



Anti-Bribery

POLICY STATEMENT AND PROCEDURES

Document Details:

Owner/Lead Officer: Head of Internal Audit & Assurance Service, Corporate Resources Department

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Anti-Bribery Policy Statement and Procedures

This Statement sets out Leicestershire County Council's (the Council's) policy in relation to bribery. It has the full support of both the Council's senior management in the form of the Chief Officers and elected members through the Corporate Governance Committee (CGC).

The Council takes its responsibilities to protect the public purse very seriously. It is fully committed to the highest ethical standards, in order to ensure the proper use and protection of public funds and assets. To achieve the objectives set out within the Council's Strategic Plan 2022-26, the Council needs to maximise the financial resources available to it. In order to do this, the Council has an ongoing commitment to continue to improve its resilience to fraud, corruption (including bribery) and other forms of financial irregularity.

The Council advocates **strict adherence** to its anti-fraud framework and associated policies. Whilst individual circumstances of each case will be carefully considered, in the majority of cases there will be a zero-tolerance approach to fraud and corruption (including bribery) in all of its forms. The Council will not tolerate fraud or corruption by its councillors, employees, suppliers, contractors, partners, service users or members of the general public and will take all necessary steps to investigate all allegations of fraud or corruption and pursue sanctions available in each case, including removal from office, disciplinary action, dismissal, loss recovery and/or referral to the Police and/or other agencies. The required ethical standards are included in both the Members' Code of Conduct and Officers' Code of Conduct, both documents forming part of the Constitution of the County Council.

The Council fully recognises its responsibility for spending public money and holding public assets. The prevention, and if necessary the investigation, of fraud and corruption (including bribery) is therefore seen as an important aspect of its duties which it is committed to undertake. The procedures and also the culture of the County Council are recognised as important in ensuring a high standard of public life.

The Council's general belief and expectation is that those associated with it (employees, members, school governors, service users, contractors and voluntary bodies) will act with honesty and integrity. Members and employees are expected to lead by example and be accountable for their actions.

The Council will take steps to help ensure high standards of ethical behaviour are adopted in partnerships to which the Council is a member. This will be done through applying appropriate elements of this document to all partnership working, where it is relevant to do so. With regard to partnership working, responsibility for Codes of Conduct and policies of this nature (and so for enforcement action for breach of those codes or policies) generally lies with the relevant individual organisation in the

partnership. Where appropriate, the Council will draw the attention of the partner organisation to its concerns.

This Anti-Bribery Policy Statement is supplementary to the Council's wider Anti-Fraud and Corruption Strategy (the Strategy), which sets out what actions the Council proposes to take over the medium-term future to continue to develop its resilience to fraud and corruption. The Strategy sets out the key responsibilities with regard to fraud prevention, what to do if fraud is suspected and the action that will be taken by management.

Anti-Bribery Policy Statement and Procedures

1. What is Bribery?

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

2. The Bribery Act

There are four key offences under the 2010 Bribery Act:

- Bribery of another person (section 1)
- Accepting a bribe (section 2)
- Bribing a foreign official (section 6)
- Failing to prevent bribery (section 7)

[The Bribery Act 2010](#) makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. There is also a corporate offence under Section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation. Raising awareness of bribery risk and maintaining up-to-date policies would form part of this defence.

3. Penalties

An individual guilty of an offence under sections 1, 2 or 6 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
- On conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both

Organisations are liable for these fines and if guilty of an offence under section 7 are liable to an unlimited fine.

4. Public contracts and failure to prevent bribery

Under the Public Contracts Regulations 2015 (which gives effect to EU law in the UK), contracting authorities shall exclude a supplier from participation in a procurement procedure where they have established that supplier has been convicted of certain offences, including bribery.

5. Policy Statement – Anti-Bribery

Bribery, either directly between two parties or using a third party as a conduit to channel bribes to others, is a criminal offence. The Council does not, and will not, pay bribes or offer an improper inducement to anyone for any purpose, nor does it or will it, accept bribes or improper inducements or engage indirectly in or otherwise encourage bribery.

The Council is committed to the prevention, deterrence and detection of bribery. It has a zero-tolerance approach towards bribery.

The Council aims to maintain anti-bribery compliance as “business as usual”, rather than as a one-off exercise.

6. Objective of this policy

This policy provides a coherent and consistent framework to enable the Council’s employees (and other ‘relevant persons’) to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.

The Council requires that all relevant persons:

- Act honestly and with integrity at all times and to safeguard the Council’s resources for which they are responsible
- Comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Council operates, in respect of the lawful and responsible conduct of activities

7. Scope of this policy

This policy applies to all of the Council’s activities. For partners, joint ventures and suppliers, it will seek to promote the adoption of policies consistent with the principles set out in this policy. The Council’s Supplier Code of Conduct sets out the main principles which the Council expects all suppliers to comply with. The Council expects its suppliers throughout the supply chain to support the principles contained in the Code of Conduct, and to actively communicate and promote the principles to their own supply chains;

Responsibility to control the risk of bribery occurring resides at all levels of the organisation. It does not rest solely within assurance functions, but in all business units and corporate functions.

This policy covers all personnel, including all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, Members, volunteers and consultants.

