

ANTI-BRIBERY PROCEDURE

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1 Introduction

This procedure is intended to provide guidance for assessing and mitigating the risk of Bribery and should be read in conjunction with the Council's Anti Bribery Policy and Anti Fraud and Corruption Policy and Strategy.

2 The Bribery Act 2010

- 2.1 The Bribery Act 2010 came into force on 1 July 2011 and under the Act the Council must ensure that there are adequate procedures in place to prevent bribery by employees, or of persons associated with the Council. This includes anyone who performs services for or on behalf of the Council including permanent employees, temporary employees, agency staff, contractors and third sector partners.
- 2.2 Failure to comply with the requirements of the Act could result in imprisonment and / or unlimited fines.
- 2.3 Guidance on the content of Bribery procedures has been produced by the Ministry of Justice and this includes the need for procedures based on the following six principles:
 - Top Level Commitment
 - Risk Assessment
 - Proportionate Procedures
 - Due Diligence
 - Communications
 - Monitoring and Review
- 2.4 These six principles have been used to develop these procedures but are not prescriptive and are intended to be flexible with outcomes focussed on allowing for the different circumstances of each Service area.

3 Top level commitment and responsibility for bribery prevention measures

The Audit Committee, Cabinet and Corporate Management team have been involved in the production and approval of the Bribery Prevention Procedures and there is therefore Elected Member and Senior Council Management commitment and endorsement of these.

- 3.1 The Council's Monitoring Officer has overall corporate responsibility for these policies and procedures and ensuring that the Council complies with the Bribery Act 2010.
- 3.2 Individual Services must appoint an officer within their Service area for developing and monitoring bribery prevention procedures and for providing copies of these procedures to the Council's Monitoring Officer.

4 Carry out a Risk Assessment

- 4.1 All Services must carry out a risk assessment on the Service area's vulnerabilities to bribery. This should highlight areas where effort needs to be focussed and ensure that procedures are proportionate to the risks faced by the Council.
- 4.2 This risk assessment must be carried out at least annually and should be incorporated into the Risk Management process and included in each Service's risk register.

5 Put in place proportionate bribery prevention measures

- 5.1 Having identified any relevant areas of risk, Services must put in place adequate measures and controls that address the potential areas for bribery. These need to be applied proportionately based on the level of risk identified through the risk assessment.
- 5.2 These measures should be reviewed on a regular basis to ensure they are effective, especially if new practices or business arrangements are put in place, which may impact on the Council's ability to continue to comply with the Bribery Act 2010 and any relevant guidelines.

6 Due Diligence Measures

- 6.1 Due diligence involves assessing a proposed or existing business relationship or transaction, and ensuring any risk of bribery is mitigated by putting in place appropriate procedures and checks where the risk assessment has highlighted the risk of bribery.
- 6.2 These procedures should include checking that the businesses or people with whom we work with are trustworthy, solvent and have a good reputation for doing

business (through for example, enquiries with business contacts, review of the intranet, review of CVs of agents, financial statements, references etc).

- 6.3 Where procedures or checks are already in place to do this (e.g. tendering processes) managers and employees must ensure that all steps outlined in the process are followed correctly and completed fully.
- 6.4 Services should carry out and fully document these due diligence checks to satisfy themselves that any risk is mitigated and to provide an audit trail of the work undertaken to achieve this.

7 Communication and Training

- 7.1 Services should ensure that the Council's position on bribery is clearly communicated to all employees, including those on permanent and fixed term contracts; those on secondment from other organisations; casual workers; and agency staff; and to any external parties with whom the Council has dealings including contractors and third sector partners. In addition, the policy and procedure will be drawn to the attention of all tenderers for Council contracts.
- 7.2 Services need to determine the best way to communicate the policy and procedures on anti-bribery which will depend on the nature and locations of the Service, and the level of risk identified through the risk assessments.
- 7.3 Possible methods include induction training, team briefings, emails / letters from Service Directors and should include specific training in areas identified as high risk.
- 7.4 Services also need to consider how they communicate the policy and procedures to any third parties and partner organisations.
- 7.5 The policy and procedure will be published on the Council's website.

8 Review

- 8.1 The procedure and associated policy will be reviewed periodically and at least every three years to reflect organisational changes, best practice, operational experience and legislative updates in order to maintain its effectiveness and compliance with the Bribery Act 2010.