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**Bath & North East  
Somerset Council**

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# **Anti-Bribery Policy**

**2016**

A photograph showing a hand on the left holding a stack of US dollar bills, while a hand on the right is raised in a 'stop' gesture, palm facing forward. The background is blurred, suggesting an outdoor setting.

**Audit West**

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

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This policy will be reviewed on an ongoing basis and at least once a year.

## **Anti-Bribery Policy**

### **What is Bribery?**

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

### **Policy Statement - Anti Bribery**

Bribery is a criminal offence. Bath and North East Somerset Council do not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor do we or will we, accept bribes or improper inducements.

To use a third party as a conduit to channel bribes to others is a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery.

We are committed to the prevention, deterrence and detection of bribery. We have zero-tolerance towards bribery.

### **Objective of this policy**

This policy provides a coherent and consistent framework to enable the Council's Officers and Members to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable Members and Officers to identify and effectively report a potential breach.

We require that all personnel, including those permanently employed, temporary agency staff and contractors:

- act honestly and with integrity at all times and to safeguard the organisation'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 organisation operates, in respect of the lawful and responsible conduct of activities.

## The Bribery Act

The [Bribery Act 2010](#) makes it an offence;

- to offer, promise or give a bribe (Section 1).
- to request, agree to receive, or accept a bribe (Section 2).
- To offer, promise, or give any financial or other advantage to a public foreign official with the intention of obtaining or retaining business or an advantage in the conduct of business (section 6).
- 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 (section 7).

## 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 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,
- engage in activity in breach of this policy.

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

## Adequate procedures

Bath and North East Somerset Council has a number of policies and procedures in place to support this policy;

- [Code of Conduct](#)
- [Counter Fraud Strategy 2016](#)

In addition to the policies there is also a counter fraud [e-learning course](#) that is available for all staff.

The code of conduct clearly states;

- *“Employees must declare.... any financial and non-financial interests that they consider could conflict with the council’s interests.....”*
- *“Employees who engage or supervise contractors or have any official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship...”*
- *“Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the council in the community.....Employees should not gifts from contractors, outside suppliers, customers, etc.....”*

All offers of gifts or hospitality (whether accepted or declined) must be entered onto the Register of Gifts & Hospitality.

### [Register of gifts & hospitality](#)

A [Declaration of Interest](#) form must be completed and returned to your Director to register all financial, non-financial and membership interests on an annual basis.

**All staff must ensure that they comply with these policies and procedures.**

## 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 are required to avoid activity that breaches this policy.

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 and criminal prosecution, staff that breach this policy will face disciplinary action, which could result in dismissal for gross misconduct.

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.

### **Raising a concern**

This Council is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting any suspicious activity.

Please refer to the [Whistleblowing Policy](#) and “[Fraud Do's & Don't's](#)” on the council's intranet.

### **Further Questions**

If you have any questions about these policies and procedures, please refer to the contacts at the beginning of the document.