8. The Council's commitment to action

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
- Raising awareness of the risks of bribery with employees so that they can recognise and avoid occurrences of bribery by themselves and others
- Maintaining and promoting associated policies intended to give transparency to potential conflict of interest issues (e.g. register of personal interests, gifts and hospitality registers)
- Targeted training of 'higher risk' services, e.g. those routinely involved in taking procurement decisions
- Promoting good ethical behaviour by staff in all of its forms
- Encouraging its 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
- Maintaining a Supplier Code of Conduct setting out the main principles which the Council expects its suppliers to adhere to throughout the supply chain
- Including appropriate clauses in contracts to prevent bribery.

The Council seeks to promote the principles set out within the Ministry of Justice's Bribery Act Guidance when developing procedures, including top-level commitment to tackling bribery (Principle 2) and effective communication, including training (Principle 5). Chief Officers have an additional responsibility (beyond that of the employees own) for ensuring this policy is communicated effectively to staff and frequently refreshed throughout their department along with other good practice regarding ethical behaviour.

9. Bribery is not tolerated

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 where it is known or suspected that it is offered with the expectation that it will obtain a business advantage for them

- accept a gift or hospitality from a third party where it is known or suspected that it is offered or provided 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 a bribery offence or who has raised concerns under this policy
- have undisclosed dealings in an official capacity with an individual, business or organisation that you have close ties with, as discussed further in the Council's [policy on the declaration of personal interests](#).
- engage in activity in breach of this policy.

10. Gifts and Hospitality

This policy is not meant to change the requirements of the Council's [gifts and hospitality policy](#). This makes it clear that:

- Nominal gifts and hospitality up to a financial value of £25 are often acceptable, depending upon the circumstances
- Reasonable, proportionate gifts and hospitality made in good faith and that are not lavish are often acceptable.

In general terms, however, an employee must:

- Treat any offer of a gift or hospitality if it is made to them personally with extreme caution
- Not receive any reward or fee other than their salary
- Never accept monetary gifts of any kind
- Always refuse offers of gifts or services to them (or their family members) from organisations or persons who do, or might, provide work, goods or services, to the County Council or who require a decision from the County Council
- Always report any such offer to their line manager
- In line with policy, ensure that a record is kept of the offer and decision taken.

When deciding whether or not to accept an offer of a gift, the context is very important. An offer from an organisation seeking to do business with or provide services to the Council or in the process of applying for permission or some other decision from the Council is unlikely ever to be acceptable, regardless of the value of the gift.

11. Staff responsibilities

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the organisation or under its control. All staff are required to avoid activity that breaches this policy.

As individuals you must:

- ensure that you read, understand and comply with this policy

- 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.

As well as the possibility of civil legal action and criminal prosecution, staff who breach this policy will face disciplinary action, which could result in dismissal for gross misconduct.

12. Raising a concern

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

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 it is brought to attention, the sooner it can be resolved.

There are multiple channels to help raise concerns. Please refer to the Council's Whistleblowing Policy and determine the favoured course of action. Preferably the disclosure will be made and resolved internally (e.g. to a line manager or head of department). Secondly, where internal disclosure would not be appropriate, concerns can be raised with the Director of Law & Governance (Monitoring Officer), the Director of Corporate Resources or the External Auditor. Raising concerns in these ways may be more likely to be considered reasonable than making disclosures publicly (e.g. to the media).

Concerns can be raised anonymously. In the event that an incident of bribery, corruption, or wrong doing is reported, the Council will act as soon as possible to evaluate the situation. It has clearly defined procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in an investigation of this kind. This is easier and quicker if concerns raised are not anonymous.

Staff who raise concerns or report wrongdoing, including those staff who reject an offer made to them that could be perceived as bribery, could understandably be worried about the repercussions. The Council aims to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken. The Public Interest Disclosure Act 1998 (PIDA) protects individuals who make certain disclosures of information in the public interest. The Council's [Whistleblowing Policy](#) complies with PIDA. The Council is committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.

13. Other relevant policies

Further information on relevant Council policy and practice can be found in the following internal documents:

- The Council's [Constitution](#), incorporating the Members' Code of Conduct, Officers' Code of Conduct, Contract Procedure Rules, Financial Procedure Rules;
- [Employee Whistleblowing Policy](#);
- [Gifts & Hospitality Policy](#);
- [Policy on the Declaration of Personal Interests](#);
- [Anti-Money Laundering Policy](#);
- [Anti-Fraud and Corruption Policy](#);
- [Supplier Code of Conduct](#);
- [Prevention of the Facilitation of Tax Evasion Policy](#)

14. Useful links

- [The Bribery Act 2010](#)
- [Ministry of Justice Bribery Act guidance](#)
- [CIPFA's Code of Practice on Managing the Risk of Fraud and Corruption](#)
- [Local Government Fraud Strategy – Fighting Fraud Locally \(CIFAS 2020\)](#)

15. Policy review

The Director of Corporate Resources (s.151 Officer) and the Council's Corporate Governance Committee will ensure the continuous review and amendment of this policy document. The review process will take into account any legislative changes and will ensure that the policy remains compliant with good practice national public sector standards, primarily CIPFA's Code of Practice on Managing the Risk of Fraud and Corruption and the Local Government Fraud Strategy – Fighting Fraud Locally, and meets the needs of Leicestershire County Council.

Responsible Officer: Head of Internal Audit & Assurance Service

Next Review date: October 2024 (and biennially thereafter)