



**Melton
Borough
Council**

ANTI BRIBERY POLICY

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Version No:	1.0
Date:	March 2020

Approvals:

Designation	Title	Date of Approval	Version

Distribution:

Title	Date of Issue	Version

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1.0 Summary of document

- 1.1 The Bribery Act 2010 became law on 1 July 2011 and was enacted to enable robust action to be taken against such activity. Melton Borough Council is committed to protecting the public purse and the services it provides from being abused. We have a zero-tolerance approach towards bribery and promote the prevention, deterrence and detection of bribery.
- 1.2 This Policy applies to all of Melton Borough Council's activities and all personnel (permanent and temporary employees, agency staff, volunteers, consultants and Members)

2 Objectives of the Policy

- 2.1 This Policy provides a clear and consistent framework for employees of Melton Borough Council to ensure compliance with the law.
- 2.2 This Policy details the types of offences within the Bribery Act 2010 and in conjunction with related policies and key documents provides guidance to staff and members should they identify a potential offence.
- 2.3 This Policy does not change our Gifts and Hospitality Policy or the Member Code of Conduct. All Members must comply with the Member Code of Conduct.
- 2.4 For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this Policy to ensure a consistent approach

3 Outcomes of the Policy

- 3.1 Those working for Melton Borough Council or under its control understand their responsibility towards the prevention, detection and reporting of bribery and other forms of corruption and avoid activity that breaches this Policy
- 3.2 All employees and members: to read, understand and comply with this Policy to raise concerns as soon as possible if it is believed or suspected that a conflict with this Policy has occurred, or may occur in the future. to act honestly and with integrity at all times and safeguard Melton Borough Council's resources for which they are responsible o comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Melton Borough Council operates, in respect of the lawful and responsible conduct of activities

4 What is Bribery

- 4.1 Bribery is defined as the offering, giving, receiving or soliciting of any item of value to influence the actions of an official or other person in charge of a public or legal duty.
- 4.2 The act of bribery is the intention to gain a personal, commercial, regulatory or contractual advantage. Bribery is a criminal offence.
- 4.3 Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions. These are not tolerated and are illegal.

5 The Councils Commitment

5.1 Melton Borough Council commits to:

- Training all employees –as part of the induction process and refresher training as required.
- Making all employees aware of their responsibilities, via e-learning modules, to adhere strictly to this Policy at all times
- 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.
- Provide information to all employees on how to report breaches and suspected breaches of this Policy.
- 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.
- Include appropriate clauses in contracts to prevent bribery and deal with the consequences if it occurs.
- As well as the possibility of civil and criminal prosecution, employees breaching this Policy will face disciplinary action, which could result in dismissal in cases of gross misconduct.

6 Key points of the Bribery Act 2010

There are four key offences under the Act:

6.1 Offence of Bribing another Person (Section 1):

6.1.1 This section makes it an offence when a person:

- Offers, promises or gives a financial or other advantage to another person and intends the advantage to induce a person to perform improperly a relevant function or activity or to reward a person for the improper performance of such a function or activity or
- Offers, promises or gives a financial or other advantage to another person and knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity

6.1 Offence of being Bribed (Section 2)

6.1.1 This section makes it an offence when a person;

- Requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly
 - Requests, agrees to receive or accepts a financial or other advantage and the request, agreement or acceptance itself constitutes the improper performance of the person of a relevant function or activity
 - Requests, agrees to receive or accepts a financial or other advantage as a reward for the improper performance of a relevant function or activity; or
 - In anticipation of or in consequence of the person requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly
- Section 6 Bribery of foreign public officials
Under this section an offence is committed where a person:
- Intends to influence a foreign official in their official capacity and intends to obtain or retain business or an advantage in the conduct of business; or • Offers, promises or gives any financial or other advantage to a foreign public official

6.2 Failure of commercial organisation to prevent bribery (Section 7)

6.2.1 Melton Borough Council is a commercial organisation for the purposes of the Bribery Act 2010. A relevant commercial organisation is guilty of an offence if a person associated with the organisation bribes another person intending to obtain or retain business for the organisation or to obtain or retain an advantage in the conduct of business for the organisation and the

organisation fails to take reasonable steps to implement adequate procedures to prevent such activity.

6.2.2 In the first instance it is for each organisation to determine procedures which it considers proportionate. Ultimately, if bribery occurs, a court will decide whether the procedures are adequate

6.2.3 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
- A person guilty of an offence under section 7 is liable on conviction on indictment to a fine.

6.2.4 In determining procedures we need to have regard to the six principles below which are set out in guidance produced by the Department of Justice: Melton Borough Council is committed to proportional implementation of these principles.

- Proportionate procedures
An organisation's procedures to prevent bribery by persons associated with it are proportionate to the bribery risks it faces and to the nature, scale and complexity of the organisation's activities. They are also clear, practical, accessible, effectively implemented and enforced.
- Top level commitment
The top-level management (be it a board of directors, the owners or any other equivalent body or person) are committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery is never acceptable.
- Risk Assessment
The organisation assesses the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment is periodic, informed and documented.
- Due diligence
The organisation applies due diligence procedures, taking a proportionate and risk based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, in order to mitigate identified bribery risks.
- Communication (including training)
The organisation seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation

through internal and external communication, including training that is proportionate to the risks it faces.

- Monitoring and review
The organisation monitors and reviews procedures designed to prevent bribery by persons associated with it and makes improvements where necessary.

7 Public contracts and failure to prevent bribery

7.1 Under the Public Contracts Regulations 2015 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence.

7.2 Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. However, Melton Borough Council has the discretion to exclude organisations convicted of this offence.

8 How do I raise a concern

8.1 Melton Borough Council ensures that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. We want each and every member of staff to know how they can raise concerns.

8.2 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.

8.3 Employees who raise concerns or report wrongdoing (eg that they have been offered a bribe or who have been asked to bribe a third party) may understandably be worried about whether there will be repercussions.

8.4 We aim to encourage openness and will support anyone who raises a genuine concern in good faith under this Policy, even if those concerns turn out to be mistaken.

8.5 We are committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern. There are multiple channels to help you raise concerns. These are set out in the Council's Whistleblowing Policy. In the rare event that internal disclosure proves inappropriate, concerns can be raised with the Police. 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 anonymous.

8.6 In the event that an incident of bribery, corruption, or wrongdoing is reported, we will act as soon as possible to evaluate the situation. We have 8 clearly defined procedures for investigating fraud, misconduct and non-compliance issues and

these will be followed in any investigation of this kind. This is easier and quicker if concerns raised are not anonymous as enquiries can be made to ensure the allegation is correctly interpreted.

9. What should you do if someone reports a concern to you

9.1 Senior officers in the service that has been affected by suspected fraud or corruption are should request the guidance and assistance of the Counter Fraud Team who have specialist skills and experience in investigating fraud or corruption.

9.2 The Head of Internal Audit must be told about any suspected irregularities immediately when they become apparent and may instruct the Counter Fraud Team to investigate further if necessary.

