



# Anti-Bribery & Corruption Policy 2022

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If you require clarification on any aspect of the Anti-Bribery & Corruption Policy or require this document in a different format, please contact the Internal Audit function of the Council.

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## **Anti-Bribery & Corruption Policy 2022**

*The Council's Audit Committee has recorded in its Terms of Reference that it will review periodically the Council's key financial governance procedures, i.e., Financial Regulations, Contract Standing Orders, Anti-Fraud & Corruption Strategy and recommend any necessary amendments.*

# Anti-Bribery & Corruption Policy 2022

## 1. Introduction

### What is Bribery & Corruption?

The Bribery Act 2010 came into force in the UK on 1<sup>st</sup> July 2011. The Act applies both to individual staff and the Council corporately.

The Bribery Act contains two general offences of bribery, covering the offering, promising, or giving of a bribe (**ACTIVE BRIBERY**) and the requesting, agreeing to receive, or accepting of a bribe (**PASSIVE BRIBERY**) (Sections 1 & 2).

As well as a discrete offence of bribing a foreign public official to obtain or retain business or an advantage in the conduct of business (Section 6), it also introduced an offence that can be committed by commercial organisations that fail to prevent bribery committed on their behalf (Section 7).

*The guidance states that a “commercial organisation” is any body formed in the United Kingdom and “...it does not matter if it pursues primarily charitable or educational aims or purely public functions. It will be caught if it engages in commercial activities, irrespective of the purpose for which profits are made.” Whether or not the Council is a “commercial organisation”, it is committed to meeting the standards set by the Bribery Act 2010.*

### Why is it important?

Bribery is a criminal offence. Bath & North East Somerset Council **do not** and **will not** tolerate bribery. It will **not** tolerate the paying of bribes or offers of improper inducements to anyone for any purpose.

It is unacceptable and a criminal offence to use third parties as conduits to channel bribes and the Council will not engage indirectly or otherwise which encourages bribery.

The Council is committed to the prevention, deterrence, and detection of bribery.

### Why does the Council need an Anti-Bribery & Corruption policy?

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

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- Encouraging 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
- Dealing appropriately with bribery prevention as part of its procurement and contract monitoring processes.

### **2. Scope of Policy**

#### **Who does the Anti-Bribery & Corruption Policy apply to?**

The Policy applies to any individual undertaking Council specific activity, i.e.

- All employees whether full or part time, permanent or temporary
- Elected Members
- All staff working in Local Authority maintained schools
- All contractors, agencies and partners working within the Council

#### **What is unacceptable behaviour within the Policy framework?**

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 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

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- Engage in activity in breach of this policy.

### 3. Reporting a Concern

#### 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 must avoid activity that breaches this policy. Staff must comply with their terms and conditions of employment including the Employees' Code of Conduct.

Staff must:

- Read, understand, and comply with this 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.

As well as the possibility of civil and criminal prosecution, any member of staff that breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct.

#### Raising a concern

Bath & North East Somerset Council is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. We want each member of staff to know how they can raise concerns. We all have 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. The Council's Whistleblowing Policy provides information about how to report a concern. Under the guidance of the Whistleblowing Policy, reporting a wrongdoing is straightforward.

This policy and the Whistleblowing policy relate to council employees but if a report is received detailing allegations that relate to an employee of our contractors/ partners, the issue will be referred to the relevant contractor/ partner and associated client manager.

Any reports received which relate to an elected member will be referred to the monitoring officer who will make the decision to investigate.

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### 4. Penalties

An individual guilty of an offence under sections 1, 2 or 6 is liable:

- On conviction in a magistrate's court, to imprisonment for a maximum term of 12 months (six months in Northern Ireland), or to a fine not exceeding £5,000, or to both
- On conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both
- Organisations guilty of an offence under section 7 are liable to an unlimited fine

### 5. Additional Policies and Procedures

In addition to the Anti-Bribery & Corruption Policy the Council has several policies (linked to the Council's Anti-Fraud & Corruption Strategy 2022) which provides proposed or adopted actions and guidance to all stakeholders. The following policies and related guidance are available through the Councils intranet and internet site:

- Anti-Money Laundering Policy 2022
- Whistleblowing Policy 2022
- Employees' Code of Conduct
- Gifts and Hospitality
- Declaration of Interests