it is given in the proper course of Council business. Even in these circumstances it should not exceed a level beyond which the Council can reasonably reciprocate.

Working lunches on a modest scale, and on an occasional basis, are a part of normal business practice and you do not require formal approval to attend them. If you receive an invitation to a more formal lunch or dinner or regular working lunches, you must seek prior approval from your line manager. Hospitality shall usually only be received or given within your normal working hours.

Where the refusal of an invitation may cause embarrassment or appear discourteous you should discuss the matter with your line manager.

Invitations to events such as launches, conferences, arts or sporting events should be dealt with in the same way. However, annual conferences are national events at which it is reasonable for employees to accept offers up to the level of an evening meal per delegate from any individual/company.

Invitations to attend all-expenses paid study tours, site inspections, or product demonstrations should always be the subject of prior approval, particularly if overseas travel is involved.

Frequent or regular hospitality, provided or received, is unacceptable even if it is of a relatively modest level.

### **COUNCIL Whistleblowing POLICY**

The Council is committed to the prevention of bribery and strictly forbids any employee, consultant, agency worker, agent or any other person connected with its activities from receiving any reward that may amount to a bribe. The Council positively encourages employees, agency workers, agents, consultants and any other person working on behalf of the Council to immediately report any instance where they are approached/offered a reward that could amount to a bribe.

The Council is committed to supporting any person representing the Council, to avoid bribery.

The Council person with specific responsibility for anti-corruption/bribery responsibilities and procedures is the s.151 Officer.

The Council is committed to putting in place appropriate measures where there is a risk of bribery in the workplace and

to the monitoring/reviewing of the effectiveness of such measures on a regular basis.

Any employee found to be committing an offence under the Bribery Act will be subject to disciplinary proceedings. The Council has defined both the offering of a bribe or receiving of a bribe as “Gross Misconduct”, which if found against an employee could result in dismissal for a first offence. In addition, an employee may also face criminal proceedings/charges.

Non-employed individuals or organisations found to engage in bribery/corruption will be removed from the list of approved suppliers immediately and may also face criminal proceedings/charges.

The Council will not hesitate to make the appropriate external authorities aware of any suspected bribery activity which may arise from one or more of the following four offences under the Bribery Act.

### **What the Bribery Act covers – the four offences**

Under the Bribery Act there are four offences, the last of which is the “corporate” offence under which the Council can be prosecuted.

#### **1. Bribing another person**

The offering, promising or giving of a reward to induce a person to perform a relevant function or activity improperly.

#### **2. Being Bribed**

The accepting of, agreeing to accept or requesting of a reward in return for performing a relevant function or activity improperly.

#### **3. Bribing a foreign public official**

A specific offence of trying to influence a foreign public official with the intention of obtaining or retaining business in a situation where the public official was not permitted or required by law to be influenced.

#### **4. Failure to prevent bribery**

A “corporate” offence which occurs when an organisation fails to stop people who are operating on its behalf from being involved in bribery.

### **WHO THE BRIBERY ACT COVERS**

Under the “corporate” offence, an organisation can be prosecuted if it is unable to show it had “adequate procedures” in place to minimise the risk of bribery occurring. Liability under the “corporate offence” can therefore be triggered where not only an employee is involved in an act of bribery, but also any other “person associated with the organisation”. This will for example, include, consultants, agents, agency workers and subsidiaries. The implication is that it widens significantly the scope for an employer to be prosecuted for the actions of its employees and business

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partners, unless of course it can show it has adequate procedures/measures in place to prevent bribery. Government guidance on this is broadly defined under six key principles.

### MEASURES TO BE TAKEN TO MINIMISE THE RISK OF BRIBERY OCCURRING IN THE WORKPLACE

For many organisations, a few simple measures should be enough to minimise the risk of bribery taking place as the extent of any measures introduced should be proportionate to the risk involved.

All organisations should identify a senior person with overall responsibility for anti-corruption measures. The person with responsibility in this organisation is the s.151 Officer.

Where an organisation, following a risk assessment process has identified “no risk”, no additional action is required although the employee handbook will provide relevant information on bribery in the workplace to increase awareness among staff.

Where an organisation has identified a “low” risk, the following action(s) will be put in place, in addition to any specific actions identified through the risk assessment questionnaire.

- All relevant employees, agents, consultants, etc, must be issued with a copy of this factsheet, including new joiners and asked to confirm that they have read it and agree to comply with its content.

Where an organisation has identified a “medium” risk, the following additional action(s) will be put in place, in addition to any specific actions identified through the risk assessment questionnaire.

- All relevant employees, agents, consultants etc will be asked to complete a “self-declaration” questionnaire.

Where an organisation has identified a “high” risk, in addition to the measures stated previously, special actions will need to be implemented. Further guidance should be sought from the person identified with overall responsibility for anti-corruption measures.

In line with good business practice, the following measures should be adopted by all organisations, irrespective of risk level.

### DUE DILIGENCE - PRE-EMPLOYMENT CHECKING (ALL NEW EMPLOYEES)

The People function will continue to undertake employment checks, including references, proof of identity and any other pre-employment checks considered necessary for new employees.

### DUE DILIGENCE – ALL NEW BUSINESS PARTNERS (NON-EMPLOYEES)

Managers responsible for hiring agents, consultants and other business partners should ensure that appropriate checks are undertaken in line with good business practice.

Specific advice should be sought from the person nominated with responsibility for anti-corruption where business partners are engaged in a market identified as high risk.

### OTHER THINGS YOU NEED TO KNOW

#### “Facilitation” payments

Facilitation payments are payments made to induce officials to perform routine functions they are obligated to perform and are bribes. There was no exemption under previous law and they are not permitted under the Bribery Act either.

Payment of legally required administrative fees or fast track services are permitted. These are not facilitation payments.

#### What you should do if you are approached by someone offering you a bribe

If you are asked for a facilitation payment or are offered a bribe, you should immediately advise the person responsible for anti-corruption measures in the work place under the Council’s “Raising a Concern” procedure, contained in the employee handbook. You should not advise your immediate manager until you have spoken to the person identified with responsibility for anti-corruption.

#### What you should do if you suspect an act of bribery has been or is about to be committed.

If you suspect another employee, agent, consultant or other business partner of the organisation is receiving or giving a bribe, you should immediately notify the person identified as having responsibility for anti-corruption measures. You should not advise your immediate manager until you have spoken to the person identified with responsibility for anti-corruption.

### REVIEW OF ANTI-CORRUPTION MEASURES

The Council will undertake a periodic review of its anti-corruption measures. Where an organisation commences business in a new market, the manager should ensure that a risk assessment is undertaken to establish whether any additional measures should be taken, before commencing business in the new market.

### FURTHER INFORMATION AVAILABLE

A copy of the Government’s guidance on the Bribery Act can be downloaded from:

[www.justice.gov.uk/guidance/making-and-reviewing-the-law/bribery.htm](http://www.justice.gov.uk/guidance/making-and-reviewing-the-law/bribery.htm)

Additional information including help on assessing the level of country risk can be obtained from the government sponsored “Business Anti-Corruption Portal” at:

[www.business-anti-corruption.com](http://www.business-anti-corruption.com)

